# Laws of the State of Maryland

At the Session of the General Assembly Begun and Held in the City of Annapolis on the Eighth Day of January 2020 and Ending on the Eighteenth Day of March 2020

# VOLUME II

The Department of Legislative Services General Assembly of Maryland prepared this document.

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# Chapter 114

# (House Bill 230)

AN ACT concerning

# Vehicle Laws – Overtaking and Passing Bicycles

FOR the purpose of authorizing the driver of a vehicle to drive on the left side of the roadway in a no-passing zone to overtake and pass a bicycle in accordance with a certain provision of law and in a certain manner; clarifying certain language; making a stylistic change; and generally relating to overtaking and passing bicycles.

BY repealing and reenacting, without amendments, Article – Transportation Section 21–305 Annotated Code of Maryland (2012 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Transportation

Section 21–307 Annotated Code of Maryland (2012 Replacement Volume and 2019 Supplement)

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

# **Article – Transportation**

21 - 305.

(a) (1) The driver of a vehicle may not drive to the left of the center of the roadway in overtaking and passing another vehicle going in the same direction unless:

(i) Authorized by this subtitle; and

(ii) The left side of the roadway is clearly visible and is free of approaching traffic for a sufficient distance ahead to permit the overtaking and passing to be completed without interfering with the operation of any other vehicle approaching from the opposite direction or any other vehicle overtaken.

(2) The overtaking vehicle shall return to an authorized lane of travel as soon as practicable and, if the passing movement uses a lane authorized for vehicles approaching from the opposite direction, before coming within 200 feet of any approaching vehicle.

(b) (1) This subsection does not apply on a one-way roadway.

(2) The driver of a vehicle may not drive on the left side of any roadway if:

(i) The vehicle is approaching the crest of a grade or is on a curve in the highway where the driver's view is obstructed for such a distance as to be dangerous should another vehicle approach from the opposite direction;

(ii) The vehicle is crossing or approaching within 100 feet of any intersection or railroad grade crossing; or

(iii) The driver's view is obstructed while approaching within 100 feet of any bridge, viaduct, or tunnel.

21 - 307.

(a) (1) The State Highway Administration may determine those parts of any highway in its jurisdiction where overtaking and passing or driving on the left of the roadway would be especially dangerous and, by appropriate signs or markings on the roadway, may indicate the beginning and end of these zones.

(2) [Where] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, WHERE the signs or markings are in place and clearly visible to an ordinarily observant individual, every driver of a vehicle shall obey their directions.

(b) Except as provided in subsection (d) of this section, where signs or markings defining a no-passing zone are placed as provided in subsection (a) of this section, a driver may not drive on the left side of the roadway within the no-passing zone.

(c) Except as provided in subsection (d) of this section, where signs or markings defining a no-passing zone are placed as provided in subsection (a) of this section, a driver may not drive on the left side of any pavement striping designed to mark the no-passing zone throughout its length.

(d) The driver of a vehicle may drive [across]:

(1) ACROSS the left side of the roadway in a no-passing zone while making a left turn, but only if it is safe to do so; AND

(2) IN ACCORDANCE WITH § 21–305 OF THIS SUBTITLE, ON THE LEFT SIDE OF THE ROADWAY IN A NO-PASSING ZONE TO MAKE THE MINIMUM ADJUSTMENT NECESSARY TO OVERTAKE AND PASS AT A SAFE DISTANCE A BICYCLE TRAVELING IN THE SAME DIRECTION WHILE YIELDING TO THE RIGHT-OF-WAY OF THE BICYCLE AND ONCOMING TRAFFIC.

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

October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 115

# (Senate Bill 199)

AN ACT concerning

# Vehicle Laws – Overtaking and Passing Bicycles

FOR the purpose of authorizing the driver of a vehicle to drive on the left side of the roadway in a no-passing zone to overtake and pass a bicycle in accordance with a certain provision of law and in a certain manner; clarifying certain language; making a stylistic change; and generally relating to overtaking and passing bicycles.

BY repealing and reenacting, without amendments,

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(ii) The left side of the roadway is clearly visible and is free of approaching traffic for a sufficient distance ahead to permit the overtaking and passing to be completed without interfering with the operation of any other vehicle approaching from the opposite direction or any other vehicle overtaken. (2) The overtaking vehicle shall return to an authorized lane of travel as soon as practicable and, if the passing movement uses a lane authorized for vehicles approaching from the opposite direction, before coming within 200 feet of any approaching vehicle.

(b) (1) This subsection does not apply on a one-way roadway.

(2) The driver of a vehicle may not drive on the left side of any roadway if:

(i) The vehicle is approaching the crest of a grade or is on a curve in the highway where the driver's view is obstructed for such a distance as to be dangerous should another vehicle approach from the opposite direction;

(ii) The vehicle is crossing or approaching within 100 feet of any intersection or railroad grade crossing; or

(iii) The driver's view is obstructed while approaching within 100 feet of any bridge, viaduct, or tunnel.

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(a) (1) The State Highway Administration may determine those parts of any highway in its jurisdiction where overtaking and passing or driving on the left of the roadway would be especially dangerous and, by appropriate signs or markings on the roadway, may indicate the beginning and end of these zones.

(2) [Where] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, WHERE the signs or markings are in place and clearly visible to an ordinarily observant individual, every driver of a vehicle shall obey their directions.

(b) Except as provided in subsection (d) of this section, where signs or markings defining a no-passing zone are placed as provided in subsection (a) of this section, a driver may not drive on the left side of the roadway within the no-passing zone.

(c) Except as provided in subsection (d) of this section, where signs or markings defining a no-passing zone are placed as provided in subsection (a) of this section, a driver may not drive on the left side of any pavement striping designed to mark the no-passing zone throughout its length.

(d) The driver of a vehicle may drive [across]:

(1) ACROSS the left side of the roadway in a no-passing zone while making a left turn, but only if it is safe to do so; AND

# (2) IN ACCORDANCE WITH § 21–305 OF THIS SUBTITLE, ON THE LEFT

SIDE OF THE ROADWAY IN A NO–PASSING ZONE TO MAKE THE MINIMUM ADJUSTMENT NECESSARY TO OVERTAKE AND PASS AT A SAFE DISTANCE A BICYCLE TRAVELING IN THE SAME DIRECTION WHILE YIELDING TO THE RIGHT–OF–WAY OF THE BICYCLE AND ONCOMING TRAFFIC.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 116

(House Bill 231)

AN ACT concerning

#### Housing Opportunities Made Equal Act

FOR the purpose of expanding the housing policy of the State to include providing for fair housing to all citizens regardless of source of income; prohibiting a person from refusing to sell or rent a dwelling to any person because of source of income; establishing certain gualifications and limitations on the general prohibition against discrimination in housing based on source of income; prohibiting a person from discriminating against any person in the terms, conditions, or privileges of the sale or rental of a dwelling because of source of income; prohibiting a person from making, printing, or publishing certain types of materials with respect to the sale or rental of a dwelling that indicate a preference, limitation, or discrimination on the basis of source of income; prohibiting a person from falsely representing that a dwelling is not available for inspection, sale, or rental based on source of income; prohibiting a person from inducing or attempting to induce, for profit, a person to sell or rent a dwelling by making certain representations relating to the entry or prospective entry into the neighborhood of a person having a particular source of income; prohibiting a person whose business includes engaging in residential real estate transactions from discriminating against any person in making available a transaction, or in the terms or conditions of a transaction, because of source of income; prohibiting a person from denying a person, based on source of income, access to or membership or participation in a service, an organization, or a facility relating to the business of selling or renting dwellings or from discriminating against a person in the terms or conditions of membership or participation; prohibiting a person from, by force or threat of force, willfully injuring, intimidating, or interfering with any person because of source of income and because the person is negotiating for the sale or rental of any dwelling or participating in any service relating to the business of selling or renting dwellings; defining a certain term; providing that this Act does not limit the rights or remedies that are otherwise available to a landlord or tenant

under any other law; and generally relating to prohibitions against discrimination in housing based on source of income.

BY repealing and reenacting, with amendments, Article – State Government Section 20–701, 20–702, 20–704, 20–705, 20–707, and 20–1103 Annotated Code of Maryland (2014 Replacement Volume and 2019 Supplement)

# Preamble

WHEREAS, The General Assembly recognizes that equality, fairness, and opportunity for Maryland residents often require government action and that security, mobility, and economic opportunity are enhanced by the location of a person's home; and

WHEREAS, Discrimination in housing based on a person's source of income primarily affects persons that the General Assembly has already determined to need legal protection from discrimination such as families with children, people of color, and people with disabilities; and

WHEREAS, Anne Arundel County, Baltimore County, Frederick County, Howard County, Montgomery County, Prince George's County, the City of Annapolis, the City of Baltimore, and the City of Frederick have laws prohibiting discrimination based on a person's source of income; and

WHEREAS, Fifteen states, including California, Connecticut, Delaware, Maine, Massachusetts, Minnesota, New Jersey, New York, North Dakota, Oklahoma, Oregon, Utah, Vermont, Washington, and Wisconsin, the District of Columbia, and more than 80 localities across the country have laws prohibiting discrimination based on a person's source of income; and

WHEREAS, This Act will not prevent private landlords from considering relevant, nondiscriminatory factors in screening rental applicants, including an applicant's ability to comply with lease terms and prior tenancy history; and

WHEREAS, This Act seeks to deconcentrate poverty by providing additional opportunities for tenants utilizing public subsidies to live in neighborhoods other than the neighborhoods in which those individuals are currently and disproportionately residing; now, therefore,

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

# Article - State Government

20 - 701.

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

(b) (1) "Disability" means:

(i) a physical or mental impairment that substantially limits one or more of an individual's major life activities;

(ii) a record of having a physical or mental impairment that substantially limits one or more of an individual's major life activities; or

(iii) being regarded as having a physical or mental impairment that substantially limits one or more of an individual's major life activities.

(2) "Disability" does not include the current illegal use of or addiction to:

(i) a controlled dangerous substance, as defined in § 5–101 of the Criminal Law Article; or

(ii) a controlled substance, as defined in 21 U.S.C. § 802.

(c) "Discriminatory housing practice" means an act that is prohibited under § 20–705, § 20–706, § 20–707, or § 20–708 of this subtitle.

(d) "Dwelling" means:

(1) any building, structure, or portion of a building or structure that is occupied, or designed or intended for occupancy, as a residence by one or more families; and

(2) any vacant land that is offered for sale or lease for the construction or location on the land of any building, structure, or portion of a building or structure described in item (1) of this subsection.

(e) (1) "Familial status" means the status of one or more minors who are domiciled with:

(i) a parent or other person having legal custody of the minor; or

(ii) the designee of a parent or other person having legal custody of the minor with the written permission of the parent or other person.

(2) "Familial status" includes the status of being:

- (i) a pregnant woman; or
- (ii) an individual who is in the process of securing legal custody of a

minor.

(f) "Family" includes a single individual.

(g) "In the business of selling or renting dwellings" means:

(1) within the preceding 12 months, participating as a principal in three or more transactions involving the sale or rental of any dwelling or any interest in a dwelling;

(2) within the preceding 12 months, participating as an agent, other than in the sale of the individual's own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest in a dwelling; or

(3) being the owner of any dwelling occupied, or designed or intended for occupancy, by five or more families.

(h) "Marital status" means the state of being single, married, separated, divorced, or widowed.

(i) "Rent" includes to lease, sublease, let, or otherwise grant for a consideration the right to occupy premises not owned by the occupant.

(J) (1) "SOURCE OF INCOME" MEANS ANY LAWFUL SOURCE OF MONEY PAID DIRECTLY OR INDIRECTLY TO OR ON BEHALF OF A RENTER OR BUYER OF HOUSING.

(2) "SOURCE OF INCOME" INCLUDES INCOME FROM:

(I) A LAWFUL PROFESSION, OCCUPATION, OR JOB;

(II) ANY GOVERNMENT OR PRIVATE ASSISTANCE, GRANT, LOAN, OR RENTAL ASSISTANCE PROGRAM, INCLUDING LOW-INCOME HOUSING ASSISTANCE CERTIFICATES AND VOUCHERS ISSUED UNDER THE UNITED STATES HOUSING ACT OF 1937;

(III) A GIFT, AN INHERITANCE, A PENSION, AN ANNUITY, ALIMONY, CHILD SUPPORT, OR ANY OTHER CONSIDERATION OR BENEFIT; OR

(IV) THE SALE OR PLEDGE OF PROPERTY OR AN INTEREST IN PROPERTY.

20 - 702.

(a) It is the policy of the State:

(1) to provide for fair housing throughout the State to all, regardless of race, color, religion, sex, familial status, national origin, marital status, sexual orientation, gender identity, [or] disability, OR SOURCE OF INCOME; and

(2) to that end, to prohibit discriminatory practices with respect to residential housing by any person, in order to protect and ensure the peace, health, safety, prosperity, and general welfare of all.

(b) This subtitle:

(1) is an exercise of the police power of the State for the protection of the people of the State; and

(2) shall be administered and enforced by the Commission and, as provided in this title, enforced by the appropriate State court.

20 - 704.

(a) This subtitle does not apply to:

(1) the sale or rental of a single-family dwelling, if the dwelling is sold or rented without:

(i) the use of the sales or rental facilities or services of any:

- 1. real estate broker, agent, or salesperson;
- 2. agent of any real estate broker, agent, or salesperson;
- 3. person in the business of selling or renting dwellings; or
- 4. agent of a person in the business of selling or renting

dwellings; or

(ii) the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of this subtitle; and

(2) with respect to discrimination on the basis of sex, sexual orientation, gender identity, [or] marital status, OR SOURCE OF INCOME IF THE SOURCE OF INCOME IS LOW–INCOME HOUSING ASSISTANCE CERTIFICATES OR VOUCHERS ISSUED UNDER THE UNITED STATES HOUSING ACT OF 1937:

(i) the rental of rooms in any dwelling, if the owner maintains the dwelling as the owner's principal residence; or

(ii) the rental of any apartment in a dwelling that contains not more than five rental units, if the owner maintains the dwelling as the owner's principal residence.

(b) The use of attorneys, escrow agents, abstractors, title companies, and other similar professional assistance as necessary to perfect or transfer the title to a single-family dwelling does not subject a person to this subtitle if the person otherwise would be exempted under subsection (a) of this section.

(c) (1) (i) In this subsection, "housing for older persons" means housing:

1. provided under any State or federal program that is specifically designed and operated to assist elderly persons, as defined in the State or federal program;

2. intended for, and solely occupied by, persons who are at least 62 years old;

3. intended and operated for occupancy by at least one person who is at least 55 years old in each unit; or

4. that meets the requirements set forth in regulations adopted by the Secretary of Housing and Urban Development under 42 U.S.C. \$3607(b)(2)(C).

(ii) "Housing for older persons" includes:

1. unoccupied units, if the units are reserved for occupancy by persons who meet the age requirements of subparagraph (i) of this paragraph; or

2. units occupied as of September 13, 1988 by persons who do not meet the age requirements of subparagraph (i) of this paragraph, if the new occupant of the unit meets the age requirement.

(2) The provisions in this subtitle concerning familial status do not apply to housing for older persons.

(D) THE PROHIBITIONS IN THIS SUBTITLE AGAINST DISCRIMINATION BASED ON SOURCE OF INCOME DO NOT:

(1) PROHIBIT A PERSON FROM DETERMINING THE ABILITY OF A POTENTIAL BUYER OR RENTER TO PAY A PURCHASE PRICE OR PAY RENT BY VERIFYING IN A COMMERCIALLY REASONABLE AND NONDISCRIMINATORY MANNER THE SOURCE AND AMOUNT OF INCOME <u>OR CREDITWORTHINESS</u> OF THE POTENTIAL BUYER OR RENTER; <del>OR</del> (2) PREVENT A PERSON FROM REFUSING TO CONSIDER INCOME DERIVED FROM ANY CRIMINAL ACTIVITY<u>; OR</u>

# (3) PROHIBIT A PERSON FROM DETERMINING, IN ACCORDANCE WITH APPLICABLE FEDERAL AND STATE LAWS, THE ABILITY OF A POTENTIAL BUYER TO REPAY A MORTGAGE LOAN.

20 - 705.

Except as provided in \$ 20–703 and 20–704 of this subtitle, a person may not:

(1) refuse to sell or rent after the making of a bona fide offer, refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, [or] national origin, OR SOURCE OF INCOME;

(2) discriminate against any person in the terms, conditions, or privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection with the sale or rental of a dwelling, because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, [or] national origin, OR SOURCE OF INCOME;

(3) make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, [or] national origin, OR SOURCE OF INCOME, or an intention to make any preference, limitation, or discrimination;

(4) represent to any person, because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, [or] national origin, OR SOURCE OF INCOME, that any dwelling is not available for inspection, sale, or rental when the dwelling is available; or

(5) for profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person of a particular race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, [or] national origin, OR SOURCE OF INCOME.

20 - 707.

(a) In this section, "residential real estate-related transaction" means:

(1) the making or purchasing of loans or providing other financial assistance:

(i) for purchasing, constructing, improving, repairing, or maintaining a dwelling; or

- (ii) secured by residential real estate; or
- (2) the selling, brokering, or appraising of residential real property.

(b) (1) A person whose business includes engaging in residential real estate-related transactions may not discriminate against any person in making available a transaction, or in the terms or conditions of a transaction, because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, [or] national origin, OR SOURCE OF INCOME.

(2) Paragraph (1) of this subsection does not prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, [or] national origin, OR SOURCE OF INCOME.

(c) A person may not, because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, [or] national origin, OR SOURCE OF INCOME:

(1) deny a person access to, or membership or participation in, a multiple–listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings; or

(2) discriminate against a person in the terms or conditions of membership or participation.

20-1103.

(a) In this section, "disability", "dwelling", "familial status", "marital status", [and] "rent", AND "SOURCE OF INCOME" have the meanings stated in § 20–701 of this title.

(b) Whether or not acting under color of law, a person may not, by force or threat of force, willfully injure, intimidate, interfere with, or attempt to injure, intimidate, or interfere with:

(1) any person because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, [or] national origin, OR SOURCE OF INCOME and because the person is or has been:

(i) selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling; or

(ii) applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings;

(2) any person because the person is or has been, or in order to intimidate the person or any other person or any class of persons from:

(i) participating, without discrimination on account of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, [or] national origin, OR SOURCE OF INCOME, in any of the activities, services, organizations, or facilities described in item (1) of this subsection; or

(ii) affording another person or class of persons the opportunity or protection to participate in any of the activities, services, organizations, or facilities described in item (1) of this subsection; or

(3) any person because the person is or has been, or in order to discourage the person or any other person from:

(i) lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, [or] national origin, OR SOURCE OF INCOME, in any of the activities, services, organizations, or facilities described in item (1) of this subsection; or

(ii) participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate in any of the activities, services, organizations, or facilities described in item (1) of this subsection.

(c) A person who violates this section is guilty of a misdemean or and on conviction is subject to:

- both;
- (1) imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or

(2) if the violation results in bodily injury, imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both; or

(3) if the violation results in death, imprisonment not exceeding life.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not limit the rights or remedies that otherwise are available to a landlord or tenant under any other law.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 117

#### (Senate Bill 530)

#### AN ACT concerning

#### Housing Opportunities Made Equal Act

FOR the purpose of expanding the housing policy of the State to include providing for fair housing to all citizens regardless of source of income; prohibiting a person from refusing to sell or rent a dwelling to any person because of source of income; establishing certain qualifications and limitations on the general prohibition against discrimination in housing based on source of income; prohibiting a person from discriminating against any person in the terms, conditions, or privileges of the sale or rental of a dwelling because of source of income; prohibiting a person from making, printing, or publishing certain types of materials with respect to the sale or rental of a dwelling that indicate a preference, limitation, or discrimination on the basis of source of income; prohibiting a person from falsely representing that a dwelling is not available for inspection, sale, or rental based on source of income; prohibiting a person from inducing or attempting to induce, for profit, a person to sell or rent a dwelling by making certain representations relating to the entry or prospective entry into the neighborhood of a person having a particular source of income; prohibiting a person whose business includes engaging in residential real estate transactions from discriminating against any person in making available a transaction, or in the terms or conditions of a transaction, because of source of income; prohibiting a person from denying a person, based on source of income, access to or membership or participation in a service, an organization, or a facility relating to the business of selling or renting dwellings or from discriminating against a person in the terms or conditions of membership or participation; prohibiting a person from, by force or threat of force, willfully injuring, intimidating, or interfering with any person because of source of income and because the person is negotiating for the sale or rental of any dwelling or participating in any service relating to the business of selling or renting dwellings; defining a certain term; providing that this Act does not limit the rights or remedies that are otherwise available to a landlord or tenant under any other law; and generally relating to prohibitions against discrimination in housing based on source of income.

BY repealing and reenacting, with amendments,

Article – State Government Section 20–701, 20–702, 20–704, 20–705, 20–707, and 20–1103 Annotated Code of Maryland (2014 Replacement Volume and 2019 Supplement)

Preamble

WHEREAS, The General Assembly recognizes that equality, fairness, and opportunity for Maryland residents often require government action and that security, mobility, and economic opportunity are enhanced by the location of a person's home; and

WHEREAS, Discrimination in housing based on a person's source of income primarily affects persons that the General Assembly has already determined to need legal protection from discrimination such as families with children, people of color, and people with disabilities; and

WHEREAS, Anne Arundel County, Baltimore County, Frederick County, Howard County, Montgomery County, Prince George's County, the City of Annapolis, the City of Baltimore, and the City of Frederick have laws prohibiting discrimination based on a person's source of income; and

WHEREAS, Fifteen states, including California, Connecticut, Delaware, Maine, Massachusetts, Minnesota, New Jersey, New York, North Dakota, Oklahoma, Oregon, Utah, Vermont, Washington, and Wisconsin, the District of Columbia, and more than 80 localities across the country have laws prohibiting discrimination based on a person's source of income; and

WHEREAS, This Act will not prevent private landlords from considering relevant, nondiscriminatory factors in screening rental applicants, including an applicant's ability to comply with lease terms and prior tenancy history; and

WHEREAS, This Act seeks to deconcentrate poverty by providing additional opportunities for tenants utilizing public subsidies to live in neighborhoods other than the neighborhoods in which those individuals are currently and disproportionately residing; now, therefore,

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

#### Article – State Government

20 - 701.

- (a) In this subtitle the following words have the meanings indicated.
- (b) (1) "Disability" means:

(i) a physical or mental impairment that substantially limits one or more of an individual's major life activities;

(ii) a record of having a physical or mental impairment that substantially limits one or more of an individual's major life activities; or

(iii) being regarded as having a physical or mental impairment that substantially limits one or more of an individual's major life activities.

(2) "Disability" does not include the current illegal use of or addiction to:

(i) a controlled dangerous substance, as defined in § 5–101 of the Criminal Law Article; or

(ii) a controlled substance, as defined in 21 U.S.C. § 802.

(c) "Discriminatory housing practice" means an act that is prohibited under § 20–705, § 20–706, § 20–707, or § 20–708 of this subtitle.

(d) "Dwelling" means:

(1) any building, structure, or portion of a building or structure that is occupied, or designed or intended for occupancy, as a residence by one or more families; and

(2) any vacant land that is offered for sale or lease for the construction or location on the land of any building, structure, or portion of a building or structure described in item (1) of this subsection.

(e) (1) "Familial status" means the status of one or more minors who are domiciled with:

(i) a parent or other person having legal custody of the minor; or

(ii) the designee of a parent or other person having legal custody of the minor with the written permission of the parent or other person.

(2) "Familial status" includes the status of being:

- (i) a pregnant woman; or
- (ii) an individual who is in the process of securing legal custody of a

minor.

- (f) "Family" includes a single individual.
- (g) "In the business of selling or renting dwellings" means:

(1) within the preceding 12 months, participating as a principal in three or more transactions involving the sale or rental of any dwelling or any interest in a dwelling;

(2) within the preceding 12 months, participating as an agent, other than in the sale of the individual's own personal residence, in providing sales or rental facilities

or services in two or more transactions involving the sale or rental of any dwelling or any interest in a dwelling; or

(3) being the owner of any dwelling occupied, or designed or intended for occupancy, by five or more families.

(h) "Marital status" means the state of being single, married, separated, divorced, or widowed.

(i) "Rent" includes to lease, sublease, let, or otherwise grant for a consideration the right to occupy premises not owned by the occupant.

(J) (1) "SOURCE OF INCOME" MEANS ANY LAWFUL SOURCE OF MONEY PAID DIRECTLY OR INDIRECTLY TO OR ON BEHALF OF A RENTER OR BUYER OF HOUSING.

(2) "SOURCE OF INCOME" INCLUDES INCOME FROM:

(I) A LAWFUL PROFESSION, OCCUPATION, OR JOB;

(II) ANY GOVERNMENT OR PRIVATE ASSISTANCE, GRANT, LOAN, OR RENTAL ASSISTANCE PROGRAM, INCLUDING LOW-INCOME HOUSING ASSISTANCE CERTIFICATES AND VOUCHERS ISSUED UNDER THE UNITED STATES HOUSING ACT OF 1937;

(III) A GIFT, AN INHERITANCE, A PENSION, AN ANNUITY, ALIMONY, CHILD SUPPORT, OR ANY OTHER CONSIDERATION OR BENEFIT; OR

(IV) THE SALE OR PLEDGE OF PROPERTY OR AN INTEREST IN PROPERTY.

20 - 702.

(a) It is the policy of the State:

(1) to provide for fair housing throughout the State to all, regardless of race, color, religion, sex, familial status, national origin, marital status, sexual orientation, gender identity, [or] disability, OR SOURCE OF INCOME; and

(2) to that end, to prohibit discriminatory practices with respect to residential housing by any person, in order to protect and ensure the peace, health, safety, prosperity, and general welfare of all.

(b) This subtitle:

# Chapter 117

(1) is an exercise of the police power of the State for the protection of the people of the State; and

(2) shall be administered and enforced by the Commission and, as provided in this title, enforced by the appropriate State court.

20-704.

(a) This subtitle does not apply to:

(1) the sale or rental of a single-family dwelling, if the dwelling is sold or rented without:

(i) the use of the sales or rental facilities or services of any:

- 1. real estate broker, agent, or salesperson;
- 2. agent of any real estate broker, agent, or salesperson;
- 3. person in the business of selling or renting dwellings; or
- 4. agent of a person in the business of selling or renting

dwellings; or

(ii) the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of this subtitle; and

(2) with respect to discrimination on the basis of sex, sexual orientation, gender identity, [or] marital status, OR SOURCE OF INCOME IF THE SOURCE OF INCOME IS LOW–INCOME HOUSING ASSISTANCE CERTIFICATES OR VOUCHERS ISSUED UNDER THE UNITED STATES HOUSING ACT OF 1937:

(i) the rental of rooms in any dwelling, if the owner maintains the dwelling as the owner's principal residence; or

(ii) the rental of any apartment in a dwelling that contains not more than five rental units, if the owner maintains the dwelling as the owner's principal residence.

(b) The use of attorneys, escrow agents, abstractors, title companies, and other similar professional assistance as necessary to perfect or transfer the title to a single-family dwelling does not subject a person to this subtitle if the person otherwise would be exempted under subsection (a) of this section.

(c) (1) (i) In this subsection, "housing for older persons" means housing:

1. provided under any State or federal program that is specifically designed and operated to assist elderly persons, as defined in the State or federal program;

2. intended for, and solely occupied by, persons who are at least 62 years old;

3. intended and operated for occupancy by at least one person who is at least 55 years old in each unit; or

4. that meets the requirements set forth in regulations adopted by the Secretary of Housing and Urban Development under 42 U.S.C. § 3607(b)(2)(C).

(ii) "Housing for older persons" includes:

1. unoccupied units, if the units are reserved for occupancy by persons who meet the age requirements of subparagraph (i) of this paragraph; or

2. units occupied as of September 13, 1988 by persons who do not meet the age requirements of subparagraph (i) of this paragraph, if the new occupant of the unit meets the age requirement.

(2) The provisions in this subtitle concerning familial status do not apply to housing for older persons.

(D) THE PROHIBITIONS IN THIS SUBTITLE AGAINST DISCRIMINATION BASED ON SOURCE OF INCOME DO NOT:

(1) PROHIBIT A PERSON FROM DETERMINING THE ABILITY OF A POTENTIAL BUYER OR RENTER TO PAY A PURCHASE PRICE OR PAY RENT BY VERIFYING IN A COMMERCIALLY REASONABLE AND NONDISCRIMINATORY MANNER THE SOURCE AND AMOUNT OF INCOME <u>OR CREDITWORTHINESS</u> OF THE POTENTIAL BUYER OR RENTER; <del>OR</del>

(2) PREVENT A PERSON FROM REFUSING TO CONSIDER INCOME DERIVED FROM ANY CRIMINAL ACTIVITY; OR

# (3) PROHIBIT A PERSON FROM DETERMINING, IN ACCORDANCE WITH APPLICABLE FEDERAL AND STATE LAWS, THE ABILITY OF A POTENTIAL BUYER TO REPAY A MORTGAGE LOAN.

20 - 705.

Except as provided in \$ 20–703 and 20–704 of this subtitle, a person may not:

(1) refuse to sell or rent after the making of a bona fide offer, refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, [or] national origin, OR SOURCE OF INCOME;

(2) discriminate against any person in the terms, conditions, or privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection with the sale or rental of a dwelling, because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, [or] national origin, OR SOURCE OF INCOME;

(3) make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, [or] national origin, OR SOURCE OF INCOME, or an intention to make any preference, limitation, or discrimination;

(4) represent to any person, because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, [or] national origin, OR SOURCE OF INCOME, that any dwelling is not available for inspection, sale, or rental when the dwelling is available; or

(5) for profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person of a particular race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, [or] national origin, OR SOURCE OF INCOME.

20 - 707.

(a) In this section, "residential real estate-related transaction" means:

(1) the making or purchasing of loans or providing other financial assistance:

(i) for purchasing, constructing, improving, repairing, or maintaining a dwelling; or

(ii) secured by residential real estate; or

(2) the selling, brokering, or appraising of residential real property.

(b) (1) A person whose business includes engaging in residential real estate-related transactions may not discriminate against any person in making available a transaction, or in the terms or conditions of a transaction, because of race, color, religion,

sex, disability, marital status, familial status, sexual orientation, gender identity, [or] national origin, OR SOURCE OF INCOME.

(2) Paragraph (1) of this subsection does not prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, [or] national origin, OR SOURCE OF INCOME.

(c) A person may not, because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, [or] national origin, OR SOURCE OF INCOME:

(1) deny a person access to, or membership or participation in, a multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings; or

(2) discriminate against a person in the terms or conditions of membership or participation.

20-1103.

(a) In this section, "disability", "dwelling", "familial status", "marital status", [and] "rent", AND "SOURCE OF INCOME" have the meanings stated in § 20–701 of this title.

(b) Whether or not acting under color of law, a person may not, by force or threat of force, willfully injure, intimidate, interfere with, or attempt to injure, intimidate, or interfere with:

(1) any person because of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, [or] national origin, OR SOURCE OF INCOME and because the person is or has been:

(i) selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling; or

(ii) applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings;

(2) any person because the person is or has been, or in order to intimidate the person or any other person or any class of persons from:

(i) participating, without discrimination on account of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, [or] national origin, OR SOURCE OF INCOME, in any of the activities, services, organizations, or facilities described in item (1) of this subsection; or

(ii) affording another person or class of persons the opportunity or protection to participate in any of the activities, services, organizations, or facilities described in item (1) of this subsection; or

(3) any person because the person is or has been, or in order to discourage the person or any other person from:

(i) lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, disability, marital status, familial status, sexual orientation, gender identity, [or] national origin, OR SOURCE OF INCOME, in any of the activities, services, organizations, or facilities described in item (1) of this subsection; or

(ii) participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate in any of the activities, services, organizations, or facilities described in item (1) of this subsection.

(c) A person who violates this section is guilty of a misdemean or and on conviction is subject to:

both;

(1) imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or

(2) if the violation results in bodily injury, imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both; or

(3) if the violation results in death, imprisonment not exceeding life.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not limit the rights or remedies that otherwise are available to a landlord or tenant under any other law.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 118

(House Bill 232)

AN ACT concerning

Maryland Zero Emission Electric Vehicle Infrastructure Council – Reporting, Membership, and Sunset Extension

- FOR the purpose of altering the deadlines for the interim and final reporting requirements for the Maryland Zero Emission Electric Vehicle Infrastructure Council; altering the membership of the Council; extending the termination date for the Council; making technical corrections; and generally relating to the Maryland Zero Emission Electric Vehicle Infrastructure Council.
- BY repealing and reenacting, without amendments,
  - Chapter 400 of the Acts of the General Assembly of 2011, as amended by Chapters 64 and 65 of the Acts of the General Assembly of 2013, Chapter 378 of the Acts of the General Assembly of 2015, and Chapter 213 of the Acts of the General Assembly of 2019

Section 1(b)

- BY repealing and reenacting, with amendments,
  - Chapter 400 of the Acts of the General Assembly of 2011, as amended by Chapters 64 and 65 of the Acts of the General Assembly of 2013, Chapter 378 of the Acts of the General Assembly of 2015, and Chapter 213 of the Acts of the General Assembly of 2019

Section 1(c)(9)(iv) and (xii), (v), and (xii) through (xiv) and (h)

#### **BY** repealing

<u>Chapter 400 of the Acts of the General Assembly of 2011, as amended by Chapters</u> 64 and 65 of the Acts of the General Assembly of 2013, Chapter <u>378 of the</u> Acts of the General Assembly of 2015, and Chapter 213 of the Acts of the <u>General Assembly of 2019</u> Section 1(a)(9)(yy)

Section 1(c)(9)(xv)

BY repealing and reenacting, with amendments,

Chapter 400 of the Acts of the General Assembly of 2011, as amended by Chapters 64 and 65 of the Acts of the General Assembly of 2013 and Chapter 378 of the Acts of the General Assembly of 2015

Section 2

BY repealing and reenacting, without amendments,

- Chapter 401 of the Acts of the General Assembly of 2011, as amended by Chapters 64 and 65 of the Acts of the General Assembly of 2013, Chapter 378 of the Acts of the General Assembly of 2015, and Chapter 213 of the Acts of the General Assembly of 2019
- Section 1(b)

BY repealing and reenacting, with amendments,

Chapter 401 of the Acts of the General Assembly of 2011, as amended by Chapters 64 and 65 of the Acts of the General Assembly of 2013, Chapter 378 of the Acts of the General Assembly of 2015, and Chapter 213 of the Acts of the General Assembly of 2019

Section 1(c)(9)(iv) and (xii), (v), and (xii) through (xiv) and (h)

BY repealing

Chapter 401 of the Acts of the General Assembly of 2011, as amended by Chapters 64 and 65 of the Acts of the General Assembly of 2013, Chapter 378 of the Acts of the General Assembly of 2015, and Chapter 213 of the Acts of the General Assembly of 2019. Section 1(c)(9)(xv)

BY repealing and reenacting, with amendments,

Chapter 401 of the Acts of the General Assembly of 2011, as amended by Chapters 64 and 65 of the Acts of the General Assembly of 2013 and Chapter 378 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:

# Chapter 400 of the Acts of 2011, as amended by Chapters 64 and 65 of the Acts of 2013, Chapter 378 of the Acts of 2015, and Chapter 213 of the Acts of 2019

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

- (b) There is a Maryland Zero Emission Electric Vehicle Infrastructure Council.
- (c) The Council consists of the following members:

(9) The following members appointed by the Governor:

(iv) One representative of [the Baltimore Electric Vehicle Initiative] AN ELECTRIC VEHICLE DRIVER ADVOCACY ORGANIZATION;

(v) [Two] THREE representatives of electric companies in the State;

(xiii) One public member with expertise in energy or transportation

# policy; AND

(xiv) One representative of [the Maryland Automobile Dealers Association] A NEW VEHICLE DEALER ASSOCIATION IN THE STATE[; and].

[(xv) <u>One representative of the retail electric supplier community.</u>]

Chapter 118

(h) (1) On or before December 1, [2013] **2020**, December 1, [2014] **2021**, December 1, [2015] **2022**, December 1, [2016] **2023**, December 1, [2017] **2024**, AND December 1, [2018, and December 1, 2019] **2025**, the Council shall submit interim reports of its work and recommendations to the Governor and, in accordance with § [2–1246] **2–1257** of the State Government Article, the General Assembly.

(2) On or before June 30, [2020] **2026**, the Council shall submit a final report of its work and recommendations to the Governor and, in accordance with § [2–1246] **2–1257** of the State Government Article, the General Assembly.

# Chapter 400 of the Acts of 2011, as amended by Chapters 64 and 65 of the Acts of 2013 and Chapter 378 of the Acts of 2015

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011. It shall remain effective for a period of [9] 15 years and, at the end of June 30, [2020] 2026, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

# Chapter 401 of the Acts of 2011, as amended by Chapters 64 and 65 of the Acts of 2013, Chapter 378 of the Acts of 2015, and Chapter 213 of the Acts of 2019

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

- (b) There is a Maryland Zero Emission Electric Vehicle Infrastructure Council.
- (c) The Council consists of the following members:
  - (9) The following members appointed by the Governor:

# (iv) One representative of [the Baltimore Electric Vehicle Initiative] AN ELECTRIC VEHICLE DRIVER ADVOCACY ORGANIZATION;

(v) [Two] **THREE** representatives of electric companies in the State;

(xiii) <u>One public member with expertise in energy or transportation</u> policy; **AND** 

(xiv) One representative of [the Maryland Automobile Dealers Association] A NEW VEHICLE DEALER ASSOCIATION IN THE STATE[; and].

[(xv) <u>One representative of the retail electric supplier community.</u>]

(h) (1) On or before December 1, [2013] **2020**, December 1, [2014] **2021**, December 1, [2015] **2022**, December 1, [2016] **2023**, December 1, [2017] **2024**, AND December 1, [2018, and December 1, 2019] **2025**, the Council shall submit interim reports of its work and recommendations to the Governor and, in accordance with § [2–1246] **2–1257** of the State Government Article, the General Assembly.

(2) On or before June 30, [2020] **2026**, the Council shall submit a final report of its work and recommendations to the Governor and, in accordance with § [2–1246] **2–1257** of the State Government Article, the General Assembly.

# Chapter 401 of the Acts of 2011, as amended by Chapters 64 and 65 of the Acts of 2013 and Chapter 378 of the Acts of 2015

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011. It shall remain effective for a period of [9] 15 years and, at the end of June 30, [2020] 2026, 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 June 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 119

# (House Bill 233)

AN ACT concerning

# Criminal Law – Assault in the First Degree – <del>Suffocation or</del> Strangulation

FOR the purpose of prohibiting a person from committing an assault by intentionally suffocating or strangling another; providing a penalty for a violation of this Act; <u>defining a certain term</u>; and generally relating to criminal assault.

BY repealing and reenacting, with amendments,

Article – Criminal Law Section 3–202 Annotated Code of Maryland (2012 Replacement Volume and 2019 Supplement)

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

#### Article – Criminal Law

3-202.

# (a) <u>IN THIS SECTION, "STRANGLING" MEANS IMPEDING THE NORMAL</u> <u>BREATHING OR BLOOD CIRCULATION OF ANOTHER PERSON BY APPLYING PRESSURE</u> <u>TO THE OTHER PERSON'S THROAT OR NECK.</u>

(B) (1) A person may not intentionally cause or attempt to cause serious physical injury to another.

(2) A person may not commit an assault with a firearm, including:

(i) a handgun, antique firearm, rifle, shotgun, short-barreled shotgun, or short-barreled rifle, as those terms are defined in § 4–201 of this article;

- (ii) an assault pistol, as defined in § 4–301 of this article;
- (iii) a machine gun, as defined in § 4–401 of this article; and
- (iv) a regulated firearm, as defined in § 5–101 of the Public Safety

Article.

# (3) A PERSON MAY NOT COMMIT AN ASSAULT BY INTENTIONALLY SUFFOCATING OR STRANGLING ANOTHER.

(b) (C) A person who violates this section is guilty of the felony of assault in the first degree and on conviction is subject to imprisonment not exceeding 25 years.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 120

(Senate Bill 212)

AN ACT concerning

Criminal Law – Assault in the First Degree – <del>Suffocation or</del> Strangulation

FOR the purpose of prohibiting a person from committing an assault by intentionally suffocating or strangling another; providing a penalty for a violation of this Act; <u>defining a certain term;</u> and generally relating to criminal assault.

BY repealing and reenacting, with amendments, Article – Criminal Law Section 3–202 Annotated Code of Maryland (2012 Replacement Volume and 2019 Supplement)

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

# Article – Criminal Law

3-202.

# (a) <u>IN THIS SECTION, "STRANGLING" MEANS IMPEDING THE NORMAL</u> <u>BREATHING OR BLOOD CIRCULATION OF ANOTHER PERSON BY APPLYING PRESSURE</u> <u>TO THE OTHER PERSON'S THROAT OR NECK.</u>

(B) (1) A person may not intentionally cause or attempt to cause serious physical injury to another.

(2) A person may not commit an assault with a firearm, including:

(i) a handgun, antique firearm, rifle, shotgun, short-barreled shotgun, or short-barreled rifle, as those terms are defined in § 4–201 of this article;

- (ii) an assault pistol, as defined in § 4–301 of this article;
- (iii) a machine gun, as defined in § 4–401 of this article; and
- (iv) a regulated firearm, as defined in § 5–101 of the Public Safety

Article.

# (3) A PERSON MAY NOT COMMIT AN ASSAULT BY INTENTIONALLY SUFFOCATING OR STRANGLING ANOTHER.

(b) (C) A person who violates this section is guilty of the felony of assault in the first degree and on conviction is subject to imprisonment not exceeding 25 years.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

# Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 121

# (House Bill 234)

AN ACT concerning

# Child Support – Suspension of Payments and Arrears for Incarcerated Obligors – Modifications

FOR the purpose of altering a condition relating to an incarcerated obligor's term of imprisonment under which the obligor's child support payment is not considered past due and arrearages will not accrue; and generally relating to child support and incarcerated obligors.

BY repealing and reenacting, with amendments, Article – Family Law Section 12–104.1 Annotated Code of Maryland (2019 Replacement Volume)

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

# Article – Family Law

12-104.1.

- (a) (1) In this section the following words have the meanings indicated.
  - (2) "Administration" has the meaning stated in § 10–101 of this article.
  - (3) "Obligee" has the meaning stated in § 10–101 of this article.
  - (4) "Obligor" has the meaning stated in § 10–101 of this article.

(b) A child support payment is not past due and arrearages may not accrue during any period when the obligor is incarcerated, and continuing for 60 days after the obligor's release from confinement, if:

(1) the obligor <del>[</del>was sentenced to a term of imprisonment of <del>18 consecutive</del> months **<u>180 CONSECUTIVE CALENDAR DAYS</u>** or more<del>] WILL BE INCARCERATED FOR</del> MORE THAN **<u>180-CONSECUTIVE-CALENDAR DAYS</u>**;

(2) the obligor is not on work release and has insufficient resources with which to make payment; and

(3) the obligor did not commit the crime with the intent of being incarcerated or otherwise becoming impoverished.

(c) (1) In any case in which the Administration is providing child support services under Title IV, Part D of the Social Security Act, the Administration may, without the necessity of any motion being filed with the court, adjust an incarcerated obligor's payment account to reflect the suspension of the accrual of arrearages under subsection (b) of this section.

(2) Before making an adjustment under paragraph (1) of this subsection, the Administration shall send written notice of the proposed action to the obligee, including the obligee's right to object to the proposed action and an explanation of the procedures for filing an objection.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 122

# (Senate Bill 1006)

AN ACT concerning

# Child Support – Suspension of Payments and Arrears for Incarcerated Obligors – Modifications

FOR the purpose of altering a condition relating to an incarcerated obligor's term of imprisonment under which the obligor's child support payment is not considered past due and arrearages will not accrue; and generally relating to child support and incarcerated obligors.

BY repealing and reenacting, with amendments, Article – Family Law Section 12–104.1 Annotated Code of Maryland (2019 Replacement Volume)

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

# Article – Family Law

12 - 104.1.

(a) (1) In this section the following words have the meanings indicated.

(2) "Administration" has the meaning stated in § 10–101 of this article.

- (3) "Obligee" has the meaning stated in § 10–101 of this article.
- (4) "Obligor" has the meaning stated in § 10–101 of this article.

(b) A child support payment is not past due and arrearages may not accrue during any period when the obligor is incarcerated, and continuing for 60 days after the obligor's release from confinement, if:

(1) the obligor <del>[</del>was sentenced to a term of imprisonment of <del>18 consecutive</del> months <u>180 CONSECUTIVE CALENDAR DAYS</u> or more] WILL BE INCARCERATED FOR MORE THAN 180-CONSECUTIVE-CALENDAR DAYS;

(2) the obligor is not on work release and has insufficient resources with which to make payment; and

(3) the obligor did not commit the crime with the intent of being incarcerated or otherwise becoming impoverished.

(c) (1) In any case in which the Administration is providing child support services under Title IV, Part D of the Social Security Act, the Administration may, without the necessity of any motion being filed with the court, adjust an incarcerated obligor's payment account to reflect the suspension of the accrual of arrearages under subsection (b) of this section.

(2) Before making an adjustment under paragraph (1) of this subsection, the Administration shall send written notice of the proposed action to the obligee, including the obligee's right to object to the proposed action and an explanation of the procedures for filing an objection.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 123

(House Bill 236)

# Hunting and Fishing Licenses – Active Military, Former Prisoners of War, Recipients of the Purple Heart Award, and Disabled Veterans

FOR the purpose of repealing a requirement that the Department of Natural Resources submit <u>a certain report</u> <u>certain reports</u> to the Governor and the General Assembly on or before a certain date; repealing the termination <u>provision</u> <u>provisions</u> for certain provisions of law relating to the issuance of complimentary or discounted hunting and fishing licenses to certain military personnel, former prisoners of war, recipients of the Purple Heart Award, and disabled veterans; and generally relating to hunting and fishing licenses.

# BY repealing

<u>Chapter 461 of the Acts of the General Assembly of 2017</u> <u>Section 2</u>

BY repealing and reenacting, with amendments, Chapter 461 of the Asta of the Conserval Assambly

<u>Chapter 461 of the Acts of the General Assembly of 2017</u> <u>Section 3</u>

# BY repealing

<u>Chapter 462 of the Acts of the General Assembly of 2017</u> <u>Section 2</u>

# BY repealing and reenacting, with amendments,

<u>Chapter 462 of the Acts of the General Assembly of 2017</u> <u>Section 3</u>

# BY repealing

Chapter 463 of the Acts of the General Assembly of 2017 Section 2

# BY repealing and reenacting, with amendments,

Chapter 463 of the Acts of the General Assembly of 2017 Section 3

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

# Chapter 461 of the Acts of 2017

[SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2019, the Department of Natural Resources shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on the number of discounted angler's licenses and trout stamps, Chesapeake Bay and coastal sport fishing licenses, and hunting licenses and associated State-issued stamps and permits issued to recipients of the Purple Heart award under this Act.]

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017. [It shall remain effective for a period of 3 years and, at the end of June 30, 2020, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

# Chapter 462 of the Acts of 2017

[SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2019, the Department of Natural Resources shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on:

(1) the number and identity of any other states that have enacted legislation authorizing the issuance of a lifetime complimentary angler's license, a recreational salt water sport fishing license, or a hunting license to a Maryland resident who certifies that the resident is a former prisoner of war or a 100% service connected disabled American veteran;

(2) <u>the total number of complimentary angler's licenses, recreational salt</u> water sport fishing licenses, and hunting licenses issued to Maryland residents under the legislation; and

(3) the total number of complimentary angler's licenses, Chesapeake Bay and coastal sport fishing licenses, and hunting licenses issued by the Department to out-of-state persons under this Act and § 10–303(a)(2)(ii) of the Natural Resources Article.]

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017. [It shall remain effective for a period of 3 years and, at the end of June 30, 2020, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

# Chapter 463 of the Acts of 2017

[SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2019, the Department of Natural Resources shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on:

(1) the number of discounted angler's licenses and trout stamps, Chesapeake Bay and coastal sport fishing licenses, and hunting licenses and associated State-issued stamps and permits issued to recipients of the Purple Heart Award under this Act;

(2) the number and identity of any other states that have enacted legislation authorizing the issuance of a lifetime complimentary angler's license, a recreational salt water sport fishing license, or a hunting license to a Maryland resident who certifies that the resident is a former prisoner of war or a 100% service connected disabled veteran; (3) the total number of complimentary angler's licenses, recreational salt water sport fishing licenses, and hunting licenses issued to Maryland residents under the legislation; and

(4) the total number of complimentary angler's licenses, Chesapeake Bay and coastal sport fishing licenses, and hunting licenses issued by the Department to out-of-state persons under this Act and 10-303(a)(2)(ii) of the Natural Resources Article.]

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017. [It shall remain effective for a period of 3 years and, at the end of June 30, 2020, 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 June 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 124

(House Bill 241)

AN ACT concerning

# Real Property - Ground Leases - Past Due Ground Rent

FOR the purpose of clarifying that a ground lease holder may not bring any suit, action, or proceeding against the current leasehold tenant or a former leasehold tenant to recover the ground rent that was due and owing before the date the current leasehold tenant acquired title to the leasehold interest if the ground lease was not registered before the date the current leasehold tenant acquired title under certain circumstances; making a stylistic change; and generally relating to past due ground rent under a ground lease.

BY repealing and reenacting, without amendments,

Article – Real Property Section 8–707 Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Real Property Section 8–806 Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

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

#### **Article – Real Property**

8 - 707.

If a ground lease is not registered in accordance with this subtitle, the ground lease holder may not:

(1) Collect any ground rent payments due under the ground lease;

(2) Bring a civil action against the leasehold tenant to enforce any rights the ground lease holder may have under the ground lease; or

(3) Bring an action against the leasehold tenant under Subtitle 8 of this

title.

8-806.

(a) (1) In any suit, action, or proceeding by a ground lease holder, or the transferee of the reversion in property subject to a ground lease, to recover past due ground rent, the ground lease holder, or the transferee of the reversion is entitled to demand or recover not more than 3 years' past due ground rent, calculated from the date notice was sent under 8–807(c)(1) of this subtitle.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A GROUND LEASE HOLDER MAY NOT BRING ANY SUIT, ACTION, OR PROCEEDING AGAINST THE CURRENT LEASEHOLD TENANT OR A FORMER LEASEHOLD TENANT TO RECOVER THE GROUND RENT THAT WAS DUE AND OWING BEFORE THE DATE THE CURRENT LEASEHOLD TENANT ACQUIRED TITLE TO THE LEASEHOLD INTEREST IF THE GROUND LEASE WAS NOT REGISTERED IN ACCORDANCE WITH SUBTITLE 7 OF THIS TITLE BEFORE THE DATE THE CURRENT LEASEHOLD TENANT ACQUIRED TITLE.

(b) If authorized under the ground lease, a ground lease holder may be reimbursed for reasonable late fees, interest, collection costs, and expenses, subject to the same limitations as provided in § 8–807 of this subtitle.

(c) (1) Notwithstanding any other provision of law, in any suit, action, or proceeding to recover past due ground rent, a ground lease holder may only recover not more than 3 years' past due ground rent, calculated from the date notice was sent under 8–807(c)(1) of this subtitle, if the property is:

(i) Owned or acquired by any means by the Mayor and City Council

of Baltimore; and

(ii) Distressed property, as defined in § 21-17(a)(3) of the Public Local Laws of Baltimore City.

(2) Notwithstanding any other provision of law, a ground lease holder may not bring any suit, action, or proceeding against the current leasehold tenant to recover the ground rent that was due and owing from a former leasehold tenant before the date that the current leasehold tenant acquired title, if the property is:

(i) Owned or acquired by any means by the current leasehold tenant; and

(ii) A bandoned property, as defined in § 21–17(a)(2) of the Public Local Laws of Baltimore City.

(3) With regard to property described under paragraphs (1) and (2) of this subsection, a ground lease holder may request in writing that the current leasehold tenant acquire the reversionary interest under the ground lease for the market value established at the time of the acquisition by the current leasehold tenant under the ground lease.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 125

(Senate Bill 170)

AN ACT concerning

## Real Property - Ground Leases - Past Due Ground Rent

FOR the purpose of clarifying that a ground lease holder may not bring any suit, action, or proceeding against the current leasehold tenant or a former leasehold tenant to recover the ground rent that was due and owing before the date the current leasehold tenant acquired title to the leasehold interest if the ground lease was not registered before the date the current leasehold tenant acquired title under certain circumstances; making a stylistic change; and generally relating to past due ground rent under a ground lease.

BY repealing and reenacting, without amendments, Article – Real Property Section 8–707 Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Real Property Section 8–806 Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

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

#### **Article – Real Property**

8-707.

If a ground lease is not registered in accordance with this subtitle, the ground lease holder may not:

(1) Collect any ground rent payments due under the ground lease;

(2) Bring a civil action against the leasehold tenant to enforce any rights the ground lease holder may have under the ground lease; or

(3) Bring an action against the leasehold tenant under Subtitle 8 of this title.

8-806.

(a) (1) In any suit, action, or proceeding by a ground lease holder, or the transferee of the reversion in property subject to a ground lease, to recover past due ground rent, the ground lease holder, or the transferee of the reversion is entitled to demand or recover not more than 3 years' past due ground rent, calculated from the date notice was sent under § 8-807(c)(1) of this subtitle.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A GROUND LEASE HOLDER MAY NOT BRING ANY SUIT, ACTION, OR PROCEEDING AGAINST THE CURRENT LEASEHOLD TENANT OR A FORMER LEASEHOLD TENANT TO RECOVER THE GROUND RENT THAT WAS DUE AND OWING BEFORE THE DATE THE CURRENT LEASEHOLD TENANT ACQUIRED TITLE TO THE LEASEHOLD INTEREST IF THE GROUND LEASE WAS NOT REGISTERED IN ACCORDANCE WITH SUBTITLE 7 OF THIS TITLE BEFORE THE DATE THE CURRENT LEASEHOLD TENANT ACQUIRED TITLE.

(b) If authorized under the ground lease, a ground lease holder may be reimbursed for reasonable late fees, interest, collection costs, and expenses, subject to the same limitations as provided in § 8–807 of this subtitle.

(c) (1) Notwithstanding any other provision of law, in any suit, action, or proceeding to recover past due ground rent, a ground lease holder may only recover not more than 3 years' past due ground rent, calculated from the date notice was sent under 8–807(c)(1) of this subtitle, if the property is:

(i) Owned or acquired by any means by the Mayor and City Council of Baltimore; and

(ii) Distressed property, as defined in § 21-17(a)(3) of the Public Local Laws of Baltimore City.

(2) Notwithstanding any other provision of law, a ground lease holder may not bring any suit, action, or proceeding against the current leasehold tenant to recover the ground rent that was due and owing from a former leasehold tenant before the date that the current leasehold tenant acquired title, if the property is:

(i) Owned or acquired by any means by the current leasehold tenant; and

(ii) A bandoned property, as defined in § 21–17(a)(2) of the Public Local Laws of Baltimore City.

(3) With regard to property described under paragraphs (1) and (2) of this subsection, a ground lease holder may request in writing that the current leasehold tenant acquire the reversionary interest under the ground lease for the market value established at the time of the acquisition by the current leasehold tenant under the ground lease.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 126

# (House Bill 242)

AN ACT concerning

#### Criminal Procedure – Motion to Vacate Judgment – Human Trafficking (True Freedom Act of 2020)

FOR the purpose of altering the eligibility for the filing of a certain motion to vacate judgment; altering the required contents of a certain motion; requiring that a certain motion be served on a certain State's Attorney; requiring that a certain motion be

mailed to a certain victim or victim's representative at a certain address under certain circumstances; authorizing the court to grant a certain motion under certain circumstances; requiring the court to take certain factors into consideration when making a certain finding; <del>requiring</del> <u>authorizing</u> the court to grant a certain motion without a hearing under certain circumstances; authorizing the court to dismiss a certain motion without a hearing under certain circumstances; repealing the authority of the court to take certain actions in ruling on a certain motion; requiring the court to vacate a certain conviction if the court grants a certain motion; providing that a certain conviction may not be considered a conviction for any purpose; authorizing a person to file a petition for expungement of certain records if the person was convicted of a crime and the conviction was vacated under a certain provision of law; defining certain terms; making a conforming change; and generally relating to human trafficking and motions to vacate judgment.

BY repealing and reenacting, with amendments, Article – Criminal Procedure Section 8–302 and 10–105(a) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

#### **Article – Criminal Procedure**

#### 8-302.

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

(2) "QUALIFYING OFFENSE" MEANS:

(I) UNNATURAL OR PERVERTED SEXUAL PRACTICE UNDER § 3–322 OF THE CRIMINAL LAW ARTICLE;

(II) POSSESSING OR ADMINISTERING A CONTROLLED DANGEROUS SUBSTANCE UNDER § 5–601 OF THE CRIMINAL LAW ARTICLE;

(III) POSSESSING OR PURCHASING A NONCONTROLLED SUBSTANCE UNDER § 5–618 OF THE CRIMINAL LAW ARTICLE;

(IV) POSSESSING OR DISTRIBUTING CONTROLLED PARAPHERNALIA UNDER § 5–620(A)(2) OF THE CRIMINAL LAW ARTICLE;

(V) FOURTH-DEGREE BURGLARY UNDER § 6–205 OF THE CRIMINAL LAW ARTICLE;

(VI) MALICIOUS DESTRUCTION OF PROPERTY IN THE LESSER DEGREE UNDER § 6–301(C) OF THE CRIMINAL LAW ARTICLE;

(VII) A TRESPASS OFFENSE UNDER TITLE 6, SUBTITLE 4 OF THE CRIMINAL LAW ARTICLE;

(VIII) MISDEMEANOR THEFT UNDER § 7–104 OF THE CRIMINAL LAW ARTICLE;

(IX) MISDEMEANOR OBTAINING PROPERTY OR SERVICES BY BAD CHECK UNDER § 8–103 OF THE CRIMINAL LAW ARTICLE;

(X) POSSESSION OR USE OF A FRAUDULENT GOVERNMENT IDENTIFICATION DOCUMENT UNDER § 8–303 OF THE CRIMINAL LAW ARTICLE;

(XI) PUBLIC ASSISTANCE FRAUD UNDER § 8–503 OF THE CRIMINAL LAW ARTICLE;

(XII) FALSE STATEMENT TO A LAW ENFORCEMENT OFFICER OR PUBLIC OFFICIAL UNDER § 9-501, § 9-502, or § 9-503 of the Criminal Law Article;

(XIII) DISTURBING THE PUBLIC PEACE AND DISORDERLY CONDUCT UNDER § 10–201 OF THE CRIMINAL LAW ARTICLE;

(XIV) INDECENT EXPOSURE UNDER § 11–107 OF THE CRIMINAL LAW ARTICLE;

(XV) PROSTITUTION UNDER § 11–303 OF THE CRIMINAL LAW ARTICLE;

(XVI) DRIVING WITH A SUSPENDED REGISTRATION UNDER § 13–401(H) OF THE TRANSPORTATION ARTICLE;

(XVII) FAILURE TO DISPLAY REGISTRATION UNDER § 13–409(B) OF THE TRANSPORTATION ARTICLE;

(XVIII) DRIVING WITHOUT A LICENSE UNDER § 16–101 OF THE TRANSPORTATION ARTICLE;

(XIX) FAILURE TO DISPLAY LICENSE TO POLICE UNDER § 16–112(C) OF THE TRANSPORTATION ARTICLE;

(XX) POSSESSION OF A SUSPENDED LICENSE UNDER § 16–301(J) OF THE TRANSPORTATION ARTICLE;

(XXI) DRIVING WHILE PRIVILEGE IS CANCELED, SUSPENDED, REFUSED, OR REVOKED UNDER § 16–303 OF THE TRANSPORTATION ARTICLE;

(XXII) OWNER FAILURE TO MAINTAIN SECURITY ON A VEHICLE UNDER § 17–104(B) OF THE TRANSPORTATION ARTICLE;

(XXIII) DRIVING WHILE UNINSURED UNDER § 17–107 OF THE TRANSPORTATION ARTICLE; OR

(XXIV) PROSTITUTION OR LOITERING AS PROHIBITED UNDER LOCAL LAW.

(3) "VICTIM OF HUMAN TRAFFICKING" MEANS A PERSON WHO HAS BEEN SUBJECTED TO AN ACT OF ANOTHER COMMITTED IN VIOLATION OF:

(I) TITLE 3, SUBTITLE 11 OF THE CRIMINAL LAW ARTICLE; OR

(II) § 1589, § 1590, § 1591, OR § 1594(A) OF TITLE 18 OF THE UNITED STATES CODE.

[(a)] (B) A person convicted of [prostitution under § 11–303 of the Criminal Law Article] A QUALIFYING OFFENSE may file a motion to vacate the judgment if[, when the person committed the act or acts of prostitution, the person was acting under duress caused by an act of another committed in violation of Title 3, Subtitle 11 of the Criminal Law Article or the prohibition against human trafficking under federal law] THE PERSON'S PARTICIPATION IN THE OFFENSE WAS A DIRECT RESULT OF BEING A VICTIM OF HUMAN TRAFFICKING.

- [(b)] (C) A motion filed under this section shall:
  - (1) be in writing;
  - (2) [be signed and consented to by the State's Attorney;
  - (3)] be made within a reasonable period of time after the conviction; [and]

[(4)] (3) describe the evidence and [provide] INCLUDE copies of any documents showing that the [defendant] MOVANT is entitled to relief under this section;

#### (4) BE SERVED ON THE STATE'S ATTORNEY IN THE JURISDICTION WHERE THE CONVICTION FOR THE QUALIFYING OFFENSE OCCURRED; AND

(5) IF THE QUALIFYING OFFENSE OCCURRED WITHIN 5 YEARS BEFORE THE FILING OF THE MOTION, BE MAILED TO ANY VICTIM OR VICTIM'S REPRESENTATIVE AT THE VICTIM'S OR VICTIM'S REPRESENTATIVE'S LAST KNOWN ADDRESS.

[(c)] (D) (1) [Except as provided in paragraph (2) of this subsection, the court shall hold a hearing on a motion filed under this section if the motion satisfies the requirements of subsection (b) of this section] AFTER A HEARING, THE THE COURT MAY GRANT A MOTION FILED UNDER THIS SECTION ON A FINDING BASED ON A PREPONDERANCE OF THE EVIDENCE THAT THE MOVANT COMMITTED THE QUALIFYING OFFENSE AS A DIRECT RESULT OF BEING A VICTIM OF HUMAN TRAFFICKING.

(2) WHEN MAKING A FINDING UNDER THIS SUBSECTION, THE COURT SHALL CONSIDER:

(I) THE LENGTH OF TIME BETWEEN THE OFFENSE AND THE TRAFFICKING OF THE MOVANT;

(II) THE DYNAMICS OF THE RELATIONSHIP BETWEEN THE MOVANT AND THE PERSON COMMITTING TRAFFICKING AGAINST THE MOVANT; AND

(III) ANY OTHER RELEVANT EVIDENCE.

(E) THE COURT SHALL MAY GRANT A MOTION FILED UNDER THIS SECTION WITHOUT A HEARING IF:

(1) THE STATE'S ATTORNEY CONSENTS TO THE MOTION;

(2) NO OBJECTION TO THE RELIEF REQUESTED HAS BEEN FILED BY A VICTIM OR VICTIM'S REPRESENTATIVE; AND

(3) AT LEAST 60 DAYS HAVE ELAPSED SINCE NOTICE AND SERVICE UNDER SUBSECTION (C) OF THIS SECTION.

[(2)] (F) The court may dismiss a motion FILED UNDER THIS SECTION without a hearing if the court finds that:

(1) the motion fails to assert grounds on which relief may be granted;

(2) THE MOTION OFFERS NO ADDITIONAL EVIDENCE BEYOND THAT WHICH HAS PREVIOUSLY BEEN CONSIDERED BY THE COURT; OR (3) THE MOVANT ACTED FRAUDULENTLY OR IN BAD FAITH IN FILING THE MOTION.

[(d)] (G) (1) [In ruling on] IF A COURT GRANTS a motion filed under this section, the court [may] SHALL vacate the conviction[, modify the sentence, or grant a new trial].

(2) The court shall state the reasons for its ruling on the record.

[(e)] (H) A [defendant] MOVANT in a proceeding under this section has the burden of proof.

# (I) A CONVICTION THAT HAS BEEN VACATED UNDER THIS SECTION MAY NOT BE CONSIDERED A CONVICTION FOR ANY PURPOSE.

10 - 105.

(a) A person who has been charged with the commission of a crime, including a violation of the Transportation Article for which a term of imprisonment may be imposed, or who has been charged with a civil offense or infraction, except a juvenile offense, may file a petition listing relevant facts for expungement of a police record, court record, or other record maintained by the State or a political subdivision of the State if:

- (1) the person is acquitted;
- (2) the charge is otherwise dismissed;

(3) a probation before judgment is entered, unless the person is charged with a violation of § 21-902 of the Transportation Article or Title 2, Subtitle 5 or § 3-211 of the Criminal Law Article;

(4) a nolle prosequi or nolle prosequi with the requirement of drug or alcohol treatment is entered;

(5) the court indefinitely postpones trial of a criminal charge by marking the criminal charge "stet" or stet with the requirement of drug or alcohol abuse treatment on the docket;

(6) the case is compromised under § 3–207 of the Criminal Law Article;

(7) the charge was transferred to the juvenile court under § 4-202 of this article;

(8) the person:

of violence; and

(ii) is granted a full and unconditional pardon by the Governor;

(9) the person was convicted of a crime or found not criminally responsible under any State or local law that prohibits:

- (i) urination or defecation in a public place;
- (ii) panhandling or soliciting money;
- (iii) drinking an alcoholic beverage in a public place;

(iv) obstructing the free passage of another in a public place or a public conveyance;

- (v) sleeping on or in park structures, such as benches or doorways;
- (vi) loitering;
- (vii) vagrancy;

(viii) riding a transit vehicle without paying the applicable fare or exhibiting proof of payment; or

(ix) except for carrying or possessing an explosive, acid, concealed weapon, or other dangerous article as provided in § 7-705(b)(6) of the Transportation Article, any of the acts specified in § 7-705 of the Transportation Article;

(10) the person was found not criminally responsible under any State or local law that prohibits misdemeanor:

- (i) trespass;
- (ii) disturbing the peace; or
- (iii) telephone misuse;

(11) the person was convicted of a crime and the act on which the conviction was based is no longer a crime; [or]

(12) the person was convicted of possession of marijuana under § 5–601 of the Criminal Law Article;  $\mathbf{OR}$ 

# (13) THE PERSON WAS CONVICTED OF A CRIME AND THE CONVICTION WAS VACATED UNDER § 8–302 OF THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 127

#### (Senate Bill 206)

AN ACT concerning

#### Criminal Procedure – Motion to Vacate Judgment – Human Trafficking (True Freedom Act of 2020)

FOR the purpose of altering the eligibility for the filing of a certain motion to vacate judgment; altering the required contents of a certain motion; requiring that a certain motion be served on a certain State's Attorney; requiring that a certain motion be mailed to a certain victim or victim's representative at a certain address under certain circumstances; authorizing the court to grant a certain motion under certain circumstances; requiring the court to take certain factors into consideration when making a certain finding; requiring authorizing the court to grant a certain motion without a hearing under certain circumstances; authorizing the court to dismiss a certain motion without a hearing under certain circumstances; repealing the authority of the court to take certain actions in ruling on a certain motion; requiring the court to vacate a certain conviction if the court grants a certain motion; providing that a certain conviction may not be considered a conviction for any purpose; authorizing a person to file a petition for expungement of certain records if the person was convicted of a crime and the conviction was vacated under a certain provision of law; defining certain terms; making a conforming change; and generally relating to human trafficking and motions to vacate judgment.

BY repealing and reenacting, with amendments,

Article – Criminal Procedure Section 8–302 and 10–105(a) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

#### **Article – Criminal Procedure**

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

(2) "QUALIFYING OFFENSE" MEANS:

(I) UNNATURAL OR PERVERTED SEXUAL PRACTICE UNDER § 3–322 OF THE CRIMINAL LAW ARTICLE;

(II) POSSESSING OR ADMINISTERING A CONTROLLED DANGEROUS SUBSTANCE UNDER § 5–601 OF THE CRIMINAL LAW ARTICLE;

(III) POSSESSING OR PURCHASING A NONCONTROLLED SUBSTANCE UNDER § 5–618 OF THE CRIMINAL LAW ARTICLE;

(IV) POSSESSING OR DISTRIBUTING CONTROLLED PARAPHERNALIA UNDER § 5–620(A)(2) OF THE CRIMINAL LAW ARTICLE;

(V) FOURTH-DEGREE BURGLARY UNDER § 6–205 OF THE CRIMINAL LAW ARTICLE;

(VI) MALICIOUS DESTRUCTION OF PROPERTY IN THE LESSER DEGREE UNDER § 6–301(C) OF THE CRIMINAL LAW ARTICLE;

(VII) A TRESPASS OFFENSE UNDER TITLE 6, SUBTITLE 4 OF THE CRIMINAL LAW ARTICLE;

(VIII) MISDEMEANOR THEFT UNDER § 7–104 OF THE CRIMINAL LAW ARTICLE;

(IX) MISDEMEANOR OBTAINING PROPERTY OR SERVICES BY BAD CHECK UNDER § 8–103 OF THE CRIMINAL LAW ARTICLE;

(X) POSSESSION OR USE OF A FRAUDULENT GOVERNMENT IDENTIFICATION DOCUMENT UNDER § 8–303 OF THE CRIMINAL LAW ARTICLE;

(XI) PUBLIC ASSISTANCE FRAUD UNDER § 8–503 OF THE CRIMINAL LAW ARTICLE;

(XII) FALSE STATEMENT TO A LAW ENFORCEMENT OFFICER OR PUBLIC OFFICIAL UNDER § 9-501, § 9-502, or § 9-503 of the Criminal Law Article;

(XIII) DISTURBING THE PUBLIC PEACE AND DISORDERLY CONDUCT UNDER § 10–201 OF THE CRIMINAL LAW ARTICLE; (XIV) INDECENT EXPOSURE UNDER § 11–107 OF THE CRIMINAL LAW ARTICLE;

(XV) PROSTITUTION UNDER § 11–303 OF THE CRIMINAL LAW ARTICLE;

(XVI) DRIVING WITH A SUSPENDED REGISTRATION UNDER § 13–401(H) OF THE TRANSPORTATION ARTICLE;

(XVII) FAILURE TO DISPLAY REGISTRATION UNDER § 13–409(B) OF THE TRANSPORTATION ARTICLE;

(XVIII) DRIVING WITHOUT A LICENSE UNDER § 16–101 OF THE TRANSPORTATION ARTICLE;

(XIX) FAILURE TO DISPLAY LICENSE TO POLICE UNDER § 16–112(C) OF THE TRANSPORTATION ARTICLE;

(XX) POSSESSION OF A SUSPENDED LICENSE UNDER § 16–301(J) OF THE TRANSPORTATION ARTICLE;

(XXI) DRIVING WHILE PRIVILEGE IS CANCELED, SUSPENDED, REFUSED, OR REVOKED UNDER § 16–303 OF THE TRANSPORTATION ARTICLE;

(XXII) OWNER FAILURE TO MAINTAIN SECURITY ON A VEHICLE UNDER § 17–104(B) OF THE TRANSPORTATION ARTICLE;

(XXIII) DRIVING WHILE UNINSURED UNDER § 17–107 OF THE TRANSPORTATION ARTICLE; OR

(XXIV) PROSTITUTION OR LOITERING AS PROHIBITED UNDER LOCAL LAW.

(3) "VICTIM OF HUMAN TRAFFICKING" MEANS A PERSON WHO HAS BEEN SUBJECTED TO AN ACT OF ANOTHER COMMITTED IN VIOLATION OF:

(I) TITLE 3, SUBTITLE 11 OF THE CRIMINAL LAW ARTICLE; OR

(II) § 1589, § 1590, § 1591, OR § 1594(A) OF TITLE 18 OF THE UNITED STATES CODE.

[(a)] (B) A person convicted of [prostitution under § 11–303 of the Criminal Law Article] A QUALIFYING OFFENSE may file a motion to vacate the judgment if [, when the

person committed the act or acts of prostitution, the person was acting under duress caused by an act of another committed in violation of Title 3, Subtitle 11 of the Criminal Law Article or the prohibition against human trafficking under federal law] THE PERSON'S PARTICIPATION IN THE OFFENSE WAS A DIRECT RESULT OF BEING A VICTIM OF HUMAN TRAFFICKING.

- [(b)] (C) A motion filed under this section shall:
  - (1) be in writing;
  - (2) [be signed and consented to by the State's Attorney;
  - (3)] be made within a reasonable period of time after the conviction; [and]

[(4)] (3) describe the evidence and [provide] INCLUDE copies of any documents showing that the [defendant] MOVANT is entitled to relief under this section;

(4) BE SERVED ON THE STATE'S ATTORNEY IN THE JURISDICTION WHERE THE CONVICTION FOR THE QUALIFYING OFFENSE OCCURRED; AND

(5) IF THE QUALIFYING OFFENSE OCCURRED WITHIN 5 YEARS BEFORE THE FILING OF THE MOTION, BE MAILED TO ANY VICTIM OR VICTIM'S REPRESENTATIVE AT THE VICTIM'S OR VICTIM'S REPRESENTATIVE'S LAST KNOWN ADDRESS.

[(c)] (D) (1) [Except as provided in paragraph (2) of this subsection, the court shall hold a hearing on a motion filed under this section if the motion satisfies the requirements of subsection (b) of this section] AFTER A HEARING, THE THE COURT MAY GRANT A MOTION FILED UNDER THIS SECTION ON A FINDING BASED ON A PREPONDERANCE OF THE EVIDENCE THAT THE MOVANT COMMITTED THE QUALIFYING OFFENSE AS A DIRECT RESULT OF BEING A VICTIM OF HUMAN TRAFFICKING.

(2) WHEN MAKING A FINDING UNDER THIS SUBSECTION, THE COURT SHALL CONSIDER:

(I) THE LENGTH OF TIME BETWEEN THE OFFENSE AND THE TRAFFICKING OF THE MOVANT;

(II) THE DYNAMICS OF THE RELATIONSHIP BETWEEN THE MOVANT AND THE PERSON COMMITTING TRAFFICKING AGAINST THE MOVANT; AND

(III) ANY OTHER RELEVANT EVIDENCE.

(E) THE COURT SHALL MAY GRANT A MOTION FILED UNDER THIS SECTION WITHOUT A HEARING IF:

(1) THE STATE'S ATTORNEY CONSENTS TO THE MOTION;

(2) NO OBJECTION TO THE RELIEF REQUESTED HAS BEEN FILED BY A VICTIM OR VICTIM'S REPRESENTATIVE; AND

(3) AT LEAST 60 DAYS HAVE ELAPSED SINCE NOTICE AND SERVICE UNDER SUBSECTION (C) OF THIS SECTION.

[(2)] (F) The court may dismiss a motion FILED UNDER THIS SECTION without a hearing if the court finds that:

(1) the motion fails to assert grounds on which relief may be granted;

(2) THE MOTION OFFERS NO ADDITIONAL EVIDENCE BEYOND THAT WHICH HAS PREVIOUSLY BEEN CONSIDERED BY THE COURT; OR

(3) THE MOVANT ACTED FRAUDULENTLY OR IN BAD FAITH IN FILING THE MOTION.

[(d)] (G) (1) [In ruling on] IF A COURT GRANTS a motion filed under this section, the court [may] SHALL vacate the conviction[, modify the sentence, or grant a new trial].

(2) The court shall state the reasons for its ruling on the record.

[(e)] (H) A [defendant] MOVANT in a proceeding under this section has the burden of proof.

# (I) A CONVICTION THAT HAS BEEN VACATED UNDER THIS SECTION MAY NOT BE CONSIDERED A CONVICTION FOR ANY PURPOSE.

10-105.

(a) A person who has been charged with the commission of a crime, including a violation of the Transportation Article for which a term of imprisonment may be imposed, or who has been charged with a civil offense or infraction, except a juvenile offense, may file a petition listing relevant facts for expungement of a police record, court record, or other record maintained by the State or a political subdivision of the State if:

- (1) the person is acquitted;
- (2) the charge is otherwise dismissed;

(3) a probation before judgment is entered, unless the person is charged with a violation of § 21-902 of the Transportation Article or Title 2, Subtitle 5 or § 3-211 of the Criminal Law Article;

(4) a nolle prosequi or nolle prosequi with the requirement of drug or alcohol treatment is entered;

(5) the court indefinitely postpones trial of a criminal charge by marking the criminal charge "stet" or stet with the requirement of drug or alcohol abuse treatment on the docket;

(6) the case is compromised under § 3–207 of the Criminal Law Article;

the charge was transferred to the juvenile court under § 4–202 of this

article;

(8) the person:

(7)

- (i) is convicted of only one criminal act, and that act is not a crime of violence; and
  - (ii) is granted a full and unconditional pardon by the Governor;

(9) the person was convicted of a crime or found not criminally responsible under any State or local law that prohibits:

- (i) urination or defecation in a public place;
- (ii) panhandling or soliciting money;
- (iii) drinking an alcoholic beverage in a public place;

(iv) obstructing the free passage of another in a public place or a public conveyance;

- (v) sleeping on or in park structures, such as benches or doorways;
- (vi) loitering;
- (vii) vagrancy;

(viii) riding a transit vehicle without paying the applicable fare or exhibiting proof of payment; or

(ix) except for carrying or possessing an explosive, acid, concealed weapon, or other dangerous article as provided in § 7-705(b)(6) of the Transportation Article, any of the acts specified in § 7-705 of the Transportation Article;

(10) the person was found not criminally responsible under any State or local law that prohibits misdemeanor:

- (i) trespass;
- (ii) disturbing the peace; or
- (iii) telephone misuse;

(11) the person was convicted of a crime and the act on which the conviction was based is no longer a crime; [or]

(12) the person was convicted of possession of marijuana under § 5–601 of the Criminal Law Article;  $\mathbf{OR}$ 

# (13) THE PERSON WAS CONVICTED OF A CRIME AND THE CONVICTION WAS VACATED UNDER § 8–302 OF THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 128

(House Bill 246)

AN ACT concerning

#### Sexual Solicitation of a Minor – Solicitation Through Parent, Guardian, or Custodian – Prohibition and Penalties

FOR the purpose of prohibiting a person from knowingly and with a certain intent soliciting the consent of a parent, guardian, or custodian of a minor, or a person believed to be <u>law enforcement officer posing as</u> a parent, guardian, or custodian of a minor, to engage in certain prohibited sexual acts with the minor; establishing and altering certain penalties; making a technical change; and generally relating to sexual solicitation of a minor.

BY repealing and reenacting, with amendments,

Article – Criminal Law Section 3–324 Annotated Code of Maryland (2012 Replacement Volume and 2019 Supplement)

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

#### Article – Criminal Law

#### 3-324.

(a) In this section, "solicit" means to command, authorize, urge, entice, request, or advise a person by any means, including:

- (1) in person;
- (2) through an agent or agency;
- (3) over the telephone;
- (4) through any print medium;
- (5) by mail;
- (6) by computer or Internet; or
- (7) by any other electronic means.

(b) (1) A person may not, with the intent to commit a violation of § 3-304[, § 3-306,] or § 3-307 of this subtitle or § 11-303, § 11-304, § 11-305, § 11-306, or § 11-307 of this article, knowingly solicit a minor, or a law enforcement officer posing as a minor, to engage in activities that would be unlawful for the person to engage in under § 3-304[, § 3-306,] or § 3-307 of this subtitle or § 11-303, § 11-304, § 11-305, § 11-306, or § 11-307 of this article.

(2) A PERSON MAY NOT, WITH THE INTENT TO COMMIT A VIOLATION OF § 3–304 OR § 3–307 OF THIS SUBTITLE OR § 11–303, § 11–304, § 11–305, § 11–306, OR § 11–307 OF THIS ARTICLE, KNOWINGLY SOLICIT THE CONSENT OF A PARENT, GUARDIAN, OR CUSTODIAN OF A MINOR, OR A <del>PERSON BELIEVED TO BE</del> <u>LAW</u> <u>ENFORCEMENT OFFICER POSING AS</u> A PARENT, GUARDIAN, OR CUSTODIAN OF A MINOR, TO ENGAGE IN ACTIVITIES WITH THE MINOR THAT WOULD BE UNLAWFUL FOR THE PERSON TO ENGAGE IN UNDER § 3–304 OR § 3–307 OF THIS SUBTITLE OR § 11–303, § 11–304, § 11–305, § 11–306, OR § 11–307 OF THIS ARTICLE. (c) A violation of this section is considered to be committed in the State for purposes of determining jurisdiction if the solicitation:

(1) originated in the State; or

(2) is received in the State.

(d) A person who violates this section is guilty of a felony and on conviction is subject to:

(1) FOR A FIRST OFFENSE, imprisonment not exceeding 10 years or a fine not exceeding \$25,000 or both; AND

# (2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 20 YEARS OR A FINE NOT EXCEEDING \$50,000 OR BOTH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 129

(Senate Bill 231)

AN ACT concerning

#### Sexual Solicitation of a Minor – Solicitation Through Parent, Guardian, or Custodian – Prohibition and Penalties

FOR the purpose of prohibiting a person from knowingly and with a certain intent soliciting the consent of a parent, guardian, or custodian of a minor, or a person believed to be <u>law enforcement officer posing as</u> a parent, guardian, or custodian of a minor, to engage in certain prohibited sexual acts with the minor; establishing and altering certain penalties; making a technical change; and generally relating to sexual solicitation of a minor.

BY repealing and reenacting, with amendments,

Article – Criminal Law Section 3–324 Annotated Code of Maryland (2012 Replacement Volume and 2019 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

### Article – Criminal Law

3-324.

(a) In this section, "solicit" means to command, authorize, urge, entice, request, or advise a person by any means, including:

- (1) in person;
- (2) through an agent or agency;
- (3) over the telephone;
- (4) through any print medium;
- (5) by mail;
- (6) by computer or Internet; or
- (7) by any other electronic means.

(b) (1) A person may not, with the intent to commit a violation of § 3-304[, § 3-306,] or § 3-307 of this subtitle or § 11-303, § 11-304, § 11-305, § 11-306, or § 11-307 of this article, knowingly solicit a minor, or a law enforcement officer posing as a minor, to engage in activities that would be unlawful for the person to engage in under § 3-304[, § 3-306,] or § 3-307 of this subtitle or § 11-303, § 11-304, § 11-305, § 11-306, or § 11-307 of this article.

(2) A PERSON MAY NOT, WITH THE INTENT TO COMMIT A VIOLATION OF § 3–304 OR § 3–307 OF THIS SUBTITLE OR § 11–303, § 11–304, § 11–305, § 11–306, OR § 11–307 OF THIS ARTICLE, KNOWINGLY SOLICIT THE CONSENT OF A PARENT, GUARDIAN, OR CUSTODIAN OF A MINOR, OR A PERSON BELIEVED TO BE LAW ENFORCEMENT OFFICER POSING AS A PARENT, GUARDIAN, OR CUSTODIAN OF A MINOR, TO ENGAGE IN ACTIVITIES WITH THE MINOR THAT WOULD BE UNLAWFUL FOR THE PERSON TO ENGAGE IN UNDER § 3–304 OR § 3–307 OF THIS SUBTITLE OR § 11–303, § 11–304, § 11–305, § 11–306, OR § 11–307 OF THIS ARTICLE.

(c) A violation of this section is considered to be committed in the State for purposes of determining jurisdiction if the solicitation:

- (1) originated in the State; or
- (2) is received in the State.

(d) A person who violates this section is guilty of a felony and on conviction is subject to:

(1) FOR A FIRST OFFENSE, imprisonment not exceeding 10 years or a fine not exceeding \$25,000 or both; AND

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 20 YEARS OR A FINE NOT EXCEEDING \$50,000 OR BOTH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 130

#### (House Bill 247)

AN ACT concerning

#### **Orphans' Courts – Appeals – Procedures**

FOR the purpose of requiring a certain appeal from a final judgment of an orphans' court to be made by filing a certain notice, rather than a certain order; extending the period of time within which the register of wills must transmit certain information to the court to which the appeal is taken; making stylistic changes; providing for the application of this Act; and generally relating to appeals from orphans' courts.

BY repealing and reenacting, with amendments, Article – Courts and Judicial Proceedings Section 12–502 Annotated Code of Maryland (2013 Replacement Volume and 2019 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**

12 - 502.

(a) (1) (i) Instead of a direct appeal to the Court of Special Appeals [pursuant to] UNDER § 12–501 of this subtitle, a party may appeal to the circuit court for

the county from a final judgment of an orphans' court.

(ii) The appeal shall be heard de novo by the circuit court.

(iii) The de novo appeal shall be treated as if it were a new proceeding and as if there had never been a prior hearing or judgment by the orphans' court.

(iv) The circuit court shall give judgment according to the equity of

the matter.

(2) This subsection does not apply to Harford County or Montgomery County.

(b) (1) An appeal [pursuant to] UNDER this section shall be taken by filing [an order for] A NOTICE OF appeal with the register of wills within 30 days after the date of the final judgment from which the appeal is taken.

(2) Within [30] **60** days [thereafter] AFTER THE FILING OF A NOTICE OF APPEAL UNDER PARAGRAPH (1) OF THIS SUBSECTION, the register of wills shall transmit all pleadings and orders of the proceedings to the court to which the appeal is taken, unless the orphans' court from which the appeal is taken extends the time for transmitting these pleadings and orders.

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 order for an appeal filed before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 131

(Senate Bill 149)

AN ACT concerning

# **Orphans' Courts – Appeals – Procedures**

FOR the purpose of requiring a certain appeal from a final judgment of an orphans' court to be made by filing a certain notice, rather than a certain order; extending the period of time within which the register of wills must transmit certain information to the court to which the appeal is taken; making stylistic changes; providing for the application of this Act; and generally relating to appeals from orphans' courts.

BY repealing and reenacting, with amendments, Article – Courts and Judicial Proceedings Section 12–502 Annotated Code of Maryland (2013 Replacement Volume and 2019 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

12-502.

(a) (1) (i) Instead of a direct appeal to the Court of Special Appeals [pursuant to] UNDER § 12–501 of this subtitle, a party may appeal to the circuit court for the county from a final judgment of an orphans' court.

(ii) The appeal shall be heard de novo by the circuit court.

(iii) The de novo appeal shall be treated as if it were a new proceeding and as if there had never been a prior hearing or judgment by the orphans' court.

(iv) The circuit court shall give judgment according to the equity of

the matter.

(2) This subsection does not apply to Harford County or Montgomery County.

(b) (1) An appeal [pursuant to] **UNDER** this section shall be taken by filing [an order for] A NOTICE OF appeal with the register of wills within 30 days after the date of the final judgment from which the appeal is taken.

(2) Within [30] **60** days [thereafter] AFTER THE FILING OF A NOTICE OF APPEAL UNDER PARAGRAPH (1) OF THIS SUBSECTION, the register of wills shall transmit all pleadings and orders of the proceedings to the court to which the appeal is taken, unless the orphans' court from which the appeal is taken extends the time for transmitting these pleadings and orders.

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 order for an appeal filed before the effective date of this Act.

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

October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 132

#### (House Bill 248)

AN ACT concerning

#### Protective Orders - Relief Eligibility - Rape and Sexual Offenses

- FOR the purpose of removing rape and certain sexual offenses from the list of offenses alleged to have been committed by a certain respondent against a certain victim for which a peace order petition may be filed under certain circumstances; altering the definition of "person eligible for relief" for purposes of certain provisions of law relating to domestic violence protective orders to include an individual who alleges the commission of certain acts against the individual by a certain respondent; and generally relating to peace orders and protective orders.
- BY repealing and reenacting, with amendments, Article – Courts and Judicial Proceedings Section 3–1503(a) Annotated Code of Maryland (2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments, Article – Family Law Section 4–501(a) Annotated Code of Maryland (2019 Replacement Volume)

BY repealing and reenacting, with amendments, Article – Family Law Section 4–501(m) Annotated Code of Maryland (2019 Replacement Volume)

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

## **Article – Courts and Judicial Proceedings**

(a) (1) A petitioner may seek relief under this subtitle by filing with the court, or with a commissioner under the circumstances specified in § 3-1503.1(a) of this subtitle, a petition that alleges the commission of any of the following acts against the petitioner by the respondent, if the act occurred within 30 days before the filing of the petition:

(i) An act that causes serious bodily harm;

(ii) An act that places the petitioner in fear of imminent serious

bodily harm;

(iii) Assault in any degree;

[(iv) Rape or sexual offense under § 3–303, § 3–304, § 3–307, or § 3–308 of the Criminal Law Article or attempted rape or sexual offense in any degree;]

[(v)] (IV) False imprisonment;

[(vi)] (V) Harassment under § 3–803 of the Criminal Law Article;

[(vii)] (VI) Stalking under § 3–802 of the Criminal Law Article;

[(viii)] (VII) Trespass under Title 6, Subtitle 4 of the Criminal Law

Article;

[(ix)] (VIII) Malicious destruction of property under § 6–301 of the Criminal Law Article;

[(x)] (IX) Misuse of telephone facilities and equipment under § 3–804 of the Criminal Law Article;

[(xi)] (X) Misuse of electronic communication or interactive computer service under § 3–805 of the Criminal Law Article;

[(xii)] (XI) Revenge porn under § 3–809 of the Criminal Law Article;

or

[(xiii)] (XII) Visual surveillance under § 3–901, § 3–902, or § 3–903 of the Criminal Law Article.

(2) A petition may be filed under this subtitle if:

(i) The act described in paragraph (1) of this subsection is alleged to have occurred in the State; or

(ii) The petitioner is a resident of the State, regardless of whether the act described in paragraph (1) of this subsection is alleged to have occurred in the State.

#### Article – Family Law

4 - 501.

- (a) In this subtitle the following words have the meanings indicated.
- (m) "Person eligible for relief" includes:
  - (1) the current or former spouse of the respondent;
  - (2) a cohabitant of the respondent;
  - (3) a person related to the respondent by blood, marriage, or adoption;

(4) a parent, stepparent, child, or stepchild of the respondent or the person eligible for relief who resides or resided with the respondent or person eligible for relief for at least 90 days within 1 year before the filing of the petition;

- (5) a vulnerable adult;
- (6) an individual who has a child in common with the respondent; [or]

(7) an individual who has had a sexual relationship with the respondent within 1 year before the filing of the petition; **OR** 

(8) AN INDIVIDUAL WHO ALLEGES THAT THE RESPONDENT COMMITTED, WITHIN <del>1 YEAR</del> <u>6 MONTHS</u> BEFORE THE FILING OF THE PETITION, ANY OF THE FOLLOWING ACTS AGAINST THE INDIVIDUAL:

(I) RAPE OR A SEXUAL OFFENSE UNDER § 3–303, § 3–304, § 3–307, OR § 3–308 OF THE CRIMINAL LAW ARTICLE; OR

(II) ATTEMPTED RAPE OR SEXUAL OFFENSE IN ANY DEGREE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 133

(Senate Bill 210)

#### AN ACT concerning

#### Protective Orders - Relief Eligibility - Rape and Sexual Offenses

- FOR the purpose of removing rape and certain sexual offenses from the list of offenses alleged to have been committed by a certain respondent against a certain victim for which a peace order petition may be filed under certain circumstances; altering the definition of "person eligible for relief" for purposes of certain provisions of law relating to domestic violence protective orders to include an individual who alleges the commission of certain acts against the individual by a certain respondent; and generally relating to peace orders and protective orders.
- BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings Section 3–1503(a) Annotated Code of Maryland (2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments, Article – Family Law Section 4–501(a) Annotated Code of Maryland (2019 Replacement Volume)

BY repealing and reenacting, with amendments, Article – Family Law Section 4–501(m) Annotated Code of Maryland (2019 Replacement Volume)

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

## Article – Courts and Judicial Proceedings

#### 3-1503.

(a) (1) A petitioner may seek relief under this subtitle by filing with the court, or with a commissioner under the circumstances specified in § 3–1503.1(a) of this subtitle, a petition that alleges the commission of any of the following acts against the petitioner by the respondent, if the act occurred within 30 days before the filing of the petition:

(i) An act that causes serious bodily harm;

(ii) An act that places the petitioner in fear of imminent serious

bodily harm;

(iii) Assault in any degree;

[(iv) Rape or sexual offense under § 3–303, § 3–304, § 3–307, or § 3–308 of the Criminal Law Article or attempted rape or sexual offense in any degree;]

[(v)] (IV) False imprisonment;

[(vi)] (V) Harassment under § 3–803 of the Criminal Law Article;

[(vii)] (VI) Stalking under § 3–802 of the Criminal Law Article;

[(viii)] (VII) Trespass under Title 6, Subtitle 4 of the Criminal Law

[(ix)] (VIII) Malicious destruction of property under § 6–301 of the Criminal Law Article;

[(x)] (IX) Misuse of telephone facilities and equipment under § 3–804 of the Criminal Law Article;

[(xi)] (X) Misuse of electronic communication or interactive computer service under § 3–805 of the Criminal Law Article;

[(xii)] (XI) Revenge porn under § 3–809 of the Criminal Law Article;

or

Article;

[(xiii)] (XII) Visual surveillance under § 3–901, § 3–902, or § 3–903 of the Criminal Law Article.

(2) A petition may be filed under this subtitle if:

(i) The act described in paragraph (1) of this subsection is alleged to have occurred in the State; or

(ii) The petitioner is a resident of the State, regardless of whether the act described in paragraph (1) of this subsection is alleged to have occurred in the State.

## Article – Family Law

4 - 501.

- (a) In this subtitle the following words have the meanings indicated.
- (m) "Person eligible for relief" includes:
  - (1) the current or former spouse of the respondent;

- (2) a cohabitant of the respondent;
- (3) a person related to the respondent by blood, marriage, or adoption;

(4) a parent, stepparent, child, or stepchild of the respondent or the person eligible for relief who resides or resided with the respondent or person eligible for relief for at least 90 days within 1 year before the filing of the petition;

- (5) a vulnerable adult;
- (6) an individual who has a child in common with the respondent; [or]

(7) an individual who has had a sexual relationship with the respondent within 1 year before the filing of the petition; OR

(8) AN INDIVIDUAL WHO ALLEGES THAT THE RESPONDENT COMMITTED, WITHIN <del>1 YEAR</del> <u>6 MONTHS</u> BEFORE THE FILING OF THE PETITION, ANY OF THE FOLLOWING ACTS AGAINST THE INDIVIDUAL:

(I) RAPE OR A SEXUAL OFFENSE UNDER § 3–303, § 3–304, § 3–307, OR § 3–308 OF THE CRIMINAL LAW ARTICLE; OR

(II) ATTEMPTED RAPE OR SEXUAL OFFENSE IN ANY DEGREE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 134

(House Bill 250)

AN ACT concerning

#### Family Law – Final Protective Order <u>Peace Orders and Protective Orders</u> – Extension

FOR the purpose of specifying that, if a petitioner or person eligible for relief files a certain motion to extend the term of a <u>final peace order or</u> final protective order during the term of the order and a hearing on the motion is not held before the order's original expiration date, the order is automatically extended and its terms remain in full force

and effect until the hearing on the motion; and generally relating to the extension of <u>final peace orders and</u> final protective orders.

<u>BY repealing and reenacting, with amendments,</u> <u>Article – Courts and Judicial Proceedings</u> <u>Section 3–1506</u>

<u>Annotated Code of Maryland</u> (2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Family Law Section 4–507 Annotated Code of Maryland (2019 Replacement Volume)

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

# <u> Article – Courts and Judicial Proceedings</u>

<u>3–1506.</u>

(a) (1) A peace order may be modified or rescinded during the term of the peace order after:

- (i) Giving notice to the petitioner and the respondent; and
- (ii) <u>A hearing.</u>

(2) For good cause shown, a judge may extend the term of the peace order for 6 months beyond the period specified in § 3–1505(f) of this subtitle, after:

- (i) <u>Giving notice to the petitioner and the respondent; and</u>
- (ii) <u>A hearing.</u>

(3) (i) If, during the term of a final peace order, a petitioner files a motion to extend the term of the order under paragraph (2) of this subsection, the court shall hold a hearing on the motion within 30 days after the motion is filed.

(ii) If the hearing on the motion is [scheduled after] NOT HELD BEFORE the original expiration date of the final peace order, [the court shall extend the order and keep the] THE ORDER SHALL BE AUTOMATICALLY EXTENDED AND THE terms of the order SHALL REMAIN in full force and effect until the hearing on the motion. (b) (1) If a District Court judge grants or denies relief under a petition filed under this subtitle, a respondent or a petitioner may appeal to the circuit court for the county where the District Court is located.

(2) An appeal taken under this subsection to the circuit court shall be heard de novo in the circuit court.

(3) (i) If an appeal is filed under this subsection, the District Court judgment shall remain in effect until superseded by a judgment of the circuit court.

(ii) <u>Unless the circuit court orders otherwise</u>, modification or enforcement of the District Court order shall be by the District Court.

#### Article - Family Law

4 - 507.

(a) (1) A protective order may be modified or rescinded during the term of the protective order after:

(i) giving notice to all affected persons eligible for relief and the respondent; and

(ii) a hearing.

(2) For good cause shown, a judge may extend the term of the protective order for 6 months beyond the period specified in -506(j) of this subtitle, after:

(i) giving notice to all affected persons eligible for relief and the respondent; and

(ii) a hearing.

(3) (i) Subject to subparagraph (ii) of this paragraph, a judge may extend the term of a protective order for a period not to exceed 2 years from the date the extension is granted if:

1. during the term of the protective order, the judge finds by a preponderance of the evidence that the respondent named in the protective order has committed a subsequent act of abuse against a person eligible for relief named in the protective order; or

2. the respondent named in the protective order consents to the extension of the protective order.

(ii) The judge may extend the term of the protective order under subparagraph (i) of this paragraph after:

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1. giving notice to all affected persons eligible for relief and the respondent; and

2. a hearing.

(iii) In determining the period of extension of a protective order under subparagraph (i)1 of this paragraph, the judge shall consider the following factors:

1. the nature and severity of the subsequent act of abuse;

2. the history and severity of abuse in the relationship between the respondent and any person eligible for relief named in the protective order;

respondent; and

3. the pendency and type of criminal charges against the

4. the nature and extent of the injury or risk of injury caused by the respondent.

(4) (i) If, during the term of a final protective order, a petitioner or person eligible for relief files a motion to extend the term of the order under paragraph (2) or (3) of this subsection, the court shall hold a hearing on the motion within 30 days after the motion is filed.

(ii) If the hearing on the motion is [scheduled after] NOT HELD BEFORE the original expiration date of the final protective order, [the court shall extend the order and keep the] THE ORDER SHALL BE AUTOMATICALLY EXTENDED AND THE terms of the order SHALL REMAIN in full force and effect until the hearing on the motion.

(b) (1) If a District Court judge grants or denies relief under a petition filed under this subtitle, a respondent, any person eligible for relief, or a petitioner may appeal to the circuit court for the county where the District Court is located.

(2) An appeal taken under this subsection to the circuit court shall be heard de novo in the circuit court.

(3) If an appeal is filed under this subsection, the District Court judgment shall remain in effect until superseded by a judgment of the circuit court. Unless the circuit court orders otherwise, modification or enforcement of the District Court order shall be by the District Court.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 135

## (Senate Bill 227)

AN ACT concerning

#### Family Law – Final Protective Order <u>Peace Orders and Protective Orders</u> – Extension

FOR the purpose of specifying that, if a petitioner or person eligible for relief files a certain motion to extend the term of a <u>final peace order or</u> final protective order during the term of the order and a hearing on the motion is not held before the order's original expiration date, the order is automatically extended and its terms remain in full force and effect until the hearing on the motion; and generally relating to the extension of <u>final peace orders and</u> final protective orders.

<u>BY repealing and reenacting, with amendments,</u> <u>Article – Courts and Judicial Proceedings</u> <u>Section 3–1506</u> <u>Annotated Code of Maryland</u> (2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Family Law Section 4–507 Annotated Code of Maryland (2019 Replacement Volume)

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

## Article – Courts and Judicial Proceedings

#### <u>3–1506.</u>

(a) (1) A peace order may be modified or rescinded during the term of the peace order after:

- (i) <u>Giving notice to the petitioner and the respondent; and</u>
- (ii) <u>A hearing.</u>

(2) For good cause shown, a judge may extend the term of the peace order for 6 months beyond the period specified in § 3–1505(f) of this subtitle, after:

(i) <u>Giving notice to the petitioner and the respondent; and</u>

(ii) <u>A hearing.</u>

(3) (i) If, during the term of a final peace order, a petitioner files a motion to extend the term of the order under paragraph (2) of this subsection, the court shall hold a hearing on the motion within 30 days after the motion is filed.

(ii) If the hearing on the motion is [scheduled after] NOT HELD BEFORE the original expiration date of the final peace order, [the court shall extend the order and keep the] THE ORDER SHALL BE AUTOMATICALLY EXTENDED AND THE terms of the order SHALL REMAIN in full force and effect until the hearing on the motion.

(b) (1) If a District Court judge grants or denies relief under a petition filed under this subtitle, a respondent or a petitioner may appeal to the circuit court for the county where the District Court is located.

(2) An appeal taken under this subsection to the circuit court shall be heard de novo in the circuit court.

(3) (i) If an appeal is filed under this subsection, the District Court judgment shall remain in effect until superseded by a judgment of the circuit court.

(ii) <u>Unless the circuit court orders otherwise</u>, modification or <u>enforcement of the District Court order shall be by the District Court</u>.

#### Article – Family Law

4 - 507.

(a) (1) A protective order may be modified or rescinded during the term of the protective order after:

(i) giving notice to all affected persons eligible for relief and the respondent; and

(ii) a hearing.

(2) For good cause shown, a judge may extend the term of the protective order for 6 months beyond the period specified in § 4-506(j) of this subtitle, after:

(i) giving notice to all affected persons eligible for relief and the respondent; and

(ii) a hearing.

(3) (i) Subject to subparagraph (ii) of this paragraph, a judge may extend the term of a protective order for a period not to exceed 2 years from the date the extension is granted if:

1. during the term of the protective order, the judge finds by a preponderance of the evidence that the respondent named in the protective order has committed a subsequent act of abuse against a person eligible for relief named in the protective order; or

2. the respondent named in the protective order consents to the extension of the protective order.

(ii) The judge may extend the term of the protective order under subparagraph (i) of this paragraph after:

1. giving notice to all affected persons eligible for relief and the respondent; and

2. a hearing.

(iii) In determining the period of extension of a protective order under subparagraph (i)1 of this paragraph, the judge shall consider the following factors:

1. the nature and severity of the subsequent act of abuse;

2. the history and severity of abuse in the relationship between the respondent and any person eligible for relief named in the protective order;

3. the pendency and type of criminal charges against the

respondent; and

by the respondent.

4. the nature and extent of the injury or risk of injury caused

(4) (i) If, during the term of a final protective order, a petitioner or person eligible for relief files a motion to extend the term of the order under paragraph (2) or (3) of this subsection, the court shall hold a hearing on the motion within 30 days after the motion is filed.

(ii) If the hearing on the motion is [scheduled after] NOT HELD BEFORE the original expiration date of the final protective order, [the court shall extend the order and keep the] THE ORDER SHALL BE AUTOMATICALLY EXTENDED AND THE terms of the order SHALL REMAIN in full force and effect until the hearing on the motion.

(b) (1) If a District Court judge grants or denies relief under a petition filed under this subtitle, a respondent, any person eligible for relief, or a petitioner may appeal to the circuit court for the county where the District Court is located.

(2) An appeal taken under this subsection to the circuit court shall be heard de novo in the circuit court.

(3) If an appeal is filed under this subsection, the District Court judgment shall remain in effect until superseded by a judgment of the circuit court. Unless the circuit court orders otherwise, modification or enforcement of the District Court order shall be by the District Court.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 136

(House Bill 251)

AN ACT concerning

#### Teachers' Retirement and Pension Systems – Obsolete Reemployment Provisions

FOR the purpose of <del>repealing</del> <u>updating and altering</u> certain obsolete provisions relating to the reemployment of certain teachers and principals who are retirees of the Teachers' Retirement and Pension Systems; and generally relating to the reemployment of retirees of the Teachers' Retirement and Pension Systems.

BY repealing and reenacting, without amendments, Article – State Personnel and Pensions Section 22–406(c)(4)(v) and (vi) and 23–407(c)(4)(iv) and (v) Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – State Personnel and Pensions Section 22–406(c)(5), (6), (7), and (10) and 23–407(c)(5), (6), (7), and (10) Annotated Code of Maryland (2015 Replacement Volume and 2019 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) (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:

(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;

(5) (i) An individual who is rehired under paragraph (4)(v) of this subsection shall be employed as a classroom teacher, substitute classroom teacher, or teacher mentor in:

1. a public school that:

A. **[**is not making adequate yearly progress or is a school in need of improvement as defined under the federal No Child Left Behind Act of 2001 **ELEMENTARY AND SECONDARY EDUCATION ACT** and as implemented by the State Department of Education;

B. is receiving funds under Title 1 of the federal <del>No Child Left</del> Behind Act of 2001 ELEMENTARY AND SECONDARY EDUCATION ACT;

C.] has more than 50% of the students attending that school who are eligible for free and reduced-price meals established by the United States Department of Agriculture; or

2. the Maryland School for the Deaf.

(ii) An individual rehired at a school described under subparagraph (i) of this paragraph shall teach:

- 1. in an area of critical shortage;
- 2. a special education class for students with special needs;

or

3. a class for students with limited English proficiency.

(6) An individual who is rehired under paragraph (4)(vi) of this subsection shall be employed as a principal at:

(i) a public school that:

1. **f**is not making adequate yearly progress or is a school in need of improvement as defined under the federal No Child Left Behind Act of 2001 **ELEMENTARY AND SECONDARY EDUCATION ACT** and as implemented by the State Department of Education;

2. is receiving funds under Title 1 of the federal <del>No Child Left</del> Behind Act of 2001 <u>ELEMENTARY AND SECONDARY EDUCATION ACT</u>;

3.] has more than 50% of the students attending that school who are eligible for free and reduced-price meals established by the United States Department of Agriculture; or

[4.] 2. provides an alternative education program for adjudicated youths or students who have been expelled, suspended, or identified for suspension or expulsion from a public school; or

(ii) the Maryland School for the Deaf.

(7) An individual who is reemployed under paragraph (4)(v) or (vi) of this subsection at a school described under paragraph (5) or (6) of this subsection may not continue that reemployment [after the school makes adequate yearly progress] for **MORE THAN 4** <u>5</u> consecutive years.

(10) On or before August 1 of each year, the local superintendent and the superintendent of the Maryland School for the Deaf shall report to the State Department of Education for the previous school year:

(i) the number of individuals rehired under paragraph (4)(v) or (vi) or (8) of this subsection;

(ii) 1. the school and school system where each individual was rehired; and

2. whether the school:

A. **Evaluate Anticestic Content** As a school in need of improvement as defined under the federal No-Child Left Behind Act of 2001 **ELEMENTARY AND SECONDARY EDUCATION ACT** and as implemented by the State Department of Education;

B. was receiving funds under Title 1 of the federal <del>No Child</del> Left Behind Act of 2001 ELEMENTARY AND SECONDARY EDUCATION ACT;

C.] has more than 50% of the students attending that school who are eligible for free and reduced-price meals established by the United States Department of Agriculture; or

 $\{D, J, B\}$  provided an alternative education program for adjudicated youths or students who have been expelled, suspended, or identified for suspension or expulsion from a public school;

- (iii) the original date of rehire for each individual;
- (iv) the subject matter taught by each individual;

(v) if hired under paragraph (8) of this subsection, the position title of each individual;

(vi) the annual salary of each individual; and

(vii) the percentage of student population composed of children in poverty that is required to be present in a school in that school system in order for that school to qualify as a Title 1 school. 23 - 407.

(c) (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:

(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;

(5) (i) An individual who is rehired under paragraph (4)(iv) of this subsection shall be employed as a classroom teacher, substitute classroom teacher, or teacher mentor in:

1. a public school that:

A. **[**is not making adequate yearly progress or is a school in need of improvement as defined under the federal No Child Left Behind Act of 2001 **<u>ELEMENTARY AND SECONDARY EDUCATION ACT</u>** and as implemented by the State Department of Education;

B. is receiving funds under Title 1 of the federal <del>No Child Left</del> Behind Act of 2001 ELEMENTARY AND SECONDARY EDUCATION ACT;

C.] has more than 50% of the students attending that school who are eligible for free and reduced-price meals established by the United States Department of Agriculture; or

2. the Maryland School for the Deaf.

(ii) An individual rehired at a school described under subparagraph (i) of this paragraph shall teach:

- 1. in an area of critical shortage;
- 2. a special education class for students with special needs;

or

3. a class for students with limited English proficiency.

(6) An individual who is rehired under paragraph (4)(v) of this subsection shall be employed as a principal at:

(i) a public school that:

1. **Fis not making adequate yearly progress or** is a school in need of improvement as defined under the federal No Child Left Behind Act of 2001 **ELEMENTARY AND SECONDARY EDUCATION ACT** and as implemented by the State Department of Education;

2. is receiving funds under Title 1 of the federal <del>No Child Left</del> Behind Act of 2001 ELEMENTARY AND SECONDARY EDUCATION ACT;

3.] has more than 50% of the students attending that school who are eligible for free and reduced-price meals established by the United States Department of Agriculture; or

 $\{4.\}$  provides an alternative education program for adjudicated youths or students who have been expelled, suspended, or identified for suspension or expulsion from a public school; or

(ii) the Maryland School for the Deaf.

(7) An individual who is reemployed under paragraph (4)(iv) or (v) of this subsection at a school described under paragraph (5) or (6) of this subsection may not continue that reemployment [after the school makes adequate yearly progress] for MORE THAN 45 consecutive years.

(10) On or before August 1 of each year, the local superintendent and the superintendent of the Maryland School for the Deaf shall report to the State Department of Education for the previous school year:

(i) the number of individuals rehired under paragraph (4)(iv) or (v) or (8) of this subsection;

(ii) 1. the school and school system where each individual was rehired; and

2. whether the school:

A. **[**was not making adequate yearly progress or was a school in need of improvement as defined under the federal No Child Left Behind Act of 2001 **ELEMENTARY AND SECONDARY EDUCATION ACT** and as implemented by the State Department of Education;

B. was receiving funds under Title 1 of the federal <del>No Child</del> Left Behind Act of 2001 ELEMENTARY AND SECONDARY EDUCATION ACT;

C.] has more than 50% of the students attending that school who are eligible for free and reduced-price meals established by the United States Department of Agriculture; or

 $\{D, J, B\}$  provided an alternative education program for adjudicated youths or students who have been expelled, suspended, or identified for suspension or expulsion from a public school;

- (iii) the original date of rehire for each individual;
- (iv) the subject matter taught by each individual;

(v) if hired under paragraph (8) of this subsection, the position title of each individual;

(vi) the annual salary of each individual; and

(vii) the percentage of student population composed of children in poverty that is required to be present in a school in that school system in order for that school to qualify as a Title 1 school.

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SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 137

# (Senate Bill 236)

AN ACT concerning

#### Teachers' Retirement and Pension Systems – Obsolete Reemployment Provisions

FOR the purpose of repealing <u>updating and altering</u> certain obsolete provisions relating to the reemployment of certain teachers and principals who are retirees of the Teachers' Retirement and Pension Systems; and generally relating to the reemployment of retirees of the Teachers' Retirement and Pension Systems.

BY repealing and reenacting, without amendments, Article – State Personnel and Pensions Section 22–406(c)(4)(v) and (vi) and 23–407(c)(4)(iv) and (v) Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – State Personnel and Pensions Section 22–406(c)(5), (6), (7), and (10) and 23–407(c)(5), (6), (7), and (10) Annotated Code of Maryland (2015 Replacement Volume and 2019 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) (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:

(v) a retiree of the Teachers' Retirement System who:

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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;

based on the retired teacher's gualifications, has been 3. 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. was employed as a principal within 5 years of А. retirement: or

В. 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;

based on the retiree's qualifications, has been hired as a 3. principal; and

4. receives verification of satisfactory performance each year the retiree is employed as a principal under paragraph (6) of this subsection;

An individual who is rehired under paragraph (4)(v) of this (5)(i) subsection shall be employed as a classroom teacher, substitute classroom teacher, or teacher mentor in:

> 1. a public school that:

fis not making adequate yearly progress or is a school in A. need of improvement as defined under the federal No-Child Left Behind Act of 2001 **ELEMENTARY AND SECONDARY EDUCATION ACT** and as implemented by the State Department of Education;

B. is receiving funds under Title 1 of the federal No Child Left Behind Act of 2001 ELEMENTARY AND SECONDARY EDUCATION ACT;

C.**]** has more than 50% of the students attending that school who are eligible for free and reduced-price meals established by the United States Department of Agriculture; or

 $\{D.\}$  B, provides an alternative education program for adjudicated youths or students who have been expelled, suspended, or identified for suspension or expulsion from a public school; or

2. the Maryland School for the Deaf.

(ii) An individual rehired at a school described under subparagraph (i) of this paragraph shall teach:

- 1. in an area of critical shortage;
- 2. a special education class for students with special needs;

or

3. a class for students with limited English proficiency.

(6) An individual who is rehired under paragraph (4)(vi) of this subsection shall be employed as a principal at:

(i) a public school that:

1. **[**is not making adequate yearly progress or is a school in need of improvement as defined under the federal No Child Left Behind Act of 2001 **ELEMENTARY AND SECONDARY EDUCATION ACT** and as implemented by the State Department of Education;

2. is receiving funds under Title 1 of the federal <del>No Child Left</del> Behind Act of 2001 ELEMENTARY AND SECONDARY EDUCATION ACT;

3.] has more than 50% of the students attending that school who are eligible for free and reduced-price meals established by the United States Department of Agriculture; or

[4.] 2. provides an alternative education program for adjudicated youths or students who have been expelled, suspended, or identified for suspension or expulsion from a public school; or

(ii) the Maryland School for the Deaf.

(7) An individual who is reemployed under paragraph (4)(v) or (vi) of this subsection at a school described under paragraph (5) or (6) of this subsection may not continue that reemployment [after the school makes adequate yearly progress] for **MORE THAN** 4 5 consecutive years.

(10) On or before August 1 of each year, the local superintendent and the superintendent of the Maryland School for the Deaf shall report to the State Department of Education for the previous school year:

(i) the number of individuals rehired under paragraph (4)(v) or (vi) or (8) of this subsection;

(ii) 1. the school and school system where each individual was

rehired; and

2. whether the school:

A. **[**was not making adequate yearly progress or was a school in need of improvement as defined under the federal No Child Left Behind Act of 2001 **ELEMENTARY AND SECONDARY EDUCATION ACT** and as implemented by the State Department of Education;

### B. was receiving funds under Title 1 of the federal <del>No Child</del> Left Behind Act of 2001 <u>ELEMENTARY AND SECONDARY EDUCATION ACT</u>;

C.] has more than 50% of the students attending that school who are eligible for free and reduced-price meals established by the United States Department of Agriculture; or

- (iii) the original date of rehire for each individual;
- (iv) the subject matter taught by each individual;

(v) if hired under paragraph (8) of this subsection, the position title of each individual;

(vi) the annual salary of each individual; and

(vii) the percentage of student population composed of children in poverty that is required to be present in a school in that school system in order for that school to qualify as a Title 1 school.

23-407.

(c) (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:

(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;

(5) (i) An individual who is rehired under paragraph (4)(iv) of this subsection shall be employed as a classroom teacher, substitute classroom teacher, or teacher mentor in:

1. a public school that:

A. **fis not making adequate yearly progress or** is a school in need of improvement as defined under the federal No Child Left Behind Act of 2001 **ELEMENTARY AND SECONDARY EDUCATION ACT** and as implemented by the State Department of Education;

B. is receiving funds under Title 1 of the federal <del>No Child Left</del> Behind Act of 2001 ELEMENTARY AND SECONDARY EDUCATION ACT; C.] has more than 50% of the students attending that school who are eligible for free and reduced-price meals established by the United States Department of Agriculture; or

 $\{D, J, B\}$  provides an alternative education program for adjudicated youths or students who have been expelled, suspended, or identified for suspension or expulsion from a public school; or

2. the Maryland School for the Deaf.

(ii) An individual rehired at a school described under subparagraph (i) of this paragraph shall teach:

- 1. in an area of critical shortage;
- 2. a special education class for students with special needs;

or

3. a class for students with limited English proficiency.

(6) An individual who is rehired under paragraph (4)(v) of this subsection shall be employed as a principal at:

(i) a public school that:

1. **[**is not making adequate yearly progress or is a school in need of improvement as defined under the federal No Child Left Behind Act of 2001 **ELEMENTARY AND SECONDARY EDUCATION ACT** and as implemented by the State Department of Education;

2. is receiving funds under Title 1 of the federal <del>No Child Left</del> Behind Act of 2001 ELEMENTARY AND SECONDARY EDUCATION ACT;

3.] has more than 50% of the students attending that school who are eligible for free and reduced-price meals established by the United States Department of Agriculture; or

[4.] 2. provides an alternative education program for adjudicated youths or students who have been expelled, suspended, or identified for suspension or expulsion from a public school; or

(ii) the Maryland School for the Deaf.

(7) An individual who is reemployed under paragraph (4)(iv) or (v) of this subsection at a school described under paragraph (5) or (6) of this subsection may not

continue that reemployment [after the school makes adequate yearly progress] for MORE THAN 45 consecutive years.

(10) On or before August 1 of each year, the local superintendent and the superintendent of the Maryland School for the Deaf shall report to the State Department of Education for the previous school year:

(i) the number of individuals rehired under paragraph (4)(iv) or (v) or (8) of this subsection;

- (ii) 1. the school and school system where each individual was rehired; and
  - 2. whether the school:

A. **[**was not making adequate yearly progress or was a school in need of improvement as defined under the federal No Child Left Behind Act of 2001 **ELEMENTARY AND SECONDARY EDUCATION ACT** and as implemented by the State Department of Education;

B. was receiving funds under Title 1 of the federal <del>No Child</del> Left Behind Act of 2001 ELEMENTARY AND SECONDARY EDUCATION ACT</del>;

C.] has more than 50% of the students attending that school who are eligible for free and reduced-price meals established by the United States Department of Agriculture; or

 $\{D.\}$  B, provided an alternative education program for adjudicated youths or students who have been expelled, suspended, or identified for suspension or expulsion from a public school;

- (iii) the original date of rehire for each individual;
- (iv) the subject matter taught by each individual;
- (v) if hired under paragraph (8) of this subsection, the position title

of each individual;

(vi) the annual salary of each individual; and

(vii) the percentage of student population composed of children in poverty that is required to be present in a school in that school system in order for that school to qualify as a Title 1 school.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

### Chapter 138

(House Bill 254)

AN ACT concerning

#### Prince George's County – Cooperative Housing Corporations, Condominiums, and Homeowners Associations – Reserve Studies

#### PG 403-20

FOR the purpose of requiring the governing body of certain cooperative housing corporations in Prince George's County to have a reserve study conducted of the common elements of the cooperative housing corporation by a certain date and at certain intervals under certain circumstances; requiring the reserve study conducted of the common elements of a cooperative housing corporation in Prince George's County to meet certain criteria; requiring the owner of a residential rental facility transitioning to a cooperative housing corporation in Prince George's County to deliver certain funds within a certain period of time after a certain meeting; requiring the annual budget of a cooperative housing corporation in Prince George's <del>County to include certain reserve funds</del> requiring the annual budget of a cooperative housing corporation in Prince George's County to include certain information if a reserve study indicates a need to budget for reserves; requiring the governing body of a cooperative housing corporation in Prince George's County to provide reserve funds in the annual budget for the cooperative housing corporation in accordance with a reserve study conducted under this Act; establishing that the governing body of a cooperative housing corporation in Prince George's County has the authority to increase a certain assessment notwithstanding certain provisions; altering the reserve funds a certain condominium developer is required to deliver to the officers or board of directors of a condominium in Prince George's County within a certain <del>period of time after a certain meeting;</del> altering the content of the annual budget of certain condominiums in Prince George's County; requiring the governing body of certain condominiums in Prince George's County to have a reserve study conducted of the common elements of the condominium by a certain date and at certain intervals under certain circumstances; requiring the reserve study conducted of the common elements of a condominium in Prince George's County to meet certain criteria; requiring the governing body of a condominium in Prince George's County to provide reserve funds in the annual budget for the condominium in accordance with a reserve study conducted under this Act; establishing that the board of directors of a condominium in Prince George's County has the authority to increase a certain assessment notwithstanding certain provisions; altering the content of the annual budget of certain homeowners associations; altering the reserve funds a

certain developer is required to deliver to the governing body of a homeowners association in Prince George's County within a certain period of time after a certain meeting; requiring the governing body of certain homeowners associations in Prince George's County to have a reserve study conducted of the common areas of a homeowners association by a certain date and at certain intervals under certain circumstances; requiring the reserve study conducted of the common areas of a homeowners association in Prince George's County to meet certain criteria; requiring the governing body of a homeowners association in Prince George's County to provide reserve funds in the annual budget for the homeowners association in accordance with a reserve study conducted under this Act; establishing that the governing body of a homeowners association in Prince George's County has the authority to increase a certain assessment notwithstanding certain provisions; authorizing the electronic transmission of notice of a certain meeting of a homeowners association; defining certain terms; providing for the application of this Act; and generally relating to reserve studies and annual budgets of cooperative housing corporations, condominiums, and homeowners associations in Prince George's County.

BY adding to

Article – Corporations and Associations Section 5–6B–26.1 Annotated Code of Maryland (2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Real Property Section 11–109(c)(16), 11–109.2, 11–110(b)(1), 11B–106.1, 11B–112.2, and 11B–117(a) Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

BY adding to

Article – Real Property Section 11–109.4 and 11B–112.3 Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

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

### **Article - Corporations and Associations**

### 5-6B-26.1.

(A) IN THIS SECTION, "RESERVE STUDY" MEANS A STUDY OF THE RESERVES REQUIRED FOR FUTURE MAJOR REPAIRS AND REPLACEMENT OF THE COMMON ELEMENTS OF A COOPERATIVE HOUSING CORPORATION <del>IN PRINCE GEORGE'S</del> COUNTY THAT:

(1) IDENTIFIES EACH STRUCTURAL, MECHANICAL, ELECTRICAL, AND PLUMBING COMPONENT OF THE COMMON ELEMENTS AND ANY OTHER COMPONENTS THAT ARE THE RESPONSIBILITY OF THE COOPERATIVE HOUSING CORPORATION TO REPAIR AND REPLACE;

(2) STATES <u>THE NORMAL USEFUL LIFE AND</u> THE ESTIMATED REMAINING USEFUL LIFE OF EACH IDENTIFIED COMPONENT;

(3) STATES THE ESTIMATED COST OF REPAIR OR REPLACEMENT OF EACH IDENTIFIED COMPONENT; AND

(4) STATES THE ESTIMATED ANNUAL RESERVE AMOUNT NECESSARY TO ACCOMPLISH ANY IDENTIFIED FUTURE REPAIR OR REPLACEMENT.

(B) THIS SECTION APPLIES ONLY TO A COOPERATIVE HOUSING CORPORATION IN PRINCE GEORGE'S COUNTY <del>THAT HAS MORE THAN 50 UNITS</del>.

(C) (1) THIS SUBSECTION APPLIES TO A COOPERATIVE HOUSING CORPORATION ESTABLISHED ON OR AFTER OCTOBER 1, 2020.

(2) THE GOVERNING BODY OF THE COOPERATIVE HOUSING CORPORATION SHALL HAVE AN INDEPENDENT RESERVE STUDY COMPLETED NOT MORE THAN 90 CALENDAR DAYS AND NOT LESS THAN 30 CALENDAR DAYS BEFORE THE FIRST MEETING OF THE COOPERATIVE HOUSING CORPORATION AT WHICH THE MEMBERS OTHER THAN THE OWNER HAVE A MAJORITY OF VOTES IN THE COOPERATIVE HOUSING CORPORATION.

(3) THE GOVERNING BODY SHALL HAVE A RESERVE STUDY COMPLETED WITHIN 5 YEARS AFTER THE DATE OF THE INITIAL RESERVE STUDY CONDUCTED UNDER PARAGRAPH (2) OF THIS SUBSECTION AND AT LEAST EVERY 5 YEARS THEREAFTER.

(D) (1) THIS SUBSECTION APPLIES TO A COOPERATIVE HOUSING CORPORATION ESTABLISHED BEFORE OCTOBER 1, 2020.

(2) IF THE GOVERNING BODY OF A COOPERATIVE HOUSING CORPORATION HAS HAD A RESERVE STUDY CONDUCTED ON OR AFTER OCTOBER 1, 2016, THE GOVERNING BODY SHALL HAVE A RESERVE STUDY CONDUCTED WITHIN 5 YEARS AFTER THE DATE OF THAT RESERVE STUDY AND AT LEAST EVERY 5 YEARS THEREAFTER. (3) IF THE GOVERNING BODY OF A COOPERATIVE HOUSING CORPORATION HAS NOT HAD A RESERVE STUDY CONDUCTED ON OR AFTER OCTOBER 1, 2016, THE GOVERNING BODY SHALL HAVE A RESERVE STUDY CONDUCTED ON OR BEFORE OCTOBER 1, 2021, AND AT LEAST EVERY 5 YEARS THEREAFTER.

(E) EACH RESERVE STUDY REQUIRED UNDER THIS SECTION SHALL:

(1) **BE PREPARED BY A PERSON WHO:** 

(I) HAS PREPARED AT LEAST 30 RESERVE STUDIES WITHIN THE PRIOR 3 CALENDAR YEARS;

(II) HOLDS A BACHELOR'S DEGREE IN CONSTRUCTION MANAGEMENT, ARCHITECTURE, OR ENGINEERING OR EQUIVALENT EXPERIENCE AND EDUCATION; <del>OR</del>

(III) HOLDS A CURRENT LICENSE FROM THE STATE BOARD OF ARCHITECTS OR THE STATE BOARD FOR PROFESSIONAL ENGINEERS; <u>OR</u>

(IV) IS CURRENTLY DESIGNATED AS A RESERVE SPECIALIST BY THE COMMUNITY ASSOCIATION INSTITUTE OR AS A PROFESSIONAL RESERVE ANALYST BY THE ASSOCIATION OF PROFESSIONAL RESERVE ANALYSTS;

(2) BE AVAILABLE FOR INSPECTION AND COPYING BY ANY UNIT OWNER;

(3) BE REVIEWED BY THE GOVERNING BODY OF THE COOPERATIVE HOUSING CORPORATION IN CONNECTION WITH THE PREPARATION OF THE ANNUAL PROPOSED BUDGET; AND

(4) BE SUMMARIZED FOR SUBMISSION WITH THE ANNUAL PROPOSED BUDGET TO THE UNIT OWNERS.

(F) WITHIN 30 DAYS AFTER THE FIRST MEETING OF A COOPERATIVE HOUSING CORPORATION AT WHICH THE MEMBERS OTHER THAN THE OWNER HAVE A MAJORITY OF THE VOTES IN THE COOPERATIVE HOUSING CORPORATION, THE OWNER SHALL DELIVER TO THE COOPERATIVE HOUSING CORPORATION RESERVE FUNDS EQUAL TO AT LEAST THE RESERVE FUNDING AMOUNT RECOMMENDED IN THE RESERVE STUDY COMPLETED UNDER SUBSECTION (C) OF THIS SECTION AS OF THE DATE OF THE MEETING.

(G) ANY ANNUAL BUDGET OF THE COOPERATIVE HOUSING CORPORATION SHALL INCLUDE RESERVE FUNDS EQUAL TO AT LEAST 80% OF THE FUNDING

### AMOUNT RECOMMENDED IN THE MOST RECENT RESERVE STUDY COMPLETED UNDER SUBSECTION (C) OR (D) OF THIS SECTION.

(F) TO THE EXTENT THAT A RESERVE STUDY CONDUCTED IN ACCORDANCE WITH THIS SECTION INDICATES A NEED TO BUDGET FOR RESERVES, THE BUDGET SHALL INCLUDE:

# (1) FOR THE CAPITAL COMPONENTS, THE CURRENT ESTIMATED:

- (I) <u>REPLACEMENT COST;</u>
- (II) <u>REMAINING LIFE; AND</u>
- (III) <u>USEFUL LIFE;</u>

(2) THE AMOUNT OF ACCUMULATED CASH RESERVES SET ASIDE FOR THE REPAIR, REPLACEMENT, OR RESTORATION OF CAPITAL COMPONENTS AS OF THE BEGINNING OF THE FISCAL YEAR IN WHICH THE RESERVE STUDY IS CONDUCTED AND THE AMOUNT OF THE EXPECTED CONTRIBUTION TO THE RESERVE FUND FOR THE FISCAL YEAR;

(3) <u>A STATEMENT DESCRIBING THE PROCEDURES USED FOR</u> ESTIMATION AND ACCUMULATION OF CASH RESERVES IN ACCORDANCE WITH THIS SECTION; AND

(4) A STATEMENT OF THE AMOUNT OF RESERVES RECOMMENDED IN THE STUDY AND THE AMOUNT OF CURRENT CASH FOR REPLACEMENT RESERVES.

(H) (G) (1) THE GOVERNING BODY OF A COOPERATIVE HOUSING CORPORATION SHALL PROVIDE FUNDS TO THE RESERVE IN ACCORDANCE WITH THE MOST RECENT RESERVE STUDY AND SHALL REVIEW THE RESERVE STUDY ANNUALLY FOR ACCURACY.

(2) THE GOVERNING BODY OF A COOPERATIVE HOUSING CORPORATION HAS THE AUTHORITY TO INCREASE AN ASSESSMENT LEVIED TO COVER THE RESERVE FUNDING AMOUNT REQUIRED UNDER THIS SECTION, NOTWITHSTANDING ANY PROVISION OF THE ARTICLES OF INCORPORATION, BYLAWS, OR PROPRIETARY LEASE RESTRICTING ASSESSMENT INCREASES OR CAPPING THE ASSESSMENT THAT MAY BE LEVIED IN A FISCAL YEAR.

### **Article – Real Property**

11-109.

(c) (16) (i) A meeting of the council of unit owners to elect a board of directors for the council of unit owners, as provided in the condominium declaration or bylaws, shall be held within:

1. 60 days from the date that units representing 50 percent of the votes in the condominium have been conveyed by the developer to members of the public for residential purposes; or

2. If a lesser percentage is specified in the declaration or bylaws of the condominium, 60 days from the date the specified lesser percentage of units in the condominium are sold to members of the public for residential purposes.

(ii) 1. Before the date of the meeting held under subparagraph (i) of this paragraph, the developer shall deliver to each unit owner notice that the requirements of subparagraph (i) of this paragraph have been met.

2. The notice shall include the date, time, and place of the meeting to elect the board of directors for the council of unit owners.

(iii) If a replacement board member is elected, the term of each member of the board of directors appointed by the developer shall end 10 days after the meeting is held as specified in subparagraph (i) of this paragraph.

(iv) Within 30 days from the date of the meeting held under subparagraph (i) of this paragraph, the developer shall deliver to the officers or board of directors for the council of unit owners, as provided in the condominium declaration or bylaws, at the developer's expense:

1. The documents specified in § 11–132 of this title;

2. The condominium funds, including operating funds, replacement reserves, investment accounts, and working capital;

3. The tangible property of the condominium; and

4. A roster of current unit owners, including mailing addresses, telephone numbers, and unit numbers, if known.

(v) IN PRINCE GEORGE'S COUNTY, THE REPLACEMENT RESERVES DELIVERED UNDER SUBPARAGRAPH (IV)2 OF THIS PARAGRAPH SHALL BE EQUAL TO AT LEAST THE RESERVE FUNDING AMOUNT RECOMMENDED IN THE RESERVE STUDY COMPLETED UNDER § 11-109.4 OF THIS TITLE AS OF THE DATE OF THE MEETING.

[(v)] (VI) 1. This subparagraph does not apply to a contract entered into before October 1, 2009.

2. A. In this subparagraph, "contract" means an agreement with a company or individual to handle financial matters, maintenance, or services for the condominium.

B. "Contract" does not include an agreement relating to the provision of utility services or communication systems.

3. Until all members of the board of directors of the condominium are elected by the unit owners at a transitional meeting as specified in subparagraph (i) of this paragraph, a contract entered into by the officers or board of directors of the condominium may be terminated, at the discretion of the board of directors and without liability for the termination, not later than 30 days after notice.

[(vi)] (VII) If the developer fails to comply with the requirements of this paragraph, an aggrieved unit owner may submit the dispute to the Division of Consumer Protection of the Office of the Attorney General under 11-130(c) of this title.

11-109.2.

(a) The council of unit owners shall cause to be prepared and submitted to the unit owners an annual proposed budget at least 30 days before its adoption.

(b) The annual budget shall provide for at least the following items:

- (1) Income;
- (2) Administration;
- (3) Maintenance;
- (4) Utilities;
- (5) General expenses;
- (6) Reserves; and
- (7) Capital items.

(C) IN PRINCE GEORGE'S COUNTY, THE RESERVES PROVIDED FOR IN THE ANNUAL BUDGET UNDER SUBSECTION (B) OF THIS SECTION SHALL BE <del>EQUAL TO AT</del> <del>LEAST 80% OF</del> THE FUNDING AMOUNT RECOMMENDED IN THE MOST RECENT RESERVE STUDY COMPLETED UNDER § 11–109.4 OF THIS TITLE.

[(c)] (D) The budget shall be adopted at an open meeting of the council of unit owners or any other body to which the council of unit owners delegates responsibilities for preparing and adopting the budget.

[(d)] (E) Any expenditure made other than those made because of conditions which, if not corrected, could reasonably result in a threat to the health or safety of the unit owners or a significant risk of damage to the condominium, that would result in an increase in an amount of assessments for the current fiscal year of the condominium in excess of 15 percent of the budgeted amount previously adopted, shall be approved by an amendment to the budget adopted at a special meeting, upon not less than 10 days written notice to the council of unit owners.

[(e)] (F) The adoption of a budget shall not impair the authority of the council of unit owners to obligate the council of unit owners for expenditures for any purpose consistent with any provision of this title.

[(f)] (G) The provisions of this section do not apply to a condominium that is occupied and used solely for nonresidential purposes.

#### 11-109.4.

(A) IN THIS SECTION, "RESERVE STUDY" MEANS A STUDY OF THE RESERVES REQUIRED FOR FUTURE MAJOR REPAIRS AND REPLACEMENT OF THE COMMON ELEMENTS OF A CONDOMINIUM IN PRINCE GEORGE'S COUNTY THAT:

(1) IDENTIFIES EACH STRUCTURAL, MECHANICAL, ELECTRICAL, AND PLUMBING COMPONENT OF THE COMMON ELEMENTS AND ANY OTHER COMPONENTS THAT ARE THE RESPONSIBILITY OF THE COUNCIL OF UNIT OWNERS TO REPAIR AND REPLACE;

(2) STATES <u>THE NORMAL USEFUL LIFE AND</u> THE ESTIMATED REMAINING USEFUL LIFE OF EACH IDENTIFIED COMPONENT;

(3) STATES THE ESTIMATED COST OF REPAIR OR REPLACEMENT OF EACH IDENTIFIED COMPONENT; AND

(4) STATES THE ESTIMATED ANNUAL RESERVE AMOUNT NECESSARY TO ACCOMPLISH ANY IDENTIFIED FUTURE REPAIR OR REPLACEMENT.

(B) THIS SECTION APPLIES ONLY TO A CONDOMINIUM IN PRINCE GEORGE'S COUNTY THAT HAS MORE THAN 50 UNITS.

(C) (1) THIS SUBSECTION APPLIES TO A CONDOMINIUM ESTABLISHED ON OR AFTER OCTOBER 1, 2020.

(2) THE GOVERNING BODY OF THE CONDOMINIUM SHALL HAVE AN INDEPENDENT RESERVE STUDY COMPLETED NOT MORE THAN 90 CALENDAR DAYS AND NOT LESS THAN 30 CALENDAR DAYS BEFORE THE MEETING OF THE COUNCIL OF UNIT OWNERS REQUIRED UNDER § 11–109(C)(16) OF THIS SUBTITLE.

(3) THE GOVERNING BODY SHALL HAVE A RESERVE STUDY COMPLETED WITHIN 5 YEARS AFTER THE DATE OF THE INITIAL RESERVE STUDY CONDUCTED UNDER PARAGRAPH (2) OF THIS SUBSECTION AND AT LEAST EVERY 5 YEARS THEREAFTER.

(D) (1) THIS SUBSECTION APPLIES TO A CONDOMINIUM ESTABLISHED BEFORE OCTOBER 1, 2020.

(2) IF THE GOVERNING BODY OF A CONDOMINIUM HAS HAD A RESERVE STUDY CONDUCTED ON OR AFTER OCTOBER 1, 2016, THE GOVERNING BODY SHALL HAVE A RESERVE STUDY CONDUCTED WITHIN 5 YEARS AFTER THE DATE OF THAT RESERVE STUDY AND AT LEAST EVERY 5 YEARS THEREAFTER.

(3) IF THE GOVERNING BODY OF A CONDOMINIUM HAS NOT HAD A RESERVE STUDY CONDUCTED ON OR AFTER OCTOBER 1, 2016, THE GOVERNING BODY SHALL HAVE A RESERVE STUDY CONDUCTED ON OR BEFORE OCTOBER 1, 2021, AND AT LEAST EVERY 5 YEARS THEREAFTER.

(E) EACH RESERVE STUDY REQUIRED UNDER THIS SECTION SHALL:

(1) **BE PREPARED BY A PERSON WHO:** 

(I) HAS PREPARED AT LEAST 30 RESERVE STUDIES WITHIN THE PRIOR 3 CALENDAR YEARS;

(II) HOLDS A BACHELOR'S DEGREE IN CONSTRUCTION MANAGEMENT, ARCHITECTURE, OR ENGINEERING, OR EQUIVALENT EXPERIENCE AND EDUCATION; <del>OR</del>

(III) HOLDS A CURRENT LICENSE FROM THE STATE BOARD OF ARCHITECTS OR THE STATE BOARD FOR PROFESSIONAL ENGINEERS; <u>OR</u>

(IV) IS CURRENTLY DESIGNATED AS A RESERVE SPECIALIST BY THE COMMUNITY ASSOCIATION INSTITUTE OR AS A PROFESSIONAL RESERVE ANALYST BY THE ASSOCIATION OF PROFESSIONAL RESERVE ANALYSTS;

(2) BE AVAILABLE FOR INSPECTION AND COPYING BY ANY UNIT OWNER;

(3) BE REVIEWED BY THE GOVERNING BODY OF THE CONDOMINIUM IN CONNECTION WITH THE PREPARATION OF THE ANNUAL PROPOSED BUDGET; AND

### (4) BE SUMMARIZED FOR SUBMISSION WITH THE ANNUAL PROPOSED BUDGET TO THE UNIT OWNERS.

11-110.

(b) (1) **(I)** Funds for the payment of current common expenses and for the creation of reserves for the payment of future common expenses shall be obtained by assessments against the unit owners in proportion to their percentage interests in common expenses and common profits.

(II) THE BOARD OF DIRECTORS OF A CONDOMINIUM IN PRINCE GEORGE'S COUNTY HAS THE AUTHORITY TO INCREASE THE ASSESSMENT LEVIED TO COVER THE RESERVE FUNDING AMOUNT REQUIRED UNDER § 11–109.4 OF THIS TITLE, NOTWITHSTANDING ANY PROVISION OF THE DECLARATION, ARTICLES OF INCORPORATION, OR BYLAWS RESTRICTING ASSESSMENT INCREASES OR CAPPING THE ASSESSMENT THAT MAY BE LEVIED IN A FISCAL YEAR.

11B-106.1.

(a) A meeting of the members of the homeowners association to elect a governing body of the homeowners association shall be held within:

(1) 60 days from the date that at least 75% of the total number of lots that may be part of the development after all phases are complete are sold to members of the public for residential purposes; or

(2) If a lesser percentage is specified in the governing documents of the homeowners association, 60 days from the date the specified lesser percentage of the total number of lots in the development after all phases are complete are sold to members of the public for residential purposes.

(b) (1) Before the date of the meeting held under subsection (a) of this section, the declarant shall deliver to each lot owner notice that the requirements of subsection (a) of this section have been met.

(2) The notice shall include the date, time, and place of the meeting to elect the governing body of the homeowners association.

(c) The term of each member of the governing body of the homeowners association appointed by the declarant shall end 10 days after the meeting under subsection (a) of this section is held, if a replacement board member is elected.

### Chapter 138

(d) Within 30 days from the date of the meeting held under subsection (a) of this section, the declarant shall deliver the following items to the governing body at the declarant's expense:

(1) The deeds to the common areas;

(2) Copies of the homeowners association's filed articles of incorporation, declaration, and all recorded covenants, plats, restrictions, and any other records of the primary development and of related developments;

(3) A copy of the bylaws and rules of the primary development and of other related developments as filed in the depository of the county in which the development is located;

(4) The minute books, including all minutes;

(5) Subject to the restrictions of § 11B–112 of this title, all books and records of the homeowners association, including financial statements, minutes of any meeting of the governing body, and completed business transactions;

(6) Any policies, rules, and regulations adopted by the governing body;

(7) The financial records of the homeowners association from the date of creation to the date of transfer of control, including budget information regarding estimated and actual expenditures by the homeowners association and any report relating to the reserves required for major repairs and replacement of the common areas of the homeowners association;

(8) A copy of all contracts to which the homeowners association is a party;

(9) The name, address, and telephone number of any contractor or subcontractor employed by the homeowners association;

(10) Any insurance policies in effect;

(11) Any permit or notice of code violations issued to the homeowners association by the county, local, State, or federal government;

(12) Any warranty in effect and all prior insurance policies;

(13) The homeowners association funds, including operating funds, replacement reserves, investment accounts, and working capital;

(14) The tangible property of the homeowners association;

(15) A roster of current lot owners, including their mailing addresses, telephone numbers, and lot numbers, if known;

(16) Individual member files and records, including assessment account records, correspondence, and notices of any violations; and

(17) Drawings, architectural plans, or other suitable documents setting forth the necessary information for location, maintenance, and repairs of all common areas.

### (E) IN PRINCE GEORGE'S COUNTY, THE REPLACEMENT RESERVES DELIVERED UNDER SUBSECTION (D)(13) OF THIS SECTION SHALL BE EQUAL TO AT LEAST THE RESERVE FUNDING AMOUNT RECOMMENDED IN THE RESERVE STUDY COMPLETED UNDER § 11B–112.3 OF THIS TITLE AS OF THE DATE OF THE MEETING.

[(e)] (F) (1) This subsection does not apply to a contract entered into before October 1, 2009.

(2) (i) In this subsection, "contract" means an agreement with a company or individual to handle financial matters, maintenance, or services for the homeowners association.

(ii) "Contract" does not include an agreement relating to the provision of utility services or communication systems.

(3) Until all members of the governing body are elected by the lot owners at a transitional meeting under subsection (a) of this section, a contract entered into by the governing body may be terminated, at the discretion of the governing body and without liability for the termination, not later than 30 days after notice.

[(f)] (G) If the declarant fails to comply with the requirements of this section, an aggrieved lot owner may submit the dispute to the Division of Consumer Protection of the Office of the Attorney General under § 11B–115(c) of this title.

11B-112.2.

(a) This section applies only to a homeowners association that has responsibility under its declaration for maintaining and repairing common areas.

(b) (1) The board of directors or other governing body of a homeowners association shall cause to be prepared and submitted to the lot owners an annual proposed budget at least 30 days before its adoption.

(2) The annual proposed budget may be sent to each lot owner by electronic transmission, by posting on the homeowners association's home page, or by including the annual proposed budget in the homeowners association's newsletter.

(c) The annual budget shall provide [information on or expenditures] for at least the following items:

- (1) Income;
- (2) Administration;
- (3) Maintenance;
- (4) Utilities;
- (5) General expenses;
- (6) Reserves; and
- (7) Capital expenses.

(D) IN PRINCE GEORGE'S COUNTY, RESERVES PROVIDED FOR IN THE ANNUAL BUDGET UNDER SUBSECTION (C) OF THIS SECTION SHALL BE <del>EQUAL TO AT</del> <del>LEAST 80% OF</del> THE FUNDING AMOUNT RECOMMENDED IN THE MOST RECENT RESERVE STUDY COMPLETED UNDER § 11B–112.3 OF THIS TITLE.

[(d)] (E) (1) The budget shall be adopted at an open meeting of the homeowners association or any other body to which the homeowners association delegates responsibilities for preparing and adopting the budget.

(2) (i) Notice of the meeting at which the proposed budget will be considered shall be sent to each lot owner.

(ii) Notice under subparagraph (i) of this paragraph may be sent by electronic transmission, by posting on the homeowners association's home page, or by including the notice in the homeowners association's newsletter.

[(e)] (F) Except for an expenditure made by the homeowners association because of a condition that, if not corrected, could reasonably result in a threat to the health or safety of the lot owners or a significant risk of damage to the development, any expenditure that would result in an increase in an amount of assessments for the current fiscal year of the homeowners association in excess of 15% of the budgeted amount previously adopted shall be approved by an amendment to the budget adopted at a special meeting for which not less than 10 days' written notice <u>OR NOTICE BY ELECTRONIC TRANSMISSION</u> shall be provided to the lot owners.

[(f)] (G) The adoption of a budget does not impair the authority of the homeowners association to obligate the homeowners association for expenditures for any purpose consistent with any provision of this title.

### 11B-112.3.

(A) IN THIS SECTION, "RESERVE STUDY" MEANS A STUDY OF THE RESERVES REQUIRED FOR FUTURE MAJOR REPAIRS AND REPLACEMENT OF THE COMMON AREAS OF A HOMEOWNERS ASSOCIATION IN PRINCE GEORGE'S COUNTY THAT:

(1) IDENTIFIES EACH STRUCTURAL, MECHANICAL, ELECTRICAL, AND PLUMBING COMPONENT OF THE COMMON AREAS AND ANY OTHER COMPONENTS THAT ARE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION TO REPAIR AND REPLACE;

(2) STATES THE ESTIMATED REMAINING USEFUL LIFE OF EACH IDENTIFIED COMPONENT;

(3) STATES THE ESTIMATED COST OF REPAIR OR REPLACEMENT OF EACH IDENTIFIED COMPONENT; AND

(4) STATES THE ESTIMATED ANNUAL RESERVE AMOUNT NECESSARY TO ACCOMPLISH ANY IDENTIFIED FUTURE REPAIR OR REPLACEMENT.

(B) (1) THIS SECTION APPLIES ONLY TO A HOMEOWNERS ASSOCIATION IN PRINCE GEORGE'S COUNTY THAT:

(I) HAS MORE THAN 50 DWELLING UNITS IN THE DEVELOPMENT; AND

(II) HAS <u>HAS</u> RESPONSIBILITY UNDER ITS DECLARATION FOR MAINTAINING AND REPAIRING COMMON AREAS.

(2) THIS SECTION DOES NOT APPLY TO A HOMEOWNERS ASSOCIATION THAT ISSUES BONDS FOR THE PURPOSE OF MEETING CAPITAL EXPENDITURES.

(C) (1) THIS SUBSECTION APPLIES TO A HOMEOWNERS ASSOCIATION ESTABLISHED ON OR AFTER OCTOBER 1, 2020.

(2) THE GOVERNING BODY OF THE HOMEOWNERS ASSOCIATION SHALL HAVE AN INDEPENDENT RESERVE STUDY COMPLETED NOT MORE THAN 90 CALENDAR DAYS AND NOT LESS THAN 30 CALENDAR DAYS BEFORE THE MEETING OF THE HOMEOWNERS ASSOCIATION REQUIRED UNDER § 11B–106.1(A) OF THIS TITLE.

(3) THE GOVERNING BODY SHALL HAVE A RESERVE STUDY COMPLETED WITHIN 5 YEARS AFTER THE DATE OF THE INITIAL RESERVE STUDY CONDUCTED UNDER PARAGRAPH (2) OF THIS SUBSECTION AND AT LEAST EVERY 5 YEARS THEREAFTER. (D) (1) THIS SUBSECTION APPLIES TO A HOMEOWNERS ASSOCIATION ESTABLISHED BEFORE OCTOBER 1, 2020.

(2) IF THE GOVERNING BODY OF A HOMEOWNERS ASSOCIATION HAS HAD A RESERVE STUDY CONDUCTED ON OR AFTER OCTOBER 1, 2016, THE GOVERNING BODY SHALL HAVE A RESERVE STUDY CONDUCTED WITHIN 5 YEARS AFTER THE DATE OF THAT RESERVE STUDY AND AT LEAST EVERY 5 YEARS THEREAFTER.

(3) IF THE GOVERNING BODY OF A HOMEOWNERS ASSOCIATION HAS NOT HAD A RESERVE STUDY CONDUCTED ON OR AFTER OCTOBER 1, 2016, THE GOVERNING BODY SHALL HAVE A RESERVE STUDY CONDUCTED ON OR BEFORE OCTOBER 1, 2021, AND AT LEAST EVERY 5 YEARS THEREAFTER.

(E) EACH RESERVE STUDY REQUIRED UNDER THIS SECTION SHALL:

(1) **BE PREPARED BY A PERSON WHO:** 

(I) HAS PREPARED AT LEAST 30 RESERVE STUDIES WITHIN THE PRIOR 3 CALENDAR YEARS;

(II) HOLDS A BACHELOR'S DEGREE IN CONSTRUCTION MANAGEMENT, ARCHITECTURE, OR ENGINEERING OR EQUIVALENT EXPERIENCE AND EDUCATION; <del>OR</del>

(III) HOLDS A CURRENT LICENSE FROM THE STATE BOARD OF ARCHITECTS OR THE STATE BOARD FOR PROFESSIONAL ENGINEERS; <u>OR</u>

(IV) IS CURRENTLY DESIGNATED AS A RESERVE SPECIALIST BY THE COMMUNITY ASSOCIATION INSTITUTE OR AS A PROFESSIONAL RESERVE ANALYST BY THE ASSOCIATION OF PROFESSIONAL RESERVE ANALYSTS;

(2) BE AVAILABLE FOR INSPECTION AND COPYING BY ANY LOT OWNER;

(3) BE REVIEWED BY THE GOVERNING BODY OF THE HOMEOWNERS ASSOCIATION IN CONNECTION WITH THE PREPARATION OF THE ANNUAL PROPOSED BUDGET; AND

(4) BE SUMMARIZED FOR SUBMISSION WITH THE ANNUAL PROPOSED BUDGET TO THE LOT OWNERS.

11B–117.

(a) (1) As provided in the declaration, a lot owner shall be liable for all homeowners association assessments and charges that come due during the time that the lot owner owns the lot.

(2) THE GOVERNING BODY OF A HOMEOWNERS ASSOCIATION IN PRINCE GEORGE'S COUNTY HAS THE AUTHORITY TO INCREASE AN ASSESSMENT LEVIED TO COVER THE RESERVE FUNDING AMOUNT REQUIRED UNDER § 11B–112.3 OF THIS TITLE, NOTWITHSTANDING ANY PROVISION OF THE DECLARATION, ARTICLES OF INCORPORATION, OR BYLAWS RESTRICTING ASSESSMENT INCREASES OR CAPPING THE ASSESSMENT THAT MAY BE LEVIED IN A FISCAL YEAR.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 139

(House Bill 259)

AN ACT concerning

#### Health Occupations – Diagnostic Evaluation and Treatment of Patients – Disciplinary Actions (The Patient's Access to Integrative Healthcare Act of 2020)

FOR the purpose of prohibiting a health occupations board from disciplining a certain health care practitioner under certain circumstances because of the health care practitioner's use of a certain diagnostic evaluation or treatment of a patient; authorizing a health occupations board to discipline a certain health care practitioner if the board makes a certain determination; prohibiting a health occupations board from using the use of a certain drug, device, biological product, or method as the basis for disciplining a certain health care practitioner; prohibiting a health occupations board, under certain circumstances, from finding that a certain health care practitioner violated any record-keeping, billing, or other regulatory requirements for acts or omissions that arise from professional differences of opinion; prohibiting certain standards for coordination of care or referral to a medical specialist, or other standards of managing patient care, from being higher for a certain health care practitioner than for any other health care practitioner; prohibiting an official, employee, or agent of the State from blocking or attempting to block a patient's access to certain diagnostic or treatment methods under certain circumstances; requiring, except under certain circumstances, that a certain panel of peer reviewers include at least one reviewer with certain training, competence, and experience in certain methods: requiring that a certain panel of peer reviewers

in certain cases include, under certain circumstances, at least one reviewer with certain training, competence, and experience in integrative medicine; prohibiting a certain board from disciplining a licensee or certificate holder in a certain standard of care case except under certain circumstances; defining a certain term; prohibiting health occupations boards and disciplinary panels from reprimanding a certain licensee or certificate holder, placing a certain licensee or certificate holder on probation, or suspending or revoking a license of a certain licensee or the certificate of a certain diagnostic evaluation or treatment; providing for the construction of this Act; and generally relating to disciplinary actions for diagnostic evaluation and treatment of patients.

#### BY adding to

Article – Health Occupations Section 1–225 Annotated Code of Maryland (2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Health Occupations Section 1–604 Annotated Code of Maryland (2014 Replacement Volume and 2019 Supplement)

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

#### **Article – Health Occupations**

#### <del>1-225.</del>

(A) IN THIS SECTION, "DISCIPLINE" INCLUDES:

(1) **REPRIMANDING A HEALTH CARE PRACTITIONER;** 

(2) REVOKING, FAILING TO RENEW, OR SUSPENDING A HEALTH CARE PRACTITIONER'S LICENSE; AND

(3) TAKING ACTION AGAINST A HEALTH CARE PRACTITIONER'S MEDICARE OR MEDICAID CERTIFICATION.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HEALTH OCCUPATIONS BOARD UNDER THIS ARTICLE MAY NOT DISCIPLINE A HEALTH CARE PRACTITIONER LICENSED UNDER THIS ARTICLE BECAUSE OF THE HEALTH CARE PRACTITIONER'S USE OF A DIAGNOSTIC EVALUATION OR TREATMENT OF A PATIENT THAT IS INTEGRATIVE, COMPLEMENTARY, ALTERNATIVE, OR NONCONVENTIONAL IF:

(I) THE HEALTH CARE PRACTITIONER DISCLOSES TO THE PATIENT THE NATURE OF THE DIAGNOSTIC EVALUATION OR TREATMENT, INCLUDING THAT THE DIAGNOSTIC EVALUATION OR TREATMENT IS;

- 1. INTEGRATIVE;
- 2. COMPLEMENTARY;
- 3. ALTERNATIVE; OR
- 4. Nonconventional; AND

(II) THE HEALTH CARE PRACTITIONER OBTAINS WRITTEN CONSENT FROM THE PATIENT OR, IF THE PATIENT IS UNABLE TO CONSENT BECAUSE THE PATIENT IS A MINOR OR OTHERWISE UNABLE TO CONSENT, THE PATIENT'S PARENT, GUARDIAN, OR LEGAL REPRESENTATIVE, BEFORE PERFORMING THE DIAGNOSTIC EVALUATION OR TREATMENT.

(2) A HEALTH OCCUPATIONS BOARD UNDER THIS ARTICLE MAY DISCIPLINE A HEALTH CARE PRACTITIONER WHO WOULD BE EXEMPT FROM DISCIPLINE UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE HEALTH OCCUPATIONS BOARD DETERMINES:

(I) 1. THAT THE DIAGNOSTIC EVALUATION, TESTING, OR TREATMENT HAS A SIGNIFICANT SAFETY RISK GREATER THAN THE CONVENTIONAL METHODS; AND

2. THAT THE RISK IS NOT OUTWEIGHED BY THE POTENTIAL BENEFITS OF THE EVALUATION, TESTING, OR TREATMENT; OR

(II) BY CLEAR AND CONVINCING EVIDENCE, THAT THE HEALTH CARE PRACTITIONER KNEW THAT THE DIAGNOSTIC OR TREATMENT METHOD DID NOT HAVE A REASONABLE BASIS AND WAS INTENDED TO DEFRAUD THE PATIENT.

(C) A HEALTH OCCUPATIONS BOARD UNDER THIS ARTICLE MAY NOT USE THE USE OF A DRUG, DEVICE, BIOLOGICAL PRODUCT, OR METHOD THAT HAS NOT BEEN APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION AS A BASIS FOR DISCIPLINING A HEALTH CARE PRACTITIONER WHO IS EXEMPT FROM DISCIPLINE UNDER SUBSECTION (B)(1) OF THIS SECTION. (D) A HEALTH OCCUPATIONS BOARD UNDER THIS ARTICLE MAY NOT FIND THAT A HEALTH CARE PRACTITIONER WHO IS EXEMPT FROM DISCIPLINE UNDER SUBSECTION (B)(1) OF THIS SECTION VIOLATED ANY RECORD-KEEPING, BILLING, OR OTHER REGULATORY REQUIREMENTS FOR ACTS OR OMISSIONS THAT ARISE FROM PROFESSIONAL DIFFERENCES OF OPINION IF THE HEALTH CARE PRACTITIONER:

(1) HAS ACTED IN GOOD FAITH TO COMPLY WITH THE INTENT OF THE REQUIREMENTS; AND

(2) HAS NOT ACTED IN A WAY THAT IS FALSE OR MISLEADING.

(E) ANY STANDARDS FOR COORDINATION OF CARE OR REFERRAL TO A MEDICAL SPECIALIST, OR OTHER STANDARDS OF MANAGING PATIENT CARE, MAY NOT BE HIGHER FOR A HEALTH CARE PRACTITIONER DELIVERING A DIAGNOSTIC EVALUATION OR TREATMENT DESCRIBED UNDER SUBSECTION (B) OF THIS SECTION THAN FOR ANY OTHER HEALTH CARE PRACTITIONER.

(F) AN OFFICIAL, EMPLOYEE, OR AGENT OF THE STATE MAY NOT BLOCK OR ATTEMPT TO BLOCK A PATIENT'S ACCESS TO A DIAGNOSTIC OR TREATMENT METHOD DESCRIBED UNDER SUBSECTION (B)(1)(I) OF THIS SECTION IF THE HEALTH CARE PRACTITIONER WOULD BE EXEMPT FROM DISCIPLINE UNDER THIS SECTION.

1 - 604.

(a) If a statute authorizes a health occupations board to use a system of peer review in standard of care cases and the peer reviewer or peer reviewers determine that there has been a violation of a standard of care, the board shall provide the licensee or certificate holder under investigation with an opportunity to review the final peer review report and provide the board with a written response within 10 business days after the report was sent to the licensee or certificate holder.

(b) If a health occupations board receives a written response to a final peer review report, the board shall consider both the report and response before taking any action.

(C) (1) EXCEPT AS PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION, IF A STATUTE AUTHORIZES A HEALTH OCCUPATIONS BOARD TO USE A SYSTEM OF PEER REVIEW IN STANDARD OF CARE CASES AND THE BOARD USES A PANEL OF PEER REVIEWERS TO DETERMINE WHETHER A LICENSEE OR CERTIFICATE HOLDER HAS VIOLATED THE STANDARD OF CARE IN THE TREATMENT OF A PATIENT, THE PANEL SHALL INCLUDE:

(I) AT LEAST ONE REVIEWER WITH DEMONSTRATED TRAINING, COMPETENCE, AND EXPERIENCE IN THE SAME METHODS USED BY THE LICENSEE OR CERTIFICATE HOLDER UNDER REVIEW; OR (II) IN A STANDARD OF CARE CASE INVOLVING THE USE OF A DIAGNOSTIC EVALUATION OR TREATMENT THAT IS INTEGRATIVE, COMPLEMENTARY, ALTERNATIVE, OR NONCONVENTIONAL, IF THE REQUIREMENT OF ITEM (I) OF THIS PARAGRAPH DOES NOT APPLY OR THERE IS NO PEER REVIEWER AVAILABLE WHO SATISFIES THE REQUIREMENTS OF ITEM (I) OF THIS PARAGRAPH, AT LEAST ONE REVIEWER WITH DEMONSTRATED TRAINING, COMPETENCE, AND EXPERIENCE IN INTEGRATIVE MEDICINE.

(2) THE REQUIREMENT UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION DOES NOT APPLY IF, AFTER A GOOD FAITH INQUIRY, THE HEALTH OCCUPATIONS BOARD FINDS THAT THE METHODS OF THE LICENSEE OR CERTIFICATE HOLDER UNDER REVIEW HAVE NOT BEEN:

(I) Adopted by ANY PROFESSIONAL ORGANIZATION;

(II) TAUGHT IN A CATEGORY 1 CONTINUING MEDICAL EDUCATION PROGRAM;

(III) THE SUBJECT OF A FAVORABLE PEER-REVIEWED PUBLICATION; OR

(IV) ADOPTED BY ANY MINORITY COMMUNITY OF PHYSICIANS.

(3) A HEALTH OCCUPATIONS BOARD MAY NOT DISCIPLINE A LICENSEE OR CERTIFICATE HOLDER IN A STANDARD OF CARE CASE INVOLVING THE USE OF A DIAGNOSTIC EVALUATION OR TREATMENT THAT IS INTEGRATIVE, COMPLEMENTARY, ALTERNATIVE, OR NONCONVENTIONAL IN WHICH THE BOARD CONVENED A PANEL OF PEER REVIEWERS UNDER THIS SUBSECTION UNLESS THE PEER REVIEWERS UNANIMOUSLY AGREE THAT THE LICENSEE OR CERTIFICATE HOLDER VIOLATED THE STANDARD OF CARE.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, HEALTH OCCUPATIONS BOARDS AND DISCIPLINARY PANELS MAY NOT REPRIMAND A LICENSEE OR CERTIFICATE HOLDER, PLACE A LICENSEE OR CERTIFICATE HOLDER ON PROBATION, OR SUSPEND OR REVOKE THE LICENSE OF A LICENSEE OR THE CERTIFICATE OF A CERTIFICATE HOLDER SOLELY ON THE BASIS OF THE LICENSEE'S OR CERTIFICATE HOLDER'S USE OF A DIAGNOSTIC EVALUATION OR TREATMENT OF A PATIENT THAT IS INTEGRATIVE, COMPLEMENTARY, ALTERNATIVE, OR NONCONVENTIONAL, INCLUDING IN THE TREATMENT OF LYME DISEASE OR TICK-BORNE ILLNESSES.

(2) THIS SUBSECTION MAY NOT BE CONSTRUED TO RELEASE A LICENSEE OR CERTIFICATE HOLDER FROM THE DUTY TO EXERCISE A

### <u>PROFESSIONAL STANDARD OF CARE WHEN EVALUATING AND TREATING A PATIENT'S</u> <u>MEDICAL CONDITION.</u>

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 140

(Senate Bill 103)

AN ACT concerning

### Health Occupations – Diagnostic Evaluation and Treatment of Patients – Disciplinary Actions (The Patient's Access to Integrative Healthcare Act of 2020)

FOR the purpose of prohibiting a health occupations board from disciplining a certain health care practitioner under certain circumstances because of the health care practitioner's use of a certain diagnostic evaluation or treatment of a patient; authorizing a health occupations board to discipline a certain health care practitioner if the board makes a certain determination; prohibiting a health occupations board from using the use of a certain drug, device, biological product, or method as the basis for disciplining a certain health care practitioner; prohibiting a health occupations board, under certain circumstances, from finding that a certain health care practitioner violated any record-keeping, billing, or other regulatory requirements for acts or omissions that arise from professional differences of opinion; prohibiting certain standards for coordination of care or referral to a medical specialist, or other standards of managing patient care, from being higher for a certain health care practitioner than for any other health care practitioner; prohibiting an official, employee, or agent of the State from blocking or attempting to block a patient's access to certain diagnostic or treatment methods under certain circumstances; requiring, except under certain circumstances, that a certain panel of peer reviewers include at least one reviewer with certain training, competence, and experience in certain methods; requiring that a certain panel of peer reviewers in certain cases include, under certain circumstances, at least one reviewer with certain training, competence, and experience in integrative medicine; prohibiting a certain board from disciplining a licensee or certificate holder in a certain standard of care case except under certain circumstances; prohibiting health occupations boards and disciplinary panels from reprimanding a certain licensee or certificate holder, placing a certain licensee or certificate holder on probation, or suspending or revoking a license of a certain licensee or the certificate of a certain certificate holder solely on the basis of a licensee's or certificate holder's use of a certain diagnostic evaluation or treatment; providing for the construction of this Act; defining a certain

term; and generally relating to disciplinary actions for diagnostic evaluation and treatment of patients.

#### BY adding to

Article – Health Occupations Section 1–225 Annotated Code of Maryland (2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Health Occupations Section 1–604 Annotated Code of Maryland (2014 Replacement Volume and 2019 Supplement)

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

#### **Article – Health Occupations**

#### <del>1-225.</del>

(A) IN THIS SECTION, "DISCIPLINE" INCLUDES:

(1) **REPRIMANDING A HEALTH CARE PRACTITIONER;** 

(2) REVOKING, FAILING TO RENEW, OR SUSPENDING A HEALTH CARE PRACTITIONER'S LICENSE; AND

(3) TAKING ACTION AGAINST A HEALTH CARE PRACTITIONER'S MEDICARE OR MEDICAID CERTIFICATION.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HEALTH OCCUPATIONS BOARD UNDER THIS ARTICLE MAY NOT DISCIPLINE A HEALTH CARE PRACTITIONER LICENSED UNDER THIS ARTICLE BECAUSE OF THE HEALTH CARE PRACTITIONER'S USE OF A DIAGNOSTIC EVALUATION OR TREATMENT OF A PATIENT THAT IS INTEGRATIVE, COMPLEMENTARY, ALTERNATIVE, OR NONCONVENTIONAL IF:

(I) THE HEALTH CARE PRACTITIONER DISCLOSES TO THE PATIENT THE NATURE OF THE DIAGNOSTIC EVALUATION OR TREATMENT, INCLUDING THAT THE DIAGNOSTIC EVALUATION OR TREATMENT IS:

1. INTEGRATIVE;

- 2. COMPLEMENTARY;
- **3. ALTERNATIVE; OR**
- 4. Nonconventional; And

(II) THE HEALTH CARE PRACTITIONER OBTAINS WRITTEN CONSENT FROM THE PATIENT OR, IF THE PATIENT IS UNABLE TO CONSENT BECAUSE THE PATIENT IS A MINOR OR OTHERWISE UNABLE TO CONSENT, THE PATIENT'S PARENT, GUARDIAN, OR LEGAL REPRESENTATIVE, BEFORE PERFORMING THE DIAGNOSTIC EVALUATION OR TREATMENT.

(2) A HEALTH OCCUPATIONS BOARD UNDER THIS ARTICLE MAY DISCIPLINE A HEALTH CARE PRACTITIONER WHO WOULD BE EXEMPT FROM DISCIPLINE UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE HEALTH OCCUPATIONS BOARD DETERMINES:

(I) 1. THAT THE DIAGNOSTIC EVALUATION, TESTING, OR TREATMENT HAS A SIGNIFICANT SAFETY RISK GREATER THAN THE CONVENTIONAL METHODS; AND

2. THAT THE RISK IS NOT OUTWEIGHED BY THE POTENTIAL BENEFITS OF THE EVALUATION, TESTING, OR TREATMENT; OR

(II) BY CLEAR AND CONVINCING EVIDENCE, THAT THE HEALTH CARE PRACTITIONER KNEW THAT THE DIAGNOSTIC OR TREATMENT METHOD DID NOT HAVE A REASONABLE BASIS AND WAS INTENDED TO DEFRAUD THE PATIENT.

(C) A HEALTH OCCUPATIONS BOARD UNDER THIS ARTICLE MAY NOT USE THE USE OF A DRUG, DEVICE, BIOLOGICAL PRODUCT, OR METHOD THAT HAS NOT BEEN APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION AS A BASIS FOR DISCIPLINING A HEALTH CARE PRACTITIONER WHO IS EXEMPT FROM DISCIPLINE UNDER SUBSECTION (B)(1) OF THIS SECTION.

(D) A HEALTH OCCUPATIONS BOARD UNDER THIS ARTICLE MAY NOT FIND THAT A HEALTH CARE PRACTITIONER WHO IS EXEMPT FROM DISCIPLINE UNDER SUBSECTION (B)(1) OF THIS SECTION VIOLATED ANY RECORD-KEEPING, BILLING, OR OTHER REGULATORY REQUIREMENTS FOR ACTS OR OMISSIONS THAT ARISE FROM PROFESSIONAL DIFFERENCES OF OPINION IF THE HEALTH CARE PRACTITIONER:

(1) HAS ACTED IN GOOD FAITH TO COMPLY WITH THE INTENT OF THE REQUIREMENTS; AND

#### (2) HAS NOT ACTED IN A WAY THAT IS FALSE OR MISLEADING.

(E) ANY STANDARDS FOR COORDINATION OF CARE OR REFERRAL TO A MEDICAL SPECIALIST, OR OTHER STANDARDS OF MANAGING PATIENT CARE, MAY NOT BE HIGHER FOR A HEALTH CARE PRACTITIONER DELIVERING A DIAGNOSTIC EVALUATION OR TREATMENT DESCRIBED UNDER SUBSECTION (B) OF THIS SECTION THAN FOR ANY OTHER HEALTH CARE PRACTITIONER.

# (F) AN OFFICIAL, EMPLOYEE, OR AGENT OF THE STATE MAY NOT BLOCK OR ATTEMPT TO BLOCK A PATIENT'S ACCESS TO A DIAGNOSTIC OR TREATMENT METHOD DESCRIBED UNDER SUBSECTION (B)(1)(I) OF THIS SECTION IF THE HEALTH CARE PRACTITIONER WOULD BE EXEMPT FROM DISCIPLINE UNDER THIS SECTION.

1-604.

(a) If a statute authorizes a health occupations board to use a system of peer review in standard of care cases and the peer reviewer or peer reviewers determine that there has been a violation of a standard of care, the board shall provide the licensee or certificate holder under investigation with an opportunity to review the final peer review report and provide the board with a written response within 10 business days after the report was sent to the licensee or certificate holder.

(b) If a health occupations board receives a written response to a final peer review report, the board shall consider both the report and response before taking any action.

(C) (1) EXCEPT AS PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION, IF A STATUTE AUTHORIZES A HEALTH OCCUPATIONS BOARD TO USE A SYSTEM OF PEER REVIEW IN STANDARD OF CARE CASES AND THE BOARD USES A PANEL OF PEER REVIEWERS TO DETERMINE WHETHER A LICENSEE OR CERTIFICATE HOLDER HAS VIOLATED THE STANDARD OF CARE IN THE TREATMENT OF A PATIENT, THE PANEL SHALL INCLUDE:

(I) AT LEAST ONE REVIEWER WITH DEMONSTRATED TRAINING, COMPETENCE, AND EXPERIENCE IN THE SAME METHODS USED BY THE LICENSEE OR CERTIFICATE HOLDER UNDER REVIEW; OR

(II) IN A STANDARD OF CARE CASE INVOLVING THE USE OF A DIAGNOSTIC EVALUATION OR TREATMENT THAT IS INTEGRATIVE, COMPLEMENTARY, ALTERNATIVE, OR NONCONVENTIONAL, IF THE REQUIREMENT OF ITEM (I) OF THIS PARAGRAPH DOES NOT APPLY OR THERE IS NO PEER REVIEWER AVAILABLE WHO SATISFIES THE REQUIREMENTS OF ITEM (I) OF THIS PARAGRAPH, AT LEAST ONE REVIEWER WITH DEMONSTRATED TRAINING, COMPETENCE, AND EXPERIENCE IN INTEGRATIVE MEDICINE. (2) THE REQUIREMENT UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION DOES NOT APPLY IF, AFTER A GOOD FAITH INQUIRY, THE HEALTH OCCUPATIONS BOARD FINDS THAT THE METHODS OF THE LICENSEE OR CERTIFICATE HOLDER UNDER REVIEW HAVE NOT BEEN:

(I) ADOPTED BY ANY PROFESSIONAL ORGANIZATION;

(II) TAUGHT IN A CATEGORY 1 CONTINUING MEDICAL EDUCATION PROGRAM;

(III) THE SUBJECT OF A FAVORABLE PEER-REVIEWED PUBLICATION; OR

(IV) ADOPTED BY ANY MINORITY COMMUNITY OF PHYSICIANS.

(3) A HEALTH OCCUPATIONS BOARD MAY NOT DISCIPLINE A LICENSEE OR CERTIFICATE HOLDER IN A STANDARD OF CARE CASE INVOLVING THE USE OF A DIAGNOSTIC EVALUATION OR TREATMENT THAT IS INTEGRATIVE, COMPLEMENTARY, ALTERNATIVE, OR NONCONVENTIONAL IN WHICH THE BOARD CONVENED A PANEL OF PEER REVIEWERS UNDER THIS SUBSECTION UNLESS THE PEER REVIEWERS UNANIMOUSLY AGREE THAT THE LICENSEE OR CERTIFICATE HOLDER VIOLATED THE STANDARD OF CARE.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, HEALTH OCCUPATIONS BOARDS AND DISCIPLINARY PANELS MAY NOT REPRIMAND A LICENSEE OR CERTIFICATE HOLDER, PLACE A LICENSEE OR CERTIFICATE HOLDER ON PROBATION, OR SUSPEND OR REVOKE THE LICENSE OF A LICENSEE OR THE CERTIFICATE OF A CERTIFICATE HOLDER SOLELY ON THE BASIS OF THE LICENSEE'S OR CERTIFICATE HOLDER'S USE OF A DIAGNOSTIC EVALUATION OR TREATMENT OF A PATIENT THAT IS INTEGRATIVE, COMPLEMENTARY, ALTERNATIVE, OR NONCONVENTIONAL, INCLUDING IN THE TREATMENT OF LYME DISEASE OR TICK-BORNE ILLNESSES.

(2) THIS SUBSECTION MAY NOT BE CONSTRUED TO RELEASE A LICENSEE OR CERTIFICATE HOLDER FROM THE DUTY TO EXERCISE A PROFESSIONAL STANDARD OF CARE WHEN EVALUATING AND TREATING A PATIENT'S MEDICAL CONDITION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 141

# (House Bill 262)

AN ACT concerning

#### Criminal Procedure – Examination of Defendant by Maryland Department of Health – Access to Judicial Records

FOR the purpose of requiring that the Maryland Department of Health have access to certain information maintained by the Judiciary about a certain defendant; requiring the Department and the Judiciary to enter into an agreement regarding certain matters at a certain time; and generally relating to access to judicial records by the Maryland Department of Health.

BY adding to

Article – Criminal Procedure Section 3–124 Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

#### **Article – Criminal Procedure**

3-124.

(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE HEALTH DEPARTMENT SHALL HAVE ACCESS TO INFORMATION MAINTAINED BY THE JUDICIARY ABOUT A CRIMINAL DEFENDANT WHO IS:

(1) SUBJECT TO EXAMINATION UNDER THE PROVISIONS OF THIS TITLE;

(2) COMMITTED TO THE HEALTH DEPARTMENT UNDER THE PROVISIONS OF THIS TITLE; OR

(3) ON CONDITIONAL RELEASE UNDER THE PROVISIONS OF THIS TITLE.

(B) BEFORE EXCHANGING ANY INFORMATION IN ACCORDANCE WITH THIS SECTION, THE HEALTH DEPARTMENT AND THE JUDICIARY SHALL ENTER INTO AN AGREEMENT REGARDING:

(1) THE INDIVIDUALS WHO MAY HAVE ACCESS TO INFORMATION UNDER THIS SECTION;

(2) WHAT INFORMATION IS ACCESSIBLE TO THE INDIVIDUALS IN ITEM (1) OF THIS SUBSECTION; AND

(3) THE WAYS IN WHICH THE INFORMATION ACCESSED MAY BE USED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 142

# (House Bill 269)

AN ACT concerning

# Child Support - Shared Physical Custody

FOR the purpose of establishing a certain formula for the calculation of a certain child support obligation under the child support guidelines when a parent with shared physical custody keeps the child or children overnight a certain number of times in a year; altering a certain definition; defining a certain term; providing for the application of this Act; and generally relating to child support.

BY repealing and reenacting, without amendments,

Article – Family Law Section 12–201(a), (d), and (e) and 12–204(a)(1) and (f) Annotated Code of Maryland (2019 Replacement Volume)

BY repealing and reenacting, with amendments, Article – Family Law Section 12–201(n) and 12–204(m) Annotated Code of Maryland (2019 Replacement Volume)

BY adding to Article – Family Law Section 12–201(o) Annotated Code of Maryland (2019 Replacement Volume)

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

# Article – Family Law

12-201.

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

(d) "Adjusted basic child support obligation" means an adjustment of the basic child support obligation for shared physical custody.

(e) "Basic child support obligation" means the base amount due for child support based on the combined adjusted actual incomes of both parents.

(n) (1) "Shared physical custody" means that each parent keeps the child or children overnight for more than [35%] 25% of the year and that both parents contribute to the expenses of the child or children in addition to the payment of child support.

(2) Subject to paragraph (1) of this subsection, the court may base a child support award on shared physical custody:

- (i) solely on the amount of visitation awarded; and
- (ii) regardless of whether joint custody has been granted.

# (O) "SHARED PHYSICAL CUSTODY ADJUSTMENT" MEANS THE ADJUSTMENT MADE TO A THEORETICAL ADJUSTED BASIC CHILD SUPPORT OBLIGATION IN A SHARED PHYSICAL CUSTODY CASE WHEN A PARENT KEEPS THE CHILD OR CHILDREN OVERNIGHT FOR MORE THAN 25% (AT LEAST 92 OVERNIGHTS), BUT LESS THAN 30% (NOT MORE THAN 109 OVERNIGHTS), OF THE YEAR.

12-204.

(a) (1) The basic child support obligation shall be determined in accordance with the schedule of basic child support obligations in subsection (e) of this section. The basic child support obligation shall be divided between the parents in proportion to their adjusted actual incomes.

(f) The adjusted basic child support obligation shall be determined by multiplying the basic child support obligation by one and one-half.

(m) (1) In cases of shared physical custody, the adjusted basic child support obligation shall first be divided between the parents in proportion to their respective adjusted actual incomes.

(2) (I) Each parent's share of the adjusted basic child support obligation shall then be multiplied by the percentage of time the child or children spend with the other parent to determine the theoretical basic child support obligation owed to the other parent.

(II) 1. WHEN A PARENT WITH SHARED PHYSICAL CUSTODY KEEPS THE CHILD OR CHILDREN OVERNIGHT FOR MORE THAN 25% (AT LEAST 92 OVERNIGHTS), BUT LESS THAN 30% (NOT MORE THAN 109 OVERNIGHTS), OF THE YEAR, THAT PARENT'S THEORETICAL BASIC CHILD SUPPORT OBLIGATION SHALL BE INCREASED BY THE AMOUNT OF THE SHARED PHYSICAL CUSTODY ADJUSTMENT SPECIFIED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH.

2. The shared physical custody adjustment shall be calculated by multiplying the theoretical basic child support obligation for a parent described in subsubparagraph 1 of this subparagraph by:

A. 0.10, WHEN THE PARENT KEEPS THE CHILD OR CHILDREN OVERNIGHT FOR MORE THAN 25% (AT LEAST 92 OVERNIGHTS), BUT LESS THAN 26% (NOT MORE THAN 94 OVERNIGHTS), OF THE YEAR;

B. 0.08, WHEN THE PARENT KEEPS THE CHILD OR CHILDREN OVERNIGHT FOR MORE THAN 26% (AT LEAST 95 OVERNIGHTS), BUT LESS THAN 27% (NOT MORE THAN 98 OVERNIGHTS), OF THE YEAR;

C. 0.06, WHEN THE PARENT KEEPS THE CHILD OR CHILDREN OVERNIGHT FOR MORE THAN 27% (AT LEAST 99 OVERNIGHTS), BUT LESS THAN 28% (NOT MORE THAN 102 OVERNIGHTS), OF THE YEAR;

D. 0.04, WHEN THE PARENT KEEPS THE CHILD OR CHILDREN OVERNIGHT FOR MORE THAN 28% (AT LEAST 103 OVERNIGHTS), BUT LESS THAN 29% (NOT MORE THAN 105 OVERNIGHTS), OF THE YEAR; OR

E. 0.02, WHEN THE PARENT KEEPS THE CHILD OR CHILDREN OVERNIGHT FOR MORE THAN 29% (AT LEAST 106 OVERNIGHTS), BUT LESS THAN 30% (NOT MORE THAN 109 OVERNIGHTS), OF THE YEAR.

(3) Subject to the provisions of paragraphs (4) and (5) of this subsection, the parent owing the greater amount under paragraph (2) of this subsection shall owe the difference in the 2 amounts as child support.

(4) In addition to the amount of the child support owed under paragraph (3) of this subsection, if either parent incurs child care expenses under subsection (g) of this section, health insurance expenses under subsection (h)(1) of this section, extraordinary medical expenses under subsection (h)(2) of this section, or additional expenses under subsection (i) of this section, the expense shall be divided between the parents in proportion to their respective adjusted actual incomes. The parent not incurring the expense shall pay that parent's proportionate share to:

(i) the parent making direct payments to the provider of the service;

or

(ii) the provider directly, if a court order requires direct payments to the provider.

(5) The amount owed under paragraph (3) of this subsection may not exceed the amount that would be owed under subsection (1) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only to cases filed on or after the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 143

# (Senate Bill 579)

AN ACT concerning

# **Child Support - Shared Physical Custody**

FOR the purpose of establishing a certain formula for the calculation of a certain child support obligation under the child support guidelines when a parent with shared physical custody keeps the child or children overnight a certain number of times in a year; altering a certain definition; defining a certain term; providing for the application of this Act; and generally relating to child support.

BY repealing and reenacting, without amendments, Article – Family Law Section 12–201(a), (d), and (e) and 12–204(a)(1) and (f) Annotated Code of Maryland (2019 Replacement Volume) BY repealing and reenacting, with amendments, Article – Family Law Section 12–201(n) and 12–204(m) Annotated Code of Maryland (2019 Replacement Volume)

BY adding to

Article – Family Law Section 12–201(o) Annotated Code of Maryland (2019 Replacement Volume)

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

# Article – Family Law

12-201.

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

(d) "Adjusted basic child support obligation" means an adjustment of the basic child support obligation for shared physical custody.

(e) "Basic child support obligation" means the base amount due for child support based on the combined adjusted actual incomes of both parents.

(n) (1) "Shared physical custody" means that each parent keeps the child or children overnight for more than [35%] 25% of the year and that both parents contribute to the expenses of the child or children in addition to the payment of child support.

(2) Subject to paragraph (1) of this subsection, the court may base a child support award on shared physical custody:

- (i) solely on the amount of visitation awarded; and
- (ii) regardless of whether joint custody has been granted.

(O) "SHARED PHYSICAL CUSTODY ADJUSTMENT" MEANS THE ADJUSTMENT MADE TO A THEORETICAL ADJUSTED BASIC CHILD SUPPORT OBLIGATION IN A SHARED PHYSICAL CUSTODY CASE WHEN A PARENT KEEPS THE CHILD OR CHILDREN OVERNIGHT FOR MORE THAN 25% (AT LEAST 92 OVERNIGHTS), BUT LESS THAN 30% (NOT MORE THAN 109 OVERNIGHTS), OF THE YEAR.

12-204.

(a) (1) The basic child support obligation shall be determined in accordance with the schedule of basic child support obligations in subsection (e) of this section. The basic child support obligation shall be divided between the parents in proportion to their adjusted actual incomes.

(f) The adjusted basic child support obligation shall be determined by multiplying the basic child support obligation by one and one-half.

(m) (1) In cases of shared physical custody, the adjusted basic child support obligation shall first be divided between the parents in proportion to their respective adjusted actual incomes.

(2) **(I)** Each parent's share of the adjusted basic child support obligation shall then be multiplied by the percentage of time the child or children spend with the other parent to determine the theoretical basic child support obligation owed to the other parent.

(II) 1. WHEN A PARENT WITH SHARED PHYSICAL CUSTODY KEEPS THE CHILD OR CHILDREN OVERNIGHT FOR MORE THAN 25% (AT LEAST 92 OVERNIGHTS), BUT LESS THAN 30% (NOT MORE THAN 109 OVERNIGHTS), OF THE YEAR, THAT PARENT'S THEORETICAL BASIC CHILD SUPPORT OBLIGATION SHALL BE INCREASED BY THE AMOUNT OF THE SHARED PHYSICAL CUSTODY ADJUSTMENT SPECIFIED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH.

2. THE SHARED PHYSICAL CUSTODY ADJUSTMENT SHALL BE CALCULATED BY MULTIPLYING THE THEORETICAL BASIC CHILD SUPPORT OBLIGATION FOR A PARENT DESCRIBED IN SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH BY:

A. 0.10, WHEN THE PARENT KEEPS THE CHILD OR CHILDREN OVERNIGHT FOR MORE THAN 25% (AT LEAST 92 OVERNIGHTS), BUT LESS THAN 26% (NOT MORE THAN 94 OVERNIGHTS), OF THE YEAR;

B. 0.08, WHEN THE PARENT KEEPS THE CHILD OR CHILDREN OVERNIGHT FOR MORE THAN 26% (AT LEAST 95 OVERNIGHTS), BUT LESS THAN 27% (NOT MORE THAN 98 OVERNIGHTS), OF THE YEAR;

C. 0.06, WHEN THE PARENT KEEPS THE CHILD OR CHILDREN OVERNIGHT FOR MORE THAN 27% (AT LEAST 99 OVERNIGHTS), BUT LESS THAN 28% (NOT MORE THAN 102 OVERNIGHTS), OF THE YEAR;

D. 0.04, WHEN THE PARENT KEEPS THE CHILD OR CHILDREN OVERNIGHT FOR MORE THAN 28% (AT LEAST 103 OVERNIGHTS), BUT LESS THAN 29% (NOT MORE THAN 105 OVERNIGHTS), OF THE YEAR; OR

E. 0.02, WHEN THE PARENT KEEPS THE CHILD OR

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# CHILDREN OVERNIGHT FOR MORE THAN 29% (AT LEAST 106 OVERNIGHTS), BUT LESS THAN 30% (NOT MORE THAN 109 OVERNIGHTS), OF THE YEAR.

(3) Subject to the provisions of paragraphs (4) and (5) of this subsection, the parent owing the greater amount under paragraph (2) of this subsection shall owe the difference in the 2 amounts as child support.

(4) In addition to the amount of the child support owed under paragraph (3) of this subsection, if either parent incurs child care expenses under subsection (g) of this section, health insurance expenses under subsection (h)(1) of this section, extraordinary medical expenses under subsection (h)(2) of this section, or additional expenses under subsection (i) of this section, the expense shall be divided between the parents in proportion to their respective adjusted actual incomes. The parent not incurring the expense shall pay that parent's proportionate share to:

or

(i) the parent making direct payments to the provider of the service;

the provider directly, if a court order requires direct payments to

the provider.

(ii)

(5) The amount owed under paragraph (3) of this subsection may not exceed the amount that would be owed under subsection (1) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only to cases filed on or after the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 144

# (House Bill 270)

AN ACT concerning

# Automobile Insurance – Usage–Based Insurance – Application and Notice

FOR the purpose of establishing that the application of a certain insurance program on vehicle operation is not a violation of certain restrictions on classification for private passenger motor vehicle insurance; excluding the application of certain provisions on exclusion of drivers to a certain insurance program on vehicle operation; requiring that a certain notice include certain information for a premium increase due to a

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certain insurance program on vehicle operation; <u>prohibiting a certain insurer from</u> <u>requiring an applicant or a policyholder to participate in a certain insurance program</u> <u>on vehicle operation as a condition for underwriting a private passenger motor</u> <u>vehicle insurance risk except under certain circumstances</u>; and generally relating to private passenger motor vehicle insurance and usage–based automobile insurance programs.

BY repealing and reenacting, with amendments, Article – Insurance Section 11–318(b), 27–609, and 27–614(c) Annotated Code of Maryland (2017 Replacement Volume and 2019 Supplement)

BY adding to

<u>Article – Insurance</u> <u>Section 27–501(t)</u> <u>Annotated Code of Maryland</u> (2017 Replacement Volume and 2019 Supplement)

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

#### **Article – Insurance**

11 - 318.

(b) (1) An insurer under an automobile liability insurance policy may not classify or maintain an insured for a period longer than 3 years in a classification that entails a higher premium:

- (i) because of a specific claim; or
- (ii) because of the insured's driving record.

(2) For the purpose of determining whether to classify an insured in a classification that entails a higher premium, an insurer may review only a period not greater than 3 years before:

- (i) if the policy has not yet been issued:
  - 1. the date of the application; or
  - 2. the proposed effective date of the policy; or
- (ii) on renewal of a policy, the effective date of the renewal.
- (3) (i) The removal of a discount is not a violation of this subsection.

(II) THE APPLICATION OF A PROGRAM THAT MEASURES THE OPERATION OF AN INSURED VEHICLE DURING THE CURRENT POLICY PERIOD IS NOT A VIOLATION OF THIS SUBSECTION.

[(ii)] (III) Subparagraph (i) of this paragraph may not be construed to prevent an insurer from granting a claim-free discount to an insured.

# <u>27–501.</u>

# (T) WITH RESPECT TO PRIVATE PASSENGER MOTOR VEHICLE INSURANCE, AN INSURER MAY NOT REQUIRE AN APPLICANT OR A POLICYHOLDER TO PARTICIPATE IN A PROGRAM THAT MEASURES THE OPERATION OF AN INSURED VEHICLE AS A CONDITION FOR UNDERWRITING A PRIVATE PASSENGER MOTOR VEHICLE INSURANCE RISK UNLESS THE INSURER:

# (1) ONLY OFFERS PRIVATE PASSENGER MOTOR VEHICLE INSURANCE PRODUCTS THAT REQUIRE INSUREDS TO PARTICIPATE IN A PROGRAM THAT MEASURES THE OPERATION OF AN INSURED VEHICLE;

- (2) DISCLOSES THE INFORMATION IN ITEM (1) OF THIS SUBSECTION
- <u>TO:</u>

# (I) THE APPLICANT AT THE TIME OF APPLICATION; AND

# (II) THE POLICYHOLDER AT THE TIME OF RENEWAL; AND

# (3) INCLUDES THE INFORMATION IN ITEM (1) OF THIS SUBSECTION IN ANY ADVERTISING MATERIALS FOR THE INSURANCE PRODUCTS OFFERED BY THE INSURER.

27-609.

# (a) THIS SECTION DOES NOT APPLY TO A CANCELLATION, NONRENEWAL, OR PREMIUM INCREASE FOR A DRIVER OR VEHICLE DUE TO A PROGRAM THAT MEASURES THE OPERATION OF AN INSURED VEHICLE DURING THE CURRENT POLICY PERIOD.

**(B)** (1) (i) This paragraph applies to a private passenger motor vehicle liability insurance policy issued in the State under which more than one individual is insured.

(ii) If an insurer is authorized under this article to cancel, nonrenew, or increase the premiums on a policy of private passenger motor vehicle liability insurance subject to this paragraph because of the claim experience or driving record of one or more but less than all of the individuals insured under the policy, the insurer, instead of cancellation, nonrenewal, or premium increase, shall offer to continue or renew the insurance, but to exclude all coverage when a motor vehicle is operated by the specifically named excluded individual or individuals whose claim experience or driving record could have justified the cancellation, nonrenewal, or premium increase.

(2) (i) This paragraph applies to a motor vehicle liability insurance policy issued in the State, other than a policy subject to paragraph (1) of this subsection, under which more than one individual is insured.

(ii) If an insurer is authorized under this article to cancel, nonrenew, or increase the premiums on a policy of motor vehicle liability insurance subject to this paragraph because of the claim experience or driving record of one or more but less than all of the individuals insured under the policy, the insurer, instead of cancellation, nonrenewal, or premium increase, may offer to continue or renew the insurance, but to exclude all coverage when a motor vehicle is operated by the specifically named excluded individual or individuals whose claim experience or driving record could have justified the cancellation, nonrenewal, or premium increase.

[(b)] (C) If an insurer legally could refuse to issue a policy of motor vehicle liability insurance under which more than one individual is insured because of the claim experience or driving record of one or more but less than all of the individuals applying to be insured under the policy, the insurer may issue the policy but exclude all coverage when a motor vehicle is operated by the specifically named excluded individual or individuals whose claim experience or driving record could have justified the refusal to issue.

[(c)] (D) A policy described in subsection [(a) or] (b) OR (C) of this section may be endorsed to exclude specifically all coverage for any of the following when the named excluded driver is operating a motor vehicle covered under the policy whether or not that operation or use was with the express or implied permission of an individual insured under the policy:

(1) the excluded operator or user;

(2) the motor vehicle owner;

(3) family members residing in the household of the excluded operator or user or motor vehicle owner; and

(4) any other person, except for the coverage required by \$\$ 19–505 and 19–509 of this article if that coverage is not available under another motor vehicle policy.

[(d)] (E) The premiums charged on a policy that excludes a named driver or drivers under this section may not reflect the claim experience or driving record of the excluded named driver or drivers.

27-614.

(c) (1) Except as provided in paragraph (2) of this subsection, at least 45 days before the effective date of an increase in the total premium for a policy of private passenger motor vehicle liability insurance, the insurer shall send written notice of the premium increase to the insured at the last known address of the insured by a first-class mail tracking method.

(2) The notice required by paragraph (1) of this subsection need not be given if the premium increase is part of a general increase in premiums that is filed in accordance with Title 11 of this article and does not result from a reclassification of the insured.

(3) The notice may accompany or be included in the renewal offer or policy.

(4) The notice must be in duplicate and on a form approved by the Commissioner.

(5) The notice must state in clear and specific terms:

(i) the premium for the current policy period;

- (ii) the premium for the renewal policy period;
- (iii) the basis for the action, including, at a minimum:

accident:

- 1. if the premium increase is due wholly or partly to an
- A. the name of the driver;
- B. the date of the accident; and

C. if fault is a material factor for the insurer's action, a statement that the driver was at fault;

2. if the premium increase is due wholly or partly to a violation of the Maryland Vehicle Law or the vehicle laws of another state or territory of the United States:

- A. the name of the driver;
- B. the date of the violation; and
- C. a description of the violation;

3. if the premium increase is due wholly or partly to the claims history of an insured, a description of each claim; [and]

4. IF THE PREMIUM INCREASE IS DUE TO A PROGRAM THAT MEASURES THE OPERATION OF AN INSURED VEHICLE DURING THE CURRENT POLICY PERIOD:

A. A SPECIFIC DESCRIPTION OF THE FACTOR OR FACTORS IN THE PROGRAM RESULTING IN THE PREMIUM INCREASE; AND

# B. THE AMOUNT OF THE PREMIUM INCREASE THAT IS ATTRIBUTABLE TO THE PROGRAM; AND

[4.] **5.** any other information that is the basis for the insurer's

action;

(iv) that the insured should contact the insured's insurance producer or insurer for a review of the premium if the insured has a question about the increase in premium or believes the information in the notice is incorrect;

(v) the right of the insured to protest the premium increase and, in the case of a premium increase of more than 15% for the entire policy, to request a hearing before the Commissioner by mailing or transmitting by facsimile to the Commissioner:

- 1. a copy of the notice;
- 2. the insured's address and daytime telephone number; and

3. a statement of the reason that the insured believes the premium increase is incorrect;

(vi) the address and facsimile number of the Administration; and

(vii) that the Commissioner shall order the insurer to pay reasonable attorney's fees incurred by the insured for representation at a hearing if the Commissioner finds that:

1. the actual reason for the proposed action is not stated in the notice or the proposed action is not in accordance with this article or the insurer's filed rating plan; and

2. the insurer's conduct in maintaining or defending the proceeding was in bad faith or the insurer acted willfully in the absence of a bona fide dispute.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 145

(Senate Bill 195)

AN ACT concerning

# Automobile Insurance – Usage–Based Insurance – Application and Notice

FOR the purpose of establishing that the application of a certain insurance program on vehicle operation is not a violation of certain restrictions on classification for private passenger motor vehicle insurance; excluding the application of certain provisions on exclusion of drivers to a certain insurance program on vehicle operation; requiring that a certain notice include certain information for a premium increase due to a certain insurance program on vehicle operation; <u>prohibiting a certain insurer from requiring an applicant or a policyholder to participate in a certain insurance program on vehicle operation as a condition for underwriting a private passenger motor vehicle insurance risk except under certain circumstances; and generally relating to private passenger motor vehicle insurance and usage-based automobile insurance programs.</u>

BY repealing and reenacting, with amendments, Article – Insurance Section 11–318(b), 27–609, and 27–614(c) Annotated Code of Maryland (2017 Replacement Volume and 2019 Supplement)

BY adding to

<u>Article – Insurance</u> <u>Section 27–501(t)</u> <u>Annotated Code of Maryland</u> (2017 Replacement Volume and 2019 Supplement)

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

# Article – Insurance

11 - 318.

(b) (1) An insurer under an automobile liability insurance policy may not classify or maintain an insured for a period longer than 3 years in a classification that entails a higher premium:

- (i) because of a specific claim; or
- (ii) because of the insured's driving record.

(2) For the purpose of determining whether to classify an insured in a classification that entails a higher premium, an insurer may review only a period not greater than 3 years before:

- (i) if the policy has not yet been issued:
  - 1. the date of the application; or
  - 2. the proposed effective date of the policy; or
- (ii) on renewal of a policy, the effective date of the renewal.
- (3) (i) The removal of a discount is not a violation of this subsection.

# (II) THE APPLICATION OF A PROGRAM THAT MEASURES THE OPERATION OF AN INSURED VEHICLE DURING THE CURRENT POLICY PERIOD IS NOT A VIOLATION OF THIS SUBSECTION.

[(ii)] (III) Subparagraph (i) of this paragraph may not be construed to prevent an insurer from granting a claim-free discount to an insured.

#### 27-501.

**TO:** 

(T) WITH RESPECT TO PRIVATE PASSENGER MOTOR VEHICLE INSURANCE, AN INSURER MAY NOT REQUIRE AN APPLICANT OR A POLICYHOLDER TO PARTICIPATE IN A PROGRAM THAT MEASURES THE OPERATION OF AN INSURED VEHICLE AS A CONDITION FOR UNDERWRITING A PRIVATE PASSENGER MOTOR VEHICLE INSURANCE RISK UNLESS THE INSURER:

(1) ONLY OFFERS PRIVATE PASSENGER MOTOR VEHICLE INSURANCE PRODUCTS THAT REQUIRE INSUREDS TO PARTICIPATE IN A PROGRAM THAT MEASURES THE OPERATION OF AN INSURED VEHICLE;

(2) DISCLOSES THE INFORMATION IN ITEM (1) OF THIS SUBSECTION

- (I) THE APPLICANT AT THE TIME OF APPLICATION; AND
- (II) THE POLICYHOLDER AT THE TIME OF RENEWAL; AND

# (3) INCLUDES THE INFORMATION IN ITEM (1) OF THIS SUBSECTION IN ANY ADVERTISING MATERIALS FOR THE INSURANCE PRODUCTS OFFERED BY THE INSURER.

27-609.

# (a) THIS SECTION DOES NOT APPLY TO A CANCELLATION, NONRENEWAL, OR PREMIUM INCREASE FOR A DRIVER OR VEHICLE DUE TO A PROGRAM THAT MEASURES THE OPERATION OF AN INSURED VEHICLE DURING THE CURRENT POLICY PERIOD.

**(B)** (1) (i) This paragraph applies to a private passenger motor vehicle liability insurance policy issued in the State under which more than one individual is insured.

(ii) If an insurer is authorized under this article to cancel, nonrenew, or increase the premiums on a policy of private passenger motor vehicle liability insurance subject to this paragraph because of the claim experience or driving record of one or more but less than all of the individuals insured under the policy, the insurer, instead of cancellation, nonrenewal, or premium increase, shall offer to continue or renew the insurance, but to exclude all coverage when a motor vehicle is operated by the specifically named excluded individual or individuals whose claim experience or driving record could have justified the cancellation, nonrenewal, or premium increase.

(2) (i) This paragraph applies to a motor vehicle liability insurance policy issued in the State, other than a policy subject to paragraph (1) of this subsection, under which more than one individual is insured.

(ii) If an insurer is authorized under this article to cancel, nonrenew, or increase the premiums on a policy of motor vehicle liability insurance subject to this paragraph because of the claim experience or driving record of one or more but less than all of the individuals insured under the policy, the insurer, instead of cancellation, nonrenewal, or premium increase, may offer to continue or renew the insurance, but to exclude all coverage when a motor vehicle is operated by the specifically named excluded individual or individuals whose claim experience or driving record could have justified the cancellation, nonrenewal, or premium increase.

[(b)] (C) If an insurer legally could refuse to issue a policy of motor vehicle liability insurance under which more than one individual is insured because of the claim experience or driving record of one or more but less than all of the individuals applying to be insured under the policy, the insurer may issue the policy but exclude all coverage when a motor vehicle is operated by the specifically named excluded individual or individuals whose claim experience or driving record could have justified the refusal to issue.

[(c)] (D) A policy described in subsection [(a) or] (b) OR (C) of this section may be endorsed to exclude specifically all coverage for any of the following when the named

excluded driver is operating a motor vehicle covered under the policy whether or not that operation or use was with the express or implied permission of an individual insured under the policy:

(1) the excluded operator or user;

(2) the motor vehicle owner;

(3) family members residing in the household of the excluded operator or user or motor vehicle owner; and

(4) any other person, except for the coverage required by \$ 19–505 and 19–509 of this article if that coverage is not available under another motor vehicle policy.

[(d)] (E) The premiums charged on a policy that excludes a named driver or drivers under this section may not reflect the claim experience or driving record of the excluded named driver or drivers.

27-614.

(c) (1) Except as provided in paragraph (2) of this subsection, at least 45 days before the effective date of an increase in the total premium for a policy of private passenger motor vehicle liability insurance, the insurer shall send written notice of the premium increase to the insured at the last known address of the insured by a first-class mail tracking method.

(2) The notice required by paragraph (1) of this subsection need not be given if the premium increase is part of a general increase in premiums that is filed in accordance with Title 11 of this article and does not result from a reclassification of the insured.

(3) The notice may accompany or be included in the renewal offer or policy.

(4) The notice must be in duplicate and on a form approved by the Commissioner.

(5) The notice must state in clear and specific terms:

- (i) the premium for the current policy period;
- (ii) the premium for the renewal policy period;
- (iii) the basis for the action, including, at a minimum:

1. if the premium increase is due wholly or partly to an

accident:

- A. the name of the driver;
- B. the date of the accident; and

C. if fault is a material factor for the insurer's action, a statement that the driver was at fault;

2. if the premium increase is due wholly or partly to a violation of the Maryland Vehicle Law or the vehicle laws of another state or territory of the United States:

- A. the name of the driver;
- B. the date of the violation; and
- C. a description of the violation;

3. if the premium increase is due wholly or partly to the claims history of an insured, a description of each claim; [and]

4. IF THE PREMIUM INCREASE IS DUE TO A PROGRAM THAT MEASURES THE OPERATION OF AN INSURED VEHICLE DURING THE CURRENT POLICY PERIOD:

A. A SPECIFIC DESCRIPTION OF THE FACTOR OR FACTORS IN THE PROGRAM RESULTING IN THE PREMIUM INCREASE; AND

B. THE AMOUNT OF THE PREMIUM INCREASE THAT IS ATTRIBUTABLE TO THE PROGRAM; AND

[4.] 5. any other information that is the basis for the insurer's

action;

(iv) that the insured should contact the insured's insurance producer or insurer for a review of the premium if the insured has a question about the increase in premium or believes the information in the notice is incorrect;

(v) the right of the insured to protest the premium increase and, in the case of a premium increase of more than 15% for the entire policy, to request a hearing before the Commissioner by mailing or transmitting by facsimile to the Commissioner:

- 1. a copy of the notice;
- 2. the insured's address and daytime telephone number; and

3. a statement of the reason that the insured believes the premium increase is incorrect;

(vi) the address and facsimile number of the Administration; and

(vii) that the Commissioner shall order the insurer to pay reasonable attorney's fees incurred by the insured for representation at a hearing if the Commissioner finds that:

1. the actual reason for the proposed action is not stated in the notice or the proposed action is not in accordance with this article or the insurer's filed rating plan; and

2. the insurer's conduct in maintaining or defending the proceeding was in bad faith or the insurer acted willfully in the absence of a bona fide dispute.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 146

(House Bill 271)

AN ACT concerning

# Vehicle Laws – Certificate of Title Fee – Trailer Gifted to Family Member

FOR the purpose of reducing the certificate of title fee for a trailer with a certain gross vehicle weight or less if the trailer is transferred to one of certain family members of the transferor <u>under certain circumstances</u> and no money or other valuable consideration is involved in the transfer; and generally relating to the certificate of title fee for a trailer gifted to a family member.

BY repealing and reenacting, with amendments,

Article – Transportation Section 13–802 Annotated Code of Maryland (2012 Replacement Volume and 2019 Supplement)

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

#### **Article – Transportation**

13-802.

(a) Except as provided in subsection (b) of this section and § 13–805 of this subtitle, the fee for each certificate of title issued under this title is \$100.

(b) (1) The fee for each certificate of title issued for a rental vehicle is \$50.

(2) The fee for each certificate of title issued for an off-highway recreational vehicle is \$35.

(3) The fee for each certificate of title issued for a motor scooter or a moped is \$20.

(4) THE FEE FOR EACH CERTIFICATE OF TITLE ISSUED FOR A TRAILER WITH A GROSS VEHICLE WEIGHT OF 3,000 POUNDS OR LESS IS \$50 IF:

#### (I) THE TRAILER IS TRANSFERRED TO $\mathbf{A}$ :

<u>1.</u> <u>A</u> SPOUSE, CHILD, GRANDCHILD, PARENT, SIBLING, GRANDPARENT, FATHER–IN–LAW, MOTHER–IN–LAW, SON–IN–LAW, <u>OR</u> DAUGHTER–IN–LAW<del>, NIECE, OR NEPHEW</del> OF THE TRANSFEROR; <u>OR</u>

#### 2. <u>A NIECE OR NEPHEW OF THE TRANSFEROR IF THE</u> TRANSFEROR IS AT LEAST **65** YEARS OF AGE AT THE TIME OF THE TRANSFER; AND

(II) NO MONEY OR OTHER VALUABLE CONSIDERATION IS INVOLVED IN THE TRANSFER.

[(4)] (5) On the death of a joint owner of a vehicle, the Administration may not charge a fee for a new certificate of title issued for the vehicle to another joint owner who is the surviving spouse.

(c) The Administration may not charge a fee for a certificate of title issued for a vehicle that is transferred to a trust or from a trust to one or more beneficiaries in accordance with § 14.5–1001 of the Estates and Trusts Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 147

# (House Bill 275)

AN ACT concerning

#### Prince George's County – Speed Monitoring Systems – Maryland Route 210 (Indian Head Highway)

#### PG 306-20

- FOR the purpose of repealing the requirement that certain revenue collected by Prince George's County as a result of violations recorded by speed monitoring systems on Maryland Route 210 (Indian Head Highway) be deposited into the Criminal Injuries Compensation Fund and instead requiring that the revenue be credited to the State Highway Administration to be used solely for certain safety-related purposes related to Maryland Route 210 in Prince George's County; repealing as a funding source for the Criminal Injuries Compensation Fund revenue generated as a result of violations recorded by speed monitoring systems on Maryland Route 210 in Prince George's County; and generally relating to the use of revenue generated as a result of violations recorded by speed monitoring systems on Maryland Route 210 in Prince George's County.
- BY repealing and reenacting, with amendments, Article – Courts and Judicial Proceedings Section 7–302(e)(4) Annotated Code of Maryland (2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments, Article – Criminal Procedure Section 11–819(a)(1) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Criminal Procedure Section 11–819(a)(2) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments, Article – Transportation Section 21–809(a)(1) and (8) and (b)(1)(i), (vi)3.A., (vii), and (viii)3. and 4. Annotated Code of Maryland (2012 Replacement Volume and 2019 Supplement) Chapter 147

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 - 302.

(e) (4) (i) From the fines collected by a political subdivision as a result of violations enforced by speed monitoring systems or school bus monitoring cameras, a political subdivision:

1. May recover the costs of implementing and administering the speed monitoring systems or school bus monitoring cameras; and

2. Subject to subparagraphs (ii) and (iii) of this paragraph, may spend any remaining balance solely for public safety purposes, including pedestrian safety programs.

(ii) 1. For any fiscal year, if the balance remaining from the fines collected by a political subdivision as a result of violations enforced by speed monitoring systems, after the costs of implementing and administering the systems are recovered in accordance with subparagraph (i)1 of this paragraph, is greater than 10% of the total revenues of the political subdivision for the fiscal year, the political subdivision shall remit any funds that exceed 10% of the total revenues to the Comptroller.

2. The Comptroller shall deposit any money remitted under this subparagraph to the General Fund of the State.

(iii) The fines collected by Prince George's County as a result of violations enforced by speed monitoring systems on Maryland Route 210 shall be remitted to the Comptroller for [deposit into the Criminal Injuries Compensation Fund under § 11–819 of the Criminal Procedure Article] DISTRIBUTION TO THE STATE HIGHWAY ADMINISTRATION TO BE USED SOLELY TO ASSIST IN COVERING THE COSTS OF:

1. EXAMINING THE ENGINEERING, INFRASTRUCTURE, AND OTHER RELEVANT FACTORS THAT MAY CONTRIBUTE TO SAFETY ISSUES ON MARYLAND ROUTE 210 IN PRINCE GEORGE'S COUNTY;

2. Reporting its findings and recommendations on any solutions to these safety issues; and

3. IMPLEMENTING ANY SOLUTIONS TO THESE SAFETY

ISSUES.

# Article – Criminal Procedure

11-819.

(a) (1) There is a Criminal Injuries Compensation Fund.

(2) The Fund consists of:

(i) money distributed to the Fund from the additional court costs collected from defendants under § 7-409 of the Courts Article;

(ii) [money distributed to the Fund under § 7–302(e)(4)(iii) of the Courts Article from fines collected for violations enforced by speed monitoring systems on Maryland Route 210 in Prince George's County;

(iii)] any investment earnings or federal matching funds received by the State for criminal injuries compensation; and

[(iv)] (III) funds made available to the Fund from any other source.

# **Article – Transportation**

21 - 809.

(a) (1) In this section the following words have the meanings indicated.

(8) "Speed monitoring system" means a device with one or more motor vehicle sensors producing recorded images of motor vehicles traveling at speeds at least 12 miles per hour above the posted speed limit.

(b) (1) (i) A speed monitoring system may not be used in a local jurisdiction under this section unless its use is authorized by the governing body of the local jurisdiction by local law enacted after reasonable notice and a public hearing.

(vi) This section applies to a violation of this subtitle recorded by a speed monitoring system that meets the requirements of this subsection and has been placed:

3. In Prince George's County:

A. Subject to subparagraph (vii) of this paragraph, on Maryland Route 210 (Indian Head Highway); or

(vii) Not more than three speed monitoring systems may be placed on Maryland Route 210 (Indian Head Highway).

(viii) Before activating a speed monitoring system, the local jurisdiction shall:

3. With regard to a speed monitoring system established on Maryland Route 210 (Indian Head Highway) in Prince George's County or based on proximity to an institution of higher education under paragraph (1)(vi)3 of this subsection, ensure that all speed limit signs approaching and within the segment of highway on which the speed monitoring system is located include signs that:

A. Are in accordance with the manual and specifications for a uniform system of traffic control devices adopted by the State Highway Administration under § 25–104 of this article; and

B. Indicate that a speed monitoring system is in use; and

4. With regard to a speed monitoring system placed on Maryland Route 210 (Indian Head Highway) in Prince George's County, ensure that each sign that indicates that a speed monitoring system is in use is proximate to a device that displays a real-time posting of the speed at which a driver is traveling.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 148

(House Bill 277)

AN ACT concerning

# State Department of Education – Guidelines on Trauma–Informed Approach

FOR the purpose of establishing the Trauma-Informed Schools Initiative in the State Department of Education; requiring the State Department of Education, in consultation with the Maryland Department of Health and the Department of Human Services, to develop certain guidelines on a certain trauma-informed approach, work with certain stakeholders and content experts to develop certain training, and offer the training to certain staff at each local school system; requiring the State Department of Education to distribute certain guidelines to each local school system and to develop a certain website publish certain guidelines on a certain website; requiring the State Department of Education, in consultation with the Maryland Department of Health and the Department of Human Services, to establish the Trauma-Informed Schools Expansion Program; stating the purpose of the Program; requiring the State Department of Education to select certain schools to voluntarily participate in the Program on or before a certain date; requiring the State Department of Education to take certain actions in implementing the Program; requiring the State Department of Education with the Maryland Department of Health and the Department of Human Services, to study certain matters at the end of certain school years; requiring the State Department of Education to report its findings to the Governor and the General Assembly on or before a certain date for a certain number of years; establishing the Trauma-Informed Schools Expansion Program Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the State Department of Education 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; 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 Trauma-Informed Schools Initiative, the Trauma-Informed Schoels Expansion Program, and the Trauma-Informed Schools Expansion Program Fund guidelines on the trauma-Informed Schools Expansion Program Fund

#### BY adding to

Article – Education Section 7–427.1 Annotated Code of Maryland (2018 Replacement Volume and 2019 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 2019 Supplement)

BY repealing and reenacting, with amendments, Article – State Finance and Procurement Section 6–226(a)(2)(ii)121. and 122. Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

#### BY adding to

Article – State Finance and Procurement Section 6–226(a)(2)(ii)123. Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

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

#### Article – Education

7-427.1.

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

(2) "Fund" means the Trauma-Informed Schools Expansion Program Fund.

(3) "PROGRAM" MEANS THE TRAUMA-INFORMED SCHOOLS EXPANSION PROGRAM.

(4) (2) "TRAUMA–INFORMED APPROACH" MEANS A METHOD FOR UNDERSTANDING AND RESPONDING TO AN INDIVIDUAL WITH SYMPTOMS OF CHRONIC INTERPERSONAL TRAUMA OR TRAUMATIC STRESS.

(5) (3) "TRAUMA–INFORMED SCHOOL" MEANS A SCHOOL THAT:

(I) ACKNOWLEDGES THE WIDESPREAD IMPACT OF TRAUMA AND UNDERSTANDS THE POTENTIAL PATHS FOR RECOVERY;

(II) RECOGNIZES THE SIGNS AND SYMPTOMS OF TRAUMA IN STUDENTS, TEACHERS, AND STAFF;

(III) INTEGRATES INFORMATION ABOUT TRAUMA INTO POLICIES, PROCEDURES, AND PRACTICES; AND

(IV) ACTIVELY RESISTS RETRAUMATIZING A STUDENT, TEACHER, OR STAFF MEMBER WHO HAS EXPERIENCED TRAUMA.

(B) (1) THERE IS A TRAUMA-INFORMED SCHOOLS INITIATIVE IN THE DEPARTMENT.

(2) THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND DEPARTMENT OF HEALTH AND THE DEPARTMENT OF HUMAN SERVICES, SHALL<del>;</del>

(I) **Develop** <u>develop</u> <u>guidelines</u> on a trauma-informed Approach that will assist schools with:

1. (I)IMPLEMENTINGACOMPREHENSIVETRAUMA–INFORMED POLICY AT THE SCHOOL;

2. (II) THE IDENTIFICATION OF A STUDENT, TEACHER, OR STAFF MEMBER WHO HAS EXPERIENCED TRAUMA;

**3.** <u>(III)</u> THE APPROPRIATE MANNER FOR RESPONDING TO A STUDENT, TEACHER, OR STAFF MEMBER WHO HAS EXPERIENCED TRAUMA;

4. (IV) FOR SCHOOLS PARTICIPATING IN THE HANDLE WITH CARE PROGRAM, THE APPROPRIATE MANNER FOR RESPONDING TO A STUDENT WHO IS IDENTIFIED AS A "HANDLE WITH CARE" STUDENT; AND

5. (V) BECOMING A TRAUMA-INFORMED SCHOOL;

(II) WORK WITH STAKEHOLDERS AND CONTENT EXPERTS WITHIN THE STATE TO DEVELOP CURRICULUM AND CONTENT FOR TRAINING ON:

- 1. THE TRAUMA-INFORMED APPROACH; AND
- 2. BECOMING A TRAUMA-INFORMED SCHOOL; AND

(III) OFFER THE TRAINING DEVELOPED UNDER ITEM (II) OF THIS PARAGRAPH TO THE STAFF MEMBERS AT EACH LOCAL SCHOOL SYSTEM WHO INTERACT DIRECTLY WITH STUDENTS.

(3) (2) THE DEPARTMENT SHALL:

(I) DISTRIBUTE THE GUIDELINES DEVELOPED UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION TO EACH LOCAL SCHOOL SYSTEM; AND

(II) **Develop a website** <u>Publish the guidelines</u> on the trauma-informed approach <del>that includes:</del> <u>ON the Department's website.</u>

1. THE GUIDELINES DEVELOPED UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION;

2. UPDATES ON EFFORTS BY LOCAL SCHOOL SYSTEMS TO COORDINATE SERVICES PROVIDED BY SCHOOL BASED MENTAL AND BEHAVIORAL HEALTH SERVICES AND COORDINATORS; AND

**3. Any other information the Department, the Maryland Department of Health, the Department of Human Services, OR THE STAKEHOLDERS WHO HELPED DEVELOP THE TRAINING UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION CONSIDER APPROPRIATE.** 

(C) (1) THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND DEPARTMENT OF HEALTH AND THE DEPARTMENT OF HUMAN SERVICES, SHALL ESTABLISH A TRAUMA-INFORMED SCHOOLS EXPANSION PROGRAM.

(2) THE PURPOSE OF THE PROGRAM IS TO:

(∰) EXPAND THE USE OF THE TRAUMA-INFORMED APPROACH **USED IN SCHOOLS; AND** 

(II) INTENSIVELY TRAIN SCHOOLS ON BECOMING TRAUMA-INFORMED SCHOOLS.

(3) ON OR BEFORE JULY 1. 2020. THE DEPARTMENT SHALL SELECT ONE SCHOOL FROM EACH OF THE FOLLOWING AREAS TO VOLUNTARILY PARTICIPATE IN THE PROGRAM AND RECEIVE INTENSIVE TRAINING ON THE TRAUMA-INFORMED APPROACH:

- <del>(1)</del> A METROPOLITAN OR URBAN AREA OF THE STATE;
- (II) A SUBURBAN AREA OF THE STATE; AND
- (III) A RURAL AREA OF THE STATE.

(4) IN IMPLEMENTING THE PROGRAM, THE DEPARTMENT SHALL:

(I) CONSULT WITH SCHOOLS AND JURISDICTIONS THAT USE THE TRAUMA-INFORMED APPROACH OR ANOTHER SIMILAR APPROACH;

(II) PROVIDE TRAINING TO THE TEACHERS, EDUCATION SUPPORT STAFF, AND ADMINISTRATORS OF THE SELECTED SCHOOLS ON:

- 1. THE TRAUMA-INFORMED APPROACH; AND
- 2 HOW TO BECOME A TRAUMA INFORMED SCHOOL;

(HI) MONITOR EACH SELECTED SCHOOL'S PROGRESS IN BECOMING A TRAUMA INFORMED SCHOOL: AND

(IV) PROVIDE THE SELECTED SCHOOLS WITH ASSISTANCE, AS NECESSARY.

(D) (1) THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND **DEPARTMENT OF HEALTH AND THE DEPARTMENT OF HUMAN SERVICES, SHALL** COLLECT DATA RELATED TO THE PROGRAM AND STUDY THE PROGRESS AND RESULTS OF THE PROGRAM AT THE END OF EACH SCHOOL YEAR BEGINNING WITH THE 2020-2021 SCHOOL YEAR THROUGH THE 2024-2025 SCHOOL YEAR.

<del>(2)</del> THE STUDY REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE AN EXAMINATION OF ACADEMIC AND NONACADEMIC BENEFITS THAT STUDENTS, TEACHERS, AND STAFF HAVE EXPERIENCED;

<del>(I)</del> **RESULTING FROM PARTICIPATION IN THE PROGRAM; AND** 

IN A SCHOOL THAT HAS USED THE MATERIALS OR TAKEN <del>(III)</del> THE TRAINING PROVIDED UNDER SUBSECTION (B)(2) OF THIS SECTION.

(3) ON OR BEFORE AUGUST 31 EACH YEAR, BEGINNING IN 2021 AND FOR THE NEXT 4 YEARS, THE DEPARTMENT SHALL REPORT ITS FINDINGS TO THE **GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT** ARTICLE, THE GENERAL ASSEMBLY.

(E) (1) THERE IS A TRAUMA-INFORMED SCHOOLS EXPANSION PROGRAM FUND.

THE PURPOSE OF THE FUND IS TO PROVIDE FUNDING FOR THE <del>(2)</del> PROGRAM.

> <del>(3)</del> THE DEPARTMENT SHALL ADMINISTER THE FUND.

(4) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(II) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

> **THE FUND CONSISTS OF:** <del>(5)</del>

> > <del>(I)</del> MONEY APPROPRIATED IN THE STATE BUDGET TO THE

Fund:

(II) INTEREST EARNINGS OF THE FUND: AND

(III) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(6) THE FUND MAY BE USED ONLY FOR THE PROGRAM.

THE STATE TREASURER SHALL INVEST THE MONEY OF THE <del>(7)</del> <del>(])</del> FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(III) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

(8) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

(9) MONEY EXPENDED FROM THE FUND FOR THE PROGRAM IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR THE PROGRAM.

#### **Article - State Finance and Procurement**

<del>6-226.</del>

(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:

121. the Markell Hendricks Youth Crime Prevention and Diversion Parole Fund; [and]

122. the Federal Government Shutdown Employee Assistance

Loan Fund; AND

123. THE TRAUMA-INFORMED SCHOOLS EXPANSION PROGRAM FUND.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 149

(House Bill 280)

AN ACT concerning

Vehicle Laws – Suspension of Driver's License or Registration – Unpaid Citations or Judgments

- FOR the purpose of altering the requirements and procedures governing certain programs that authorize installment plan payments for certain motor vehicle traffic citations or judgment debts under certain circumstances; repealing certain provisions of law governing the requirement, subject to certain exceptions, that the Motor Vehicle Administration suspend the driver's license of, and the vehicle registrations of all vehicles owned by, a debtor who has certain unsatisfied motor vehicle judgments; altering the required contents of a traffic citation to include notices of the option to enter a certain installment payment plan and of certain authorized enforcement actions for failure to comply with the citation; <del>repealing the requirement that the</del> Administration suspend a person's driver's license for failure to pay a traffic citation or request a trial; authorizing the Administration to initiate a court action for a certain civil judgment for an unpaid traffic citation under certain circumstances; clarifying that a person may satisfy certain traffic citations by entering into a certain installment payment plan under certain circumstances; <del>requiring certain</del> certification by a court to the Administration to include certain information altering certain procedures for a State court when a driver fails to pay a fine or fails to enter into certain programs that authorize installment plan payments for certain motor vehicle traffic citations; providing for the application of this Act; making certain stylistic changes; making certain conforming changes; and generally relating to administrative penalties for failure to pay motor vehicle citations or judgments.
- BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings Section 7–504.1 Annotated Code of Maryland (2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation Section 17–201 Annotated Code of Maryland (2012 Replacement Volume and 2019 Supplement)

# BY repealing

Article – Transportation Section 17–204 through 17–207 <u>and 27–103</u> Annotated Code of Maryland (2012 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation Section 17–209, 26–201, <u>and</u> 26–204<del>, and 27–103</del> Annotated Code of Maryland (2012 Replacement Volume and 2019 Supplement)

# BY adding to

<u>Article – Transportation</u>

<u>Section 27–103</u> <u>Annotated Code of Maryland</u> (2012 Replacement Volume and 2019 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 - 504.1.

(a) This section applies to a defendant [whose driver's license or privilege to drive may be or is suspended for failure] WHO HAS FAILED IS REQUIRED to pay a fine for one or more traffic offenses, including one or more citations for a violation of a parking ordinance or regulation adopted under Title 26, Subtitle 3 of the Transportation Article.

(b) (1) The District Court or a circuit court may authorize the clerk of the court to approve an individual installment plan agreement in accordance with this section for the payment of:

# (I) ONE OR MORE CITATIONS FOR A PAYABLE VIOLATION ISSUED UNDER § 26–201 OF THE TRANSPORTATION ARTICLE; OR

(II) one ONE or more fines imposed AT A HEARING OR TRIAL by the

court.

# (2) <u>A DEFENDANT WHO AGREES TO ENTER INTO AN INSTALLMENT</u> PLAN AGREEMENT FOR THE PAYMENT OF ONE OR MORE CITATIONS UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION CONSENTS TO CONVICTION AT THE TIME OF THE AGREEMENT.

(c) (1) A defendant who is sentenced to pay one or more fines that total at least  $\frac{300}{150}$  and certifies that the defendant is unable to pay the fine or fines may apply to the clerk of the court to make installment payments in accordance with this section.

(2) An installment plan agreement under this section shall:

(i) Require that the defendant make installment payments [of 10% per month] on the total amount of the fine or fines covered by the agreement; **AND** 

(ii) Specify the offenses and citations to which the agreement applies[; and

(iii) State whether the defendant's driver's license or driving privileges are currently suspended for failure to pay the fine or fines to which the agreement applies].

(3) As a condition of an installment plan agreement, a defendant who enters into the agreement shall inform the clerk of the court of any change of address during the term of the agreement.

(4) The clerk of the court shall promptly:

(i) [Notify the Motor Vehicle Administration by sending a copy of the installment payment agreement to the Motor Vehicle Administration, if the driver's license or privilege to drive of the defendant is currently suspended for failure to pay a fine for one or more traffic offenses to which the agreement applies;

(ii)] Notify the Motor Vehicle Administration of the failure of the defendant to pay a fine in accordance with an installment plan agreement under this section; and

[(iii)] (II) Send to the defendant a copy of the [notices] NOTICE required under [items (i) and (ii)] ITEM (I) of this paragraph.

(5) IF THE MOTOR VEHICLE ADMINISTRATION RECEIVES NOTICE FROM THE CLERK OF THE COURT OF THE FAILURE OF THE DEFENDANT TO PAY A FINE IN ACCORDANCE WITH AN INSTALLMENT PLAN AGREEMENT, THE MOTOR VEHICLE ADMINISTRATION MAY INITIATE AN ACTION TO OBTAIN A CIVIL JUDGMENT AGAINST THE DEFENDANT IN THE AMOUNT OF THE UNPAID FINE.

(4) (I) IF A DEFENDANT FAILS TO PAY A FINE IN ACCORDANCE WITH AN INSTALLMENT PLAN AGREEMENT UNDER THIS SECTION, THE CLERK OF THE COURT MAY:

1. <u>Refer the amount of the unpaid outstanding</u> <u>Fine to the Central Collection Unit of the Department of Budget and</u> <u>Management; or</u>

2. <u>PROCESS THE UNPAID OUTSTANDING FINE AS IT</u> WOULD OTHER OUTSTANDING FINES OWED THE COURT.

# (II) THE CLERK OF THE COURT SHALL PROVIDE NOTICE TO THE DEFENDANT OF THE DISPOSITION OF THE UNPAID OUTSTANDING FINE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IN THE SAME MANNER REQUIRED FOR OTHER OUTSTANDING FINES PROCESSED IN THE SAME MANNER.

(d) The requirements of subsection (c) of this section shall be posted in the clerk's office and on the website of the court.

[(e) (1) If a defendant's application for installment payments is granted by the clerk of the court, the Motor Vehicle Administration may not suspend or continue to suspend the driver's license or driving privileges of the defendant under § 26–204 or § 27–103 of the Transportation Article for the violations specified in the installment plan agreement unless the defendant subsequently fails to make an installment payment.

(2) The clerk of the court shall notify the Motor Vehicle Administration if a defendant fails to make an installment payment under this section.]

# **Article – Transportation**

17-201.

In this subtitle, "judgment" means any final judgment resulting from:

(1) A cause of action for damages arising out of the ownership, maintenance, or use on any highway or other property open to the public of any vehicle of a type required to be registered in this State; or

(2) A cause of action on an agreement of settlement for damages arising out of the ownership, maintenance, or use on any highway or other property open to the public of any vehicle of a type required to be registered in this State.

[17-204.

Except as otherwise provided in this subtitle, on receipt of a certified copy of a judgment and a certificate of facts, the Administration shall suspend:

(1) The license to drive of the judgment debtor; and

(2) The registration of all vehicles owned by the judgment debtor and registered in this State.]

[17-205.

The Administration may not suspend a license or registration under this subtitle if the judgment arose out of an accident caused by a vehicle that, at the time of the accident:

(1) Was owned or leased by the United States, this State, or any political subdivision of this State; and

(2) Was operated with the permission of its owner or lessee.]

[17-206.

(a) (1) The Administration may not suspend a license or registration under this subtitle if the Administration finds that an insurer was obligated to pay the judgment, at least to the extent and amounts required by the Maryland Vehicle Law, even if the judgment has not been paid for any reason.

(2) A finding by the Administration that an insurer was obligated to pay a judgment does not bind the insurer and, except for administering the provisions of this section, has no legal effect.

(3) Notwithstanding any finding by the Administration, paragraph (1) of this subsection does not apply if, in a judicial proceeding, a court determines by a final order or decree that the insurer is not obligated to pay the judgment.

(b) The Administration may not suspend a license or registration under this subtitle if:

(1) The judgment debtor or the vehicle to which the judgment relates was insured by an insurer that was authorized to do business in this State;

(2) After the accident involving the owner or driver and before settlement of the claim, the insurer went into insolvency, reorganization, or liquidation; and

(3) As a result of the insolvency, reorganization, or liquidation, no benefit, other than benefits used exclusively towards satisfying the judgment, accrued to the owner or driver by reason of the insurance.]

[17-207.

A license or registration suspended under this subtitle shall remain suspended and may not be renewed or reissued, and a new or original license or registration may not be issued to the judgment debtor until the judgment:

- (1) Is stayed;
- (2) Is satisfied; or
- (3) Is subject to one of the exceptions stated in § 17–206 or § 17–209 of this

subtitle.]

17 - 209.

(a) (1) On due notice to the judgment creditor, a judgment debtor may apply to the court that rendered the judgment for the privilege of paying the judgment in installments.

(2) In its discretion, the court may order payment of the judgment in installments and may set and modify from time to time the amounts and times of the installment payments.

(3) A JUDGMENT DEBTOR MAY CONTINUE TO MAKE PAYMENTS UNDER AN INSTALLMENT PLAN AS LONG AS THE INSTALLMENT PAYMENTS ARE NOT IN DEFAULT.

(b) [If the judgment debtor obtains an order permitting payment of the judgment in installments:

(1) The Administration shall reinstate any license or registration of the judgment debtor suspended under this subtitle; and

(2) As long as the installment payments are not in default, the Administration may not suspend the license or registration of the judgment debtor under this subtitle.

(c) (1) On notice that the judgment debtor has failed to pay any installment as specified in the order, the Administration shall suspend:

(i) The license to drive of the judgment debtor; and

(ii) The registration of all vehicles owned by the judgment debtor and registered in this State.

(2) Except as provided in subsection (d) of this section, the license and registration shall remain suspended until the judgment is satisfied as provided in this subtitle.

(d)] (1) Except as provided for in subsection [(e)] (C) of this section, after default and on due notice to the judgment creditor, if past-due installments have been paid, the judgment debtor again may apply to the court that allowed the installment payments for the resumption of the privilege of installment payments.

(2) In its discretion, the court may order resumption of the installment payments as provided in subsection (a) of this section.

[(e)] (C) A judgment debtor under Title 20, Subtitle 6 of the Insurance Article who has been [suspended] IN DEFAULT at least 3 times under subsection [(c)] (A)(3) of this section may not resume the privilege of installment payments unless:

(1) The Fund receives payment in an amount satisfactory to the Fund; and

(2) The Fund consents to the resumption of installment payments.

[(f)] (D) The actions of a court under this section are without prejudice to any other legal remedy of the judgment creditor.

26-201.

(a) A police officer may charge a person with a violation of any of the following, if the officer has probable cause to believe that the person has committed or is committing the violation:

(1) The Maryland Vehicle Law, including any regulation adopted under any of its provisions;

- (2) A traffic law or ordinance of any local authority;
- (3) Title 9, Subtitle 2 of the Tax General Article;
- (4) Title 9, Subtitle 3 of the Tax General Article;
- (5) Title 10, Subtitle 4 of the Business Regulation Article;
- (6) § 10–323 of the Business Regulation Article; or
- (7) § 10–323.2 of the Business Regulation Article.

(b) A police officer who charges a person under this section shall issue a traffic citation, and provide a copy, to the person charged.

(c) A traffic citation issued to a person under this section shall contain:

(1) A notice in **boldface** type that, if the citation is a payable violation:

(i) The person must comply with one of the following within 30 days after receipt of the citation:

1. Pay the full amount of the preset fine;

# 2. ENTER INTO A PAYMENT PLAN UNDER § 7–504.1 OF THE COURTS ARTICLE, IF APPLICABLE THE DEFENDANT HAS AT LEAST \$150 IN TOTAL OUTSTANDING FINES AND IS OTHERWISE QUALIFIED TO ENTER INTO A PAYMENT PLAN;

**3.** Request a hearing regarding sentencing and disposition in lieu of a trial as provided in § 26–204(b)(2) of this subtitle; or

[3.] **4.** Request a trial date at the date, time, and place established by the District Court by writ or trial notice; and

(ii)  $\{1, 1, 2\}$  If the person fails to comply within 30 days after receipt of the citation, the Administration will be notified and may  $\{1, 2, 3, 5\}$  take action to suspend the person's driver's license; and

2. Driving on a suspended license is a criminal offense for which the person could be incarcerated; or**] INITIATE AN ACTION TO OBTAIN A CIVIL JUDGMENT AGAINST THE PERSON;** 

(2) If the citation is for a must–appear violation, a notice that:

(i) The citation is a summons to appear as notified by a circuit court or the District Court through a trial notice setting the date, time, and place for the person to appear; or

(ii) A circuit court or the District Court will issue a writ setting the date, time, and place for the person to appear;

- (3) The name and address of the person;
- (4) The number of the person's license to drive, if applicable;
- (5) The State registration number of the vehicle, if applicable;
- (6) The violation or violations charged;

(7) An acknowledgment of receipt of the citation, to be executed by the person as required under § 1–605 of the Courts Article;

(8) Near the acknowledgment, a clear and conspicuous statement that:

(i) Acknowledgment of the citation by the person does not constitute an admission of guilt; and

(ii) The failure to acknowledge receipt of the citation may subject the person to arrest; and

(9) Any other necessary information.

(d) If a citation is marked "you have the right to stand trial":

(1) The form of the defendant's copy of the citation shall include in boldface type a description of the following options:

(i) Payment of the fine;

# (ii) ENTER INTO A PAYMENT PLAN UNDER § 7–504.1 OF THE COURTS ARTICLE, IF APPLICABLE THE DEFENDANT HAS AT LEAST \$150 IN TOTAL OUTSTANDING FINES AND IS OTHERWISE QUALIFIED TO ENTER INTO A PAYMENT PLAN;

(III) Request a trial; and

[(iii)] (IV) Request a "guilty with an explanation" hearing regarding sentencing and disposition in lieu of a trial; and

(2) The form of the "return to court" copy of the citation shall include in boldface type a check–off box for each of the options described in item (1) of this subsection.

(e) A police officer who discovers a vehicle stopped, standing, or parked in violation of 21–1003 or 21–1010 of this article shall:

(1) Deliver a copy of a citation to the driver or, if the vehicle is unattended, attach a copy of a citation to the vehicle in a conspicuous place; and

(2) Keep a written or electronic copy of the citation, bearing the police officer's certification under penalty of perjury that the facts stated in the citation are true.

(f) (1) A police officer who discovers a motor vehicle parked in violation of 13–402 of this article shall:

(i) Deliver a copy of a citation to the driver or, if the motor vehicle is unattended, attach a copy of a citation to the motor vehicle in a conspicuous place; and

(ii) Keep a written or electronic copy of the citation, bearing the law enforcement officer's certification under penalty of perjury that the facts stated in the citation are true.

(2) In the absence of the driver, the owner of the motor vehicle is presumed to be the person receiving the copy of a citation or warning.

26 - 204.

(a) (1) A person shall comply with the notice to appear contained in a writ or a trial notice issued by either the District Court or a circuit court in an action on a traffic citation.

(2) Unless the person charged demands an earlier hearing, a time specified to appear shall be at least 5 days after the alleged violation.

(b) (1) For purposes of this section, the person may comply with the notice to appear by:

- (i) Appearance in person;
- (ii) Appearance by counsel; <del>or</del>

(iii) Payment of the fine for a particular offense, if provided for in the citation for that offense; <u>OR</u>

# (IV) ENTERING INTO A PAYMENT PLAN UNDER § 7–504.1 OF THE COURTS ARTICLE, IF APPLICABLE.

(2) (i) Subject to the provisions of subparagraph (iii) of this paragraph, a person who intends to comply with the notice to appear contained in a traffic citation by appearance in person or by counsel may return a copy of the citation to the District Court within the time allowed for payment of the fine indicating in the appropriate space on the citation that the person:

1. Does not dispute the truth of the facts as alleged in the citation; and

2. Requests, in lieu of a trial, a hearing before the Court regarding sentencing and disposition.

(ii) A person who requests a hearing under the provisions of subparagraph (i) of this paragraph waives:

1. Any right to a trial of the facts as alleged in the citation;

and

2. Any right to compel the appearance of the police officer who issued the citation.

(iii) A person may request a hearing under the provisions of subparagraph (i) of this paragraph only if the traffic citation is for an offense that is not punishable by incarceration.

(c) If a person fails to comply with a notice under § 26-201(c)(1) of this subtitle, a notice for a hearing date issued in accordance with a request made under § [26-201(c)(1)(i)2] **26-201(C)(1)(I)3** of this subtitle, a writ or trial notice issued in accordance with a request made under § [26-201(c)(1)(i)3] **26-201(C)(1)(I)4** of this subtitle, or a notice to appear under § 26-201(c)(2) of this subtitle, the District Court or a circuit court may:

(1) Except as provided in subsection (f) of this section, issue a warrant for the person's arrest; or

(2) After 5 days, notify the Administration of the person's noncompliance.

(d) On receipt of a notice of noncompliance from the District Court or a circuit court, the Administration shall notify the person that the <u>fperson's driving privileges shall</u> be suspended] <u>ADMINISTRATION MAY INITIATE AN ACTION TO OBTAIN A CIVIL</u> <u>JUDGMENT IN THE AMOUNT OF THE UNPAID FINE</u> unless, by the end of the 15th day after the date on which the notice is mailed, the person:

(1) Pays the fine on the original charge as provided for in the original citations; [or]

(2) ENTERS INTO A PAYMENT PLAN UNDER § 7–504.1 OF THE COURTS ARTICLE, IF APPLICABLE; OR

(3) Posts bond or a penalty deposit and requests <u>**REQUESTS</u>** a new date for a trial or a hearing on sentencing and disposition.</u>

(e) (1) If a person fails to pay the fine, ENTER INTO A PAYMENT PLAN, or post the bond or penalty deposit <u>REQUEST A NEW DATE FOR A TRIAL OR HEARING</u> under subsection (d) of this section, the Administration may <del>[</del>suspend the driving privileges of the person<del>]</del> <del>INITIATE AN ACTION TO OBTAIN A CIVIL JUDGMENT IN THE AMOUNT OF THE UNPAID FINE</del>.

(2) ON NOTICE FROM THE DISTRICT COURT OR A CIRCUIT COURT THAT A PERSON HAS PAID THE FINE, ENTERED INTO A PAYMENT PLAN, OR REQUESTED A NEW DATE FOR A TRIAL OR HEARING, THE ADMINISTRATION SHALL WITHDRAW THE SUSPENSION OF THE DRIVER'S LICENSE OR DRIVING PRIVILEGES OF THE PERSON.

(3) ON NOTICE FROM THE DISTRICT COURT OR A CIRCUIT COURT THAT A PERSON WHO REQUESTED A NEW DATE FOR A TRIAL OR A HEARING UNDER PARAGRAPH (2) OF THIS SUBSECTION FAILED TO ATTEND THE NEW TRIAL OR HEARING, THE ADMINISTRATION SHALL SUSPEND THE DRIVER'S LICENSE OR DRIVING PRIVILEGES OF THE PERSON UNTIL THE PERSON:

(I) APPEARS BEFORE THE COURT AT A TRIAL OR HEARING;

# (II) PAYS THE FINE, IF PROVIDED FOR IN THE ORIGINAL

<u>CHARGE; OR</u>

(III) ENTERS INTO A PAYMENT PLAN UNDER § 5–504.1 OF THE COURTS ARTICLE, IF APPLICABLE.

(f) When the offense is not punishable by incarceration, if the court notifies the Administration of the person's noncompliance under subsection (c) of this section, a warrant may not be issued for the person under this section until 20 days after:

(1) The expiration of the time period required to comply with § 26-201(c)(1)(i) of this subtitle, if the person has not requested a hearing regarding sentencing and disposition or a trial date; or

(2) The original trial date if a trial has been scheduled in response to a request under [26-201(c)(1)(i)3] 26-201(C)(1)(I)4 of this subtitle.

(g) With the cooperation of the District Court and circuit courts, the Administration shall develop procedures to carry out [those provisions of] this section [that relate to the suspension of driving privileges].

# <del>27-103.</del>

(a) (1) (1) If a person fined under the Maryland Vehicle Law or under a federal traffic law or regulation for a violation occurring in the State does not pay the fine in accordance with the court's directive, the court may certify the failure to pay to the Administration.

(II) IF THE COURT CERTIFIES THE FAILURE TO PAY A FINE UNDER THIS PARAGRAPH, THE COURT SHALL INCLUDE THE AMOUNT OF THE OUTSTANDING FINE.

(2) When the Administration receives a certification under paragraph (1) of this subsection, after giving the person 10 days advance written notice, the Administration may [suspend the driving privileges or license of the person until the fine has been paid] INITIATE AN ACTION SEEKING A CIVIL JUDGMENT AGAINST THE DEFENDANT IN THE AMOUNT OF THE FINE.

(b) With the cooperation of the District Court and the U.S. District Court, the Administration shall develop procedures to carry out this section.

# <u>27–103.</u>

# (A) IF A PERSON FINED UNDER THE MARYLAND VEHICLE LAW DOES NOT PAY THE FINE OR ENTER INTO A PAYMENT PLAN UNDER § 7–504.1 OF THE COURTS ARTICLE, THE COURT MAY:

(1) <u>REFER THE AMOUNT OF THE UNPAID OUTSTANDING FINE TO THE</u> <u>CENTRAL COLLECTION UNIT OF THE DEPARTMENT OF BUDGET AND</u> <u>MANAGEMENT; OR</u>

# (2) <u>PROCESS THE UNPAID OUTSTANDING FINE AS IT WOULD</u> OTHERWISE PROCESS OUTSTANDING FINES OWED THE COURT.

# (B) THE COURT SHALL PROVIDE NOTICE TO THE PERSON OF THE DISPOSITION OF THE UNPAID OUTSTANDING FINE UNDER SUBSECTION (A) OF THIS SECTION IN THE SAME MANNER REQUIRED FOR OTHER OUTSTANDING FINES PROCESSED IN THE SAME MANNER.

#### SECTION 2. AND BE IT FURTHER ENACTED, That this:

(a) <u>This</u> Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any driver's license or driving privilege actively suspended under a provision of law affected by this Act on the effective date of this Act.

(b) For a driver's license or driving privilege suspended due to a defendant's failure to pay a fine imposed by the court following a trial or hearing or for the failure of a defendant to make a payment in accordance with a payment plan, the Motor Vehicle Administration shall withdraw the suspension of the driver's license or driving privileges of the defendant and the court shall process the outstanding debt owed in accordance with the requirements of § 7–504.1 of the Courts Article, as enacted by Section 1 of this Act.

(c) For a driver's license or driving privilege suspended due to a defendant's failure to respond to the notice provided in a traffic citation under § 26–201 of the Transportation Article, the Motor Vehicle Administration shall withdraw the suspension of the driver's license or driving privilege and follow the notice and procedural requirements of § 26–204(d) and (e) of the Transportation Article, as enacted by Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect <del>July</del> <u>October</u> 1, 2020.

# Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 150

# (Senate Bill 234)

AN ACT concerning

#### Vehicle Laws – Suspension of Driver's License or Registration – Unpaid Citations or Judgments

FOR the purpose of altering the requirements and procedures governing certain programs that authorize installment plan payments for certain motor vehicle traffic citations or judgment debts under certain circumstances; repealing certain provisions of law

governing the requirement, subject to certain exceptions, that the Motor Vehicle Administration suspend the driver's license of, and the vehicle registrations of all vehicles owned by, a debtor who has certain unsatisfied motor vehicle judgments; altering the required contents of a traffic citation to include notices of the option to enter a certain installment payment plan and of certain authorized enforcement actions for failure to comply with the citation; <del>repealing the requirement that the</del> Administration suspend a person's driver's license for failure to pay a traffic citation or request a trial; authorizing the Administration to initiate a court action for a certain civil judgment for an unpaid traffic citation under certain circumstances; clarifying that a person may satisfy certain traffic citations by entering into a certain installment payment plan under certain circumstances; <del>requiring certain</del> certification by a court to the Administration to include certain information altering certain procedures for a State court when a driver fails to pay a fine or fails to enter into certain programs that authorize installment plan payments for certain motor vehicle traffic citations: providing for the application of this Act: requiring the Department of Legislative Services to conduct a certain study; requiring the Department to make a certain report to the General Assembly on or before a certain date; making certain stylistic changes; making certain conforming changes; and generally relating to administrative penalties for failure to pay motor vehicle citations or judgments.

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings Section 7–504.1 Annotated Code of Maryland (2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation Section 17–201 Annotated Code of Maryland (2012 Replacement Volume and 2019 Supplement)

# BY repealing

Article – Transportation Section 17–204 through 17–207 <u>and 27–103</u> Annotated Code of Maryland (2012 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation Section 17–209, 26–201, <u>and</u> 26–204<del>, and 27–103</del> Annotated Code of Maryland (2012 Replacement Volume and 2019 Supplement)

# BY adding to

<u>Article – Transportation</u>

<u>Section 27–103</u> <u>Annotated Code of Maryland</u> (2012 Replacement Volume and 2019 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 - 504.1.

(a) This section applies to a defendant [whose driver's license or privilege to drive may be or is suspended for failure] WHO HAS FAILED IS REQUIRED to pay a fine for one or more traffic offenses, including one or more citations for a violation of a parking ordinance or regulation adopted under Title 26, Subtitle 3 of the Transportation Article.

(b) (1) The District Court or a circuit court may authorize the clerk of the court to approve an individual installment plan agreement in accordance with this section for the payment of:

# (I) ONE OR MORE CITATIONS FOR A PAYABLE VIOLATION ISSUED UNDER § 26–201 OF THE TRANSPORTATION ARTICLE; OR

(II) one ONE or more fines imposed AT A HEARING OR TRIAL by the

court.

# (2) <u>A DEFENDANT WHO AGREES TO ENTER INTO AN INSTALLMENT</u> PLAN AGREEMENT FOR THE PAYMENT OF ONE OR MORE CITATIONS UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION CONSENTS TO CONVICTION AT THE TIME OF THE AGREEMENT.

(c) (1) A defendant who is sentenced to pay one or more fines that total at least 300 150 and certifies that the defendant is unable to pay the fine or fines may apply to the clerk of the court to make installment payments in accordance with this section.

(2) An installment plan agreement under this section shall:

(i) Require that the defendant make installment payments [of 10% per month] on the total amount of the fine or fines covered by the agreement; AND

(ii) Specify the offenses and citations to which the agreement applies[; and

(iii) State whether the defendant's driver's license or driving privileges are currently suspended for failure to pay the fine or fines to which the agreement applies].

(3) As a condition of an installment plan agreement, a defendant who enters into the agreement shall inform the clerk of the court of any change of address during the term of the agreement.

(4) The clerk of the court shall promptly:

(i) **[**Notify the Motor Vehicle Administration by sending a copy of the installment payment agreement to the Motor Vehicle Administration, if the driver's license or privilege to drive of the defendant is currently suspended for failure to pay a fine for one or more traffic offenses to which the agreement applies;

(ii)] Notify the Motor Vehicle Administration of the failure of the defendant to pay a fine in accordance with an installment plan agreement under this section; and

[(iii)] (II) Send to the defendant a copy of the [notices] NOTICE required under [items (i) and (ii)] ITEM (I) of this paragraph.

(5) IF THE MOTOR VEHICLE ADMINISTRATION RECEIVES NOTICE FROM THE CLERK OF THE COURT OF THE FAILURE OF THE DEFENDANT TO PAY A FINE IN ACCORDANCE WITH AN INSTALLMENT PLAN AGREEMENT, THE MOTOR VEHICLE ADMINISTRATION MAY INITIATE AN ACTION TO OBTAIN A CIVIL JUDGMENT AGAINST THE DEFENDANT IN THE AMOUNT OF THE UNPAID FINE.

(4) (I) IF A DEFENDANT FAILS TO PAY A FINE IN ACCORDANCE WITH AN INSTALLMENT PLAN AGREEMENT UNDER THIS SECTION, THE CLERK OF THE COURT MAY:

<u>1.</u> <u>Refer the amount of the unpaid outstanding</u> <u>FINE TO THE CENTRAL COLLECTION UNIT OF THE DEPARTMENT OF BUDGET AND</u> <u>MANAGEMENT; OR</u>

2. PROCESS THE UNPAID OUTSTANDING FINE AS IT WOULD OTHER OUTSTANDING FINES OWED THE COURT.

# (II) THE CLERK OF THE COURT SHALL PROVIDE NOTICE TO THE DEFENDANT OF THE DISPOSITION OF THE UNPAID OUTSTANDING FINE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IN THE SAME MANNER REQUIRED FOR OTHER OUTSTANDING FINES PROCESSED IN THE SAME MANNER.

(d) The requirements of subsection (c) of this section shall be posted in the clerk's office and on the website of the court.

[(e) (1) If a defendant's application for installment payments is granted by the clerk of the court, the Motor Vehicle Administration may not suspend or continue to suspend the driver's license or driving privileges of the defendant under § 26–204 or § 27–103 of the Transportation Article for the violations specified in the installment plan agreement unless the defendant subsequently fails to make an installment payment.

(2) The clerk of the court shall notify the Motor Vehicle Administration if a defendant fails to make an installment payment under this section.]

# **Article – Transportation**

17 - 201.

In this subtitle, "judgment" means any final judgment resulting from:

(1) A cause of action for damages arising out of the ownership, maintenance, or use on any highway or other property open to the public of any vehicle of a type required to be registered in this State; or

(2) A cause of action on an agreement of settlement for damages arising out of the ownership, maintenance, or use on any highway or other property open to the public of any vehicle of a type required to be registered in this State.

[17-204.

Except as otherwise provided in this subtitle, on receipt of a certified copy of a judgment and a certificate of facts, the Administration shall suspend:

(1) The license to drive of the judgment debtor; and

(2) The registration of all vehicles owned by the judgment debtor and registered in this State.]

[17-205.

The Administration may not suspend a license or registration under this subtitle if the judgment arose out of an accident caused by a vehicle that, at the time of the accident:

(1) Was owned or leased by the United States, this State, or any political subdivision of this State; and

(2) Was operated with the permission of its owner or lessee.]

[17-206.

(a) (1) The Administration may not suspend a license or registration under this subtitle if the Administration finds that an insurer was obligated to pay the judgment, at least to the extent and amounts required by the Maryland Vehicle Law, even if the judgment has not been paid for any reason.

(2) A finding by the Administration that an insurer was obligated to pay a judgment does not bind the insurer and, except for administering the provisions of this section, has no legal effect.

(3) Notwithstanding any finding by the Administration, paragraph (1) of this subsection does not apply if, in a judicial proceeding, a court determines by a final order or decree that the insurer is not obligated to pay the judgment.

(b) The Administration may not suspend a license or registration under this subtitle if:

(1) The judgment debtor or the vehicle to which the judgment relates was insured by an insurer that was authorized to do business in this State;

(2) After the accident involving the owner or driver and before settlement of the claim, the insurer went into insolvency, reorganization, or liquidation; and

(3) As a result of the insolvency, reorganization, or liquidation, no benefit, other than benefits used exclusively towards satisfying the judgment, accrued to the owner or driver by reason of the insurance.]

[17-207.

A license or registration suspended under this subtitle shall remain suspended and may not be renewed or reissued, and a new or original license or registration may not be issued to the judgment debtor until the judgment:

- (1) Is stayed;
- (2) Is satisfied; or
- (3) Is subject to one of the exceptions stated in § 17–206 or § 17–209 of this

subtitle.]

17 - 209.

(a) (1) On due notice to the judgment creditor, a judgment debtor may apply to the court that rendered the judgment for the privilege of paying the judgment in installments.

(2) In its discretion, the court may order payment of the judgment in installments and may set and modify from time to time the amounts and times of the installment payments.

(3) A JUDGMENT DEBTOR MAY CONTINUE TO MAKE PAYMENTS UNDER AN INSTALLMENT PLAN AS LONG AS THE INSTALLMENT PAYMENTS ARE NOT IN DEFAULT.

(b) [If the judgment debtor obtains an order permitting payment of the judgment in installments:

(1) The Administration shall reinstate any license or registration of the judgment debtor suspended under this subtitle; and

(2) As long as the installment payments are not in default, the Administration may not suspend the license or registration of the judgment debtor under this subtitle.

(c) (1) On notice that the judgment debtor has failed to pay any installment as specified in the order, the Administration shall suspend:

(i) The license to drive of the judgment debtor; and

(ii) The registration of all vehicles owned by the judgment debtor and registered in this State.

(2) Except as provided in subsection (d) of this section, the license and registration shall remain suspended until the judgment is satisfied as provided in this subtitle.

(d)] (1) Except as provided for in subsection [(e)] (C) of this section, after default and on due notice to the judgment creditor, if past-due installments have been paid, the judgment debtor again may apply to the court that allowed the installment payments for the resumption of the privilege of installment payments.

(2) In its discretion, the court may order resumption of the installment payments as provided in subsection (a) of this section.

[(e)] (C) A judgment debtor under Title 20, Subtitle 6 of the Insurance Article who has been [suspended] IN DEFAULT at least 3 times under subsection [(c)] (A)(3) of this section may not resume the privilege of installment payments unless:

(1) The Fund receives payment in an amount satisfactory to the Fund; and

(2) The Fund consents to the resumption of installment payments.

[(f)] (D) The actions of a court under this section are without prejudice to any other legal remedy of the judgment creditor.

26-201.

(a) A police officer may charge a person with a violation of any of the following, if the officer has probable cause to believe that the person has committed or is committing the violation:

(1) The Maryland Vehicle Law, including any regulation adopted under any of its provisions;

- (2) A traffic law or ordinance of any local authority;
- (3) Title 9, Subtitle 2 of the Tax General Article;
- (4) Title 9, Subtitle 3 of the Tax General Article;
- (5) Title 10, Subtitle 4 of the Business Regulation Article;
- (6) § 10–323 of the Business Regulation Article; or
- (7) § 10–323.2 of the Business Regulation Article.

(b) A police officer who charges a person under this section shall issue a traffic citation, and provide a copy, to the person charged.

(c) A traffic citation issued to a person under this section shall contain:

(1) A notice in **boldface** type that, if the citation is a payable violation:

(i) The person must comply with one of the following within 30 days after receipt of the citation:

1. Pay the full amount of the preset fine;

# 2. ENTER INTO A PAYMENT PLAN UNDER § 7–504.1 OF THE COURTS ARTICLE, IF APPLICABLE THE DEFENDANT HAS AT LEAST \$150 IN TOTAL OUTSTANDING FINES AND IS OTHERWISE QUALIFIED TO ENTER INTO A PAYMENT PLAN;

**3.** Request a hearing regarding sentencing and disposition in lieu of a trial as provided in § 26–204(b)(2) of this subtitle; or

[3.] 4. Request a trial date at the date, time, and place established by the District Court by writ or trial notice; and

(ii)  $\{1, 1, 2\}$  If the person fails to comply within 30 days after receipt of the citation, the Administration will be notified and may  $\{1, 2, 3, 5\}$  take action to suspend the person's driver's license; and

2. Driving on a suspended license is a criminal offense for which the person could be incarcerated; or**] INITIATE AN ACTION TO OBTAIN A CIVIL JUDGMENT AGAINST THE PERSON;** 

(2) If the citation is for a must–appear violation, a notice that:

(i) The citation is a summons to appear as notified by a circuit court or the District Court through a trial notice setting the date, time, and place for the person to appear; or

(ii) A circuit court or the District Court will issue a writ setting the date, time, and place for the person to appear;

- (3) The name and address of the person;
- (4) The number of the person's license to drive, if applicable;
- (5) The State registration number of the vehicle, if applicable;
- (6) The violation or violations charged;

(7) An acknowledgment of receipt of the citation, to be executed by the person as required under § 1–605 of the Courts Article;

(8) Near the acknowledgment, a clear and conspicuous statement that:

(i) Acknowledgment of the citation by the person does not constitute an admission of guilt; and

(ii) The failure to acknowledge receipt of the citation may subject the person to arrest; and

(9) Any other necessary information.

(d) If a citation is marked "you have the right to stand trial":

(1) The form of the defendant's copy of the citation shall include in boldface type a description of the following options:

(i) Payment of the fine;

# (ii) ENTER INTO A PAYMENT PLAN UNDER § 7–504.1 OF THE COURTS ARTICLE, IF APPLICABLE THE DEFENDANT HAS AT LEAST \$150 IN TOTAL OUTSTANDING FINES AND IS OTHERWISE QUALIFIED TO ENTER INTO A PAYMENT PLAN;

(III) Request a trial; and

[(iii)] (IV) Request a "guilty with an explanation" hearing regarding sentencing and disposition in lieu of a trial; and

(2) The form of the "return to court" copy of the citation shall include in boldface type a check–off box for each of the options described in item (1) of this subsection.

(e) A police officer who discovers a vehicle stopped, standing, or parked in violation of § 21-1003 or § 21-1010 of this article shall:

(1) Deliver a copy of a citation to the driver or, if the vehicle is unattended, attach a copy of a citation to the vehicle in a conspicuous place; and

(2) Keep a written or electronic copy of the citation, bearing the police officer's certification under penalty of perjury that the facts stated in the citation are true.

(f) (1) A police officer who discovers a motor vehicle parked in violation of § 13-402 of this article shall:

(i) Deliver a copy of a citation to the driver or, if the motor vehicle is unattended, attach a copy of a citation to the motor vehicle in a conspicuous place; and

(ii) Keep a written or electronic copy of the citation, bearing the law enforcement officer's certification under penalty of perjury that the facts stated in the citation are true.

(2) In the absence of the driver, the owner of the motor vehicle is presumed to be the person receiving the copy of a citation or warning.

26 - 204.

(a) (1) A person shall comply with the notice to appear contained in a writ or a trial notice issued by either the District Court or a circuit court in an action on a traffic citation.

(2) Unless the person charged demands an earlier hearing, a time specified to appear shall be at least 5 days after the alleged violation.

(b) (1) For purposes of this section, the person may comply with the notice to appear by:

- (i) Appearance in person;
- (ii) Appearance by counsel; <del>or</del>

(iii) Payment of the fine for a particular offense, if provided for in the citation for that offense; <u>OR</u>

# (IV) ENTERING INTO A PAYMENT PLAN UNDER § 7–504.1 OF THE COURTS ARTICLE, IF APPLICABLE.

(2) (i) Subject to the provisions of subparagraph (iii) of this paragraph, a person who intends to comply with the notice to appear contained in a traffic citation by appearance in person or by counsel may return a copy of the citation to the District Court within the time allowed for payment of the fine indicating in the appropriate space on the citation that the person:

1. Does not dispute the truth of the facts as alleged in the citation; and

2. Requests, in lieu of a trial, a hearing before the Court regarding sentencing and disposition.

(ii) A person who requests a hearing under the provisions of subparagraph (i) of this paragraph waives:

1. Any right to a trial of the facts as alleged in the citation;

and

2. Any right to compel the appearance of the police officer who issued the citation.

(iii) A person may request a hearing under the provisions of subparagraph (i) of this paragraph only if the traffic citation is for an offense that is not punishable by incarceration.

(c) If a person fails to comply with a notice under § 26-201(c)(1) of this subtitle, a notice for a hearing date issued in accordance with a request made under § [26-201(c)(1)(i)2] **26-201(C)(1)(I)3** of this subtitle, a writ or trial notice issued in accordance with a request made under § [26-201(c)(1)(i)3] **26-201(C)(1)(I)4** of this subtitle, or a notice to appear under § 26-201(c)(2) of this subtitle, the District Court or a circuit court may:

(1) Except as provided in subsection (f) of this section, issue a warrant for the person's arrest; or

(2) After 5 days, notify the Administration of the person's noncompliance.

(d) On receipt of a notice of noncompliance from the District Court or a circuit court, the Administration shall notify the person that the *fperson's* driving privileges shall be suspended *ADMINISTRATION MAY INITIATE AN ACTION TO OBTAIN A CIVIL JUDGMENT IN THE AMOUNT OF THE UNPAID FINE* unless, by the end of the 15th day after the date on which the notice is mailed, the person:

(1) Pays the fine on the original charge as provided for in the original citations; [or]

(2) ENTERS INTO A PAYMENT PLAN UNDER § 7–504.1 OF THE COURTS ARTICLE, IF APPLICABLE; OR

(3) Posts bond or a penalty deposit and requests <u>**REQUESTS</u>** a new date for a trial or a hearing on sentencing and disposition.</u>

(e) (1) If a person fails to pay the fine, ENTER INTO A PAYMENT PLAN, or post the bond or penalty deposit <u>REQUEST A NEW DATE FOR A TRIAL OR HEARING</u> under subsection (d) of this section, the Administration may <del>[</del>suspend the driving privileges of the person] <del>INITIATE AN ACTION TO OBTAIN A CIVIL JUDGMENT IN THE AMOUNT OF THE UNPAID FINE</del>.

(2) ON NOTICE FROM THE DISTRICT COURT OR A CIRCUIT COURT THAT A PERSON HAS PAID THE FINE, ENTERED INTO A PAYMENT PLAN, OR REQUESTED A NEW DATE FOR A TRIAL OR HEARING, THE ADMINISTRATION SHALL WITHDRAW THE SUSPENSION OF THE DRIVER'S LICENSE OR DRIVING PRIVILEGES OF THE PERSON.

(3) ON NOTICE FROM THE DISTRICT COURT OR A CIRCUIT COURT THAT A PERSON WHO REQUESTED A NEW DATE FOR A TRIAL OR A HEARING UNDER PARAGRAPH (2) OF THIS SUBSECTION FAILED TO ATTEND THE NEW TRIAL OR HEARING, THE ADMINISTRATION SHALL SUSPEND THE DRIVER'S LICENSE OR DRIVING PRIVILEGES OF THE PERSON UNTIL THE PERSON:

(I) APPEARS BEFORE THE COURT AT A TRIAL OR HEARING;

# (II) PAYS THE FINE, IF PROVIDED FOR IN THE ORIGINAL CHARGE; OR

(III) ENTERS INTO A PAYMENT PLAN UNDER § 5–504.1 OF THE COURTS ARTICLE, IF APPLICABLE.

(f) When the offense is not punishable by incarceration, if the court notifies the Administration of the person's noncompliance under subsection (c) of this section, a warrant may not be issued for the person under this section until 20 days after:

(1) The expiration of the time period required to comply with § 26-201(c)(1)(i) of this subtitle, if the person has not requested a hearing regarding sentencing and disposition or a trial date; or

(2) The original trial date if a trial has been scheduled in response to a request under [26-201(c)(1)(i)] 26-201(c)(1)(I) 4 of this subtitle.

(g) With the cooperation of the District Court and circuit courts, the Administration shall develop procedures to carry out [those provisions of] this section [that relate to the suspension of driving privileges].

#### <del>27-103.</del>

(a) (1) (1) If a person fined under the Maryland Vehicle Law or under a federal traffic law or regulation for a violation occurring in the State does not pay the fine in accordance with the court's directive, the court may certify the failure to pay to the Administration.

(II) IF THE COURT CERTIFIES THE FAILURE TO PAY A FINE UNDER THIS PARAGRAPH, THE COURT SHALL INCLUDE THE AMOUNT OF THE OUTSTANDING FINE.

(2) When the Administration receives a certification under paragraph (1) of this subsection, after giving the person 10 days advance written notice, the Administration may [suspend the driving privileges or license of the person until the fine has been paid] INITIATE AN ACTION SEEKING A CIVIL JUDGMENT AGAINST THE DEFENDANT IN THE AMOUNT OF THE FINE.

(b) With the cooperation of the District Court and the U.S. District Court, the Administration shall develop procedures to carry out this section.

#### <u>27–103.</u>

# (A) IF A PERSON FINED UNDER THE MARYLAND VEHICLE LAW DOES NOT PAY THE FINE OR ENTER INTO A PAYMENT PLAN UNDER § 7–504.1 OF THE COURTS ARTICLE, THE COURT MAY:

(1) <u>Refer the amount of the unpaid outstanding fine to the</u> <u>Central Collection Unit of the Department of Budget and</u> <u>Management; or</u>

# (2) PROCESS THE UNPAID OUTSTANDING FINE AS IT WOULD OTHERWISE PROCESS OUTSTANDING FINES OWED THE COURT.

# (B) THE COURT SHALL PROVIDE NOTICE TO THE PERSON OF THE DISPOSITION OF THE UNPAID OUTSTANDING FINE UNDER SUBSECTION (A) OF THIS SECTION IN THE SAME MANNER REQUIRED FOR OTHER OUTSTANDING FINES PROCESSED IN THE SAME MANNER.

# SECTION 2. AND BE IT FURTHER ENACTED, That this:

(a) <u>This</u> Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any driver's license or driving privilege actively suspended under a provision of law affected by this Act on the effective date of this Act.

(b) For a driver's license or driving privilege suspended due to a defendant's failure to pay a fine imposed by the court following a trial or hearing or for the failure of a defendant to make a payment in accordance with a payment plan, the Motor Vehicle Administration shall withdraw the suspension of the driver's license or driving privileges of the defendant and the court shall process the outstanding debt owed in accordance with the requirements of § 7–504.1 of the Courts Article, as enacted by Section 1 of this Act.

(c) For a driver's license or driving privilege suspended due to a defendant's failure to respond to the notice provided in a traffic citation under § 26–201 of the Transportation Article, the Motor Vehicle Administration shall withdraw the suspension of the driver's license or driving privilege and follow the notice and procedural requirements of § 26–204(d) and (e) of the Transportation Article, as enacted by Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) <u>The Department of Legislative Services shall study the feasibility of:</u>

(1) eliminating the minimum amount of outstanding fines required for entering into an installment plan; and

(2) additional statutory changes to ensure that debts accrued through the criminal justice system do not result in the loss of driving privileges.

(b) In conducting the study, the Department shall seek the input of organizations that advocate for programs and policies to increase wages, job skills, and job opportunities for low-wage workers.

(c) On or before December 31, 2020, the Department shall, in accordance with § 2–1257 of the State Government Article, report its findings to the General Assembly.

SECTION <del>3.</del> <u>4.</u> AND BE IT FURTHER ENACTED, That this Act shall take effect <u>July</u> <u>October</u> 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 151

# (House Bill 282)

AN ACT concerning

# Prince George's County – Ethics – Limitations on Applicant Campaign Contributions

# PG 407-20

FOR the purpose of repealing a prohibition on an applicant or applicant's agent making a payment to the County Executive of Prince George's County or a slate that includes the County Executive during the pendency of a certain application; and generally relating to public ethics and Prince George's County.

BY repealing and reenacting, without amendments,

Article – General Provisions Section 5–833(a), (c), (d), and (m) Annotated Code of Maryland (2019 Replacement Volume)

BY repealing and reenacting, with amendments, Article – General Provisions Section 5–835(a) Annotated Code of Maryland (2019 Replacement Volume)

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

# **Article – General Provisions**

5 - 833.

- (a) In this part the following words have the meanings indicated.
- (c) (1) "Applicant" means an individual or a business entity that is:

(i) a title owner or contract purchaser of land that is the subject of an application;

(ii) a trustee that has an interest in land that is the subject of an application, excluding a trustee described in a mortgage or deed of trust; or

(iii) a holder of at least a 5% interest in a business entity that has an interest in land that is the subject of an application but only if:

1. the holder of at least a 5% interest has substantive involvement in directing the affairs of the business entity with an interest in the land that is the subject of an application with specific regard to the disposition of that land; or

2. the holder of at least a 5% interest is engaged in substantive activities specifically pertaining to land development in Prince George's County as a regular part of the business entity's ongoing business activities.

(2) "Applicant" includes:

(i) any business entity in which a person described in paragraph (1) of this subsection holds at least a 5% interest; and

(ii) the directors and officers of a corporation that actually holds title to the land, or is a contract purchaser of the land, that is the subject of an application.

(3) "Applicant" does not include:

(i) a financial institution that has loaned money or extended financing for the acquisition, development, or construction of improvements on any land that is the subject of an application;

- (ii) a municipal corporation or public corporation;
- (iii) a public authority;

(iv) a public utility regulated by the Public Service Commission in any instance where the utility is engaged in or conducting regulated activities that have been approved by the Public Service Commission or are allowed under Division I of the Public Utilities Article; or

(v) the directors and officers of any entity that does not hold title to the land, or is not the contract purchaser of the land, that is the subject of an application.

- (d) "Application" means:
  - (1) an application for:
    - (i) a zoning map amendment;
    - (ii) a special exception;

- (iii) a departure from design standards;
- (iv) a revision to a special exception site plan;
- (v) an expansion of a legal nonconforming use;
- (vi) a revision to a legal nonconforming use site plan; or
- (vii) a request for a variance from the zoning ordinance;
- (2) an application to approve:
  - (i) a comprehensive design plan;
  - (ii) a conceptual site plan; or
  - (iii) a specific design plan; or

(3) participation in adopting and approving an area master plan or sectional map amendment by appearance at a public hearing, filing a statement in the official record, or other similar communication to a member of the County Council or the Planning Board, where the intent is to intensify the zoning category applicable to the land of the applicant.

(m) "Payment" means a payment or contribution of money or property or the incurring of a liability or promise of anything of value to a treasurer of a candidate, a candidate's continuing political committee, or a slate to which the candidate belongs.

#### 5-835.

(a) An applicant or agent of the applicant may not make a payment to a member [or the County Executive], or a slate that includes a member [or the County Executive], during the pendency of the application.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 152

(House Bill 285)

# Anne Arundel County – Alcoholic Beverages – Board Meetings

FOR the purpose of requiring the Board of License Commissioners for Anne Arundel County to publish a meeting agenda a certain amount of time before a meeting; requiring the Board to broadcast every open meeting online; altering the timing requirement for publication of meeting minutes; <u>requiring the Board to archive and store certain recordings and records for certain periods of time</u>; and generally relating to alcoholic beverages in Anne Arundel County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages Section 11–102 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

BY adding to

Article – Alcoholic Beverages Section 11–209 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

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

# Article – Alcoholic Beverages

# 11 - 102.

This title applies only in Anne Arundel County.

# 11-209.

# (A) THE BOARD SHALL MAKE AVAILABLE TO THE PUBLIC THE AGENDA FOR AN UPCOMING MEETING NOT LESS THAN 1 WEEK BEFORE THE MEETING.

(B) THE BOARD SHALL MAKE AVAILABLE TO THE PUBLIC LIVE VIDEO AND AUDIO STREAMING OF EACH OPEN MEETING.

(C) IN ACCORDANCE WITH § 3–306 OF THE GENERAL PROVISIONS ARTICLE, THE BOARD SHALL PUBLISH THE MINUTES OF EACH OPEN MEETING NOT LATER THAN 1 MONTH AFTER THE MEETING.

# (D) <u>THE BOARD SHALL ARCHIVE AND STORE:</u>

# (1) <u>RECORDINGS OF EACH OPEN MEETING FOR NOT LESS THAN 3</u> <u>YEARS; AND</u>

# (2) <u>RECORDS OF THE MINUTES OF EACH OPEN MEETING FOR NOT LESS</u> <u>THAN 7 YEARS.</u>

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 153

(Senate Bill 163)

AN ACT concerning

#### Anne Arundel County - Alcoholic Beverages - Board Meetings

FOR the purpose of requiring the Board of License Commissioners for Anne Arundel County to publish a meeting agenda a certain amount of time before a meeting; requiring the Board to broadcast every open meeting online; altering the timing requirement for publication of meeting minutes; requiring the Board to archive and store certain recordings and records for certain periods of time; and generally relating to alcoholic beverages in Anne Arundel County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages Section 11–102 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

BY adding to

Article – Alcoholic Beverages Section 11–209 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

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

#### **Article – Alcoholic Beverages**

11 - 102.

This title applies only in Anne Arundel County.

11-209.

(A) THE BOARD SHALL MAKE AVAILABLE TO THE PUBLIC THE AGENDA FOR AN UPCOMING MEETING NOT LESS THAN 1 WEEK BEFORE THE MEETING.

(B) THE BOARD SHALL MAKE AVAILABLE TO THE PUBLIC LIVE VIDEO AND AUDIO STREAMING OF EACH OPEN MEETING.

(C) IN ACCORDANCE WITH § 3–306 OF THE GENERAL PROVISIONS ARTICLE, THE BOARD SHALL PUBLISH THE MINUTES OF EACH OPEN MEETING NOT LATER THAN 1 MONTH AFTER THE MEETING.

(D) THE BOARD SHALL ARCHIVE AND STORE:

(1) <u>RECORDINGS OF EACH OPEN MEETING FOR NOT LESS THAN 3</u> <u>YEARS; AND</u>

(2) <u>RECORDS OF THE MINUTES OF EACH OPEN MEETING FOR NOT</u> <u>LESS THAN 7 YEARS.</u>

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 154

(House Bill 286)

AN ACT concerning

# Public Health – Maternal Mortality Review Program – Stakeholders

FOR the purpose of <u>altering the stakeholders required to be included in a certain meeting</u> <u>convened under the Maternal Mortality Review Program</u>; requiring that, to the extent practicable, certain stakeholders convened under the <u>Maternal Mortality</u> <u>Review</u> Program reflect certain racial and ethnic diversity; <u>making a conforming</u> <u>change</u>; requiring the Secretary of Health, when convening a certain workgroup, to <u>contact certain organizations for a certain purpose</u>; requiring the Secretary to ensure <u>that certain organizations and individuals comprise a majority of a certain</u> <u>workgroup</u>; and generally relating to the Maternal Mortality Review Program. BY repealing and reenacting, with amendments, Article – Health – General Section 13–1213 Annotated Code of Maryland (2019 Replacement Volume)

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

#### Article – Health – General

13 - 1213.

(a) (1) At <u>SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AT</u> least twice a year, the Secretary shall convene a meeting of stakeholders, including representatives:

(I) <u>**REPRESENTATIVES**</u> of:

[(1)]  $\bigoplus$  <u>1</u>. The Maryland Office of Minority Health and Health Disparities;

- [(2)] (III) 2. The Maryland Patient Safety Center;
- [(3)] (III) <u>3.</u> The Maryland Healthy Start Program;
- [(4)] (IV) <u>4.</u> Women's health advocacy organizations;

[(5)]  $(\forall)$  <u>5.</u> Community organizations engaged in maternal health and family support issues;

- [(6)] (VI) Families that have experienced a maternal death;
- [(7)]  $(\forall H)$  <u>6.</u> Local health departments; and

[(8)] <del>(VIII)</del> <u>7.</u> Health care providers that provide maternal health services<u>; AND</u>

# (II) <u>1.</u> <u>FAMILIES OF WOMEN WHO HAVE EXPERIENCED A</u> <u>NEAR MATERNAL DEATH, A HIGH-RISK PREGNANCY, OTHER CHALLENGES DURING</u> <u>PREGNANCY, OR A MATERNAL DEATH; OR</u>

2. <u>WOMEN WHO HAVE EXPERIENCED A NEAR MATERNAL</u> DEATH, A HIGH–RISK PREGNANCY, OR OTHER CHALLENGES DURING PREGNANCY.

# (2) TO THE EXTENT PRACTICABLE, THE STAKEHOLDERS CONVENED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL REFLECT THE RACIAL AND ETHNIC DIVERSITY OF WOMEN MOST IMPACTED BY MATERNAL DEATHS IN THE STATE.

(b) Of the two meetings required under subsection (a) of this section:

(1) One meeting shall be held within 90 days after submission of the report required under § 13–1212 of this subtitle to:

(i) Review the findings and recommendations in the report;

(ii) Examine issues resulting in disparities in maternal deaths;

(iii) Review the status of implementation of previous recommendations; and

(iv) Identify new recommendations with a focus on initiatives to address issues resulting in disparities in maternal deaths; and

(2) One meeting shall be held within 6 months after the meeting held under item (1) of this subsection to review the status of implementation of previous recommendations and consider any new information that may be relevant for the identification of additional recommendations.

# <u>SECTION 2. AND BE IT FURTHER ENACTED, That:</u>

(a) <u>The Secretary of Health, when convening the stakeholder workgroup required</u> <u>under § 13–1213(a) of the Health – General Article, shall contact the following</u> <u>organizations to seek input and recruitment support:</u>

- (1) <u>MOMCares;</u>
- (2) <u>Nzuri Malkia Birth Collective;</u>
- (3) CASA de Maryland;
- (4) the Bloom Collective;
- <u>(5)</u> <u>Mommy Up;</u>
- (6) <u>Catholic Charities;</u>
- (7) <u>Mamatoto Village;</u>
- (8) <u>MotherlandCo., Inc.;</u>

- (9) <u>Peaceful Earth Graceful Birth;</u>
- (10) Advocates for Children and Youth;
- (11) NARAL Pro-Choice MD;
- (12) <u>Reproductive Justice Inside; and</u>
- (13) Health Care for the Homeless.

(b) To the extent practicable, the Secretary shall make every effort to ensure that women's organizations and women impacted by maternal death comprise a majority of the workgroup.

SECTION  $\frac{2}{2}$ . <u>3.</u> AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 155

(House Bill 288)

AN ACT concerning

# Prince George's County – Alcohol Awareness

#### PG 301-20

FOR the purpose of requiring in Prince George's County a holder of a certain alcoholic beverages license or an individual designated by the license holder and employed in a supervisory capacity to be certified by an approved alcohol awareness program and to be present on the licensed premises at all times when alcoholic beverages may be sold; establishing certain penalties for certain violations; and generally relating to holders of alcoholic beverages licenses in Prince George's County.

BY repealing and reenacting, without amendments, Article – Alcoholic Beverages Section 26–102 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Alcoholic Beverages Section 26–1901 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

BY adding to Article – Alcoholic Beverages Section 26–1902.1 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

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

# Article – Alcoholic Beverages

26 - 102.

This title applies only in Prince George's County.

# 26-1901.

(a) The following sections of Title 4, Subtitle 5 ("Conduct of Local License Holders") of Division I of this article apply in the county without exception or variation:

- (1) § 4–502 ("Storage of alcoholic beverages");
- (2) § 4–503 ("Solicitations and sales outside licensed premises");
- (3) [§ 4–505 ("Alcohol awareness program");
- (4)] § 4–506 ("Evidence of purchaser's age");
- [(5)] (4) § 4–507 ("Retail delivery of alcoholic beverages"); and
- [(6)] (5) § 4–508 ("Display of license").

(b) [Section] THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 ("CONDUCT OF LOCAL LICENSE HOLDERS") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 4–504 ("Employment of underage individuals") [of Division I of this article applies in the county], subject to § 26–1902 of this subtitle; AND

(2) § 4-505 ("Alcohol awareness program"), subject to § 26-1902.1 of this subtitle.

26-1902.1.

# (A) THE LICENSE HOLDER OR AN INDIVIDUAL DESIGNATED BY THE LICENSE HOLDER WHO IS EMPLOYED IN A SUPERVISORY CAPACITY SHALL:

(1) BE CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM; AND

(2) BE PRESENT ON THE LICENSED PREMISES AT ALL TIMES WHEN ALCOHOLIC BEVERAGES MAY BE SOLD.

(B) A LICENSE HOLDER WHO VIOLATES THIS SECTION IS SUBJECT TO:

(1) FOR A FIRST OFFENSE, A <del>\$100</del> <u>\$250</u> FINE; AND

(2) FOR A SECOND OFFENSE, A \$500 FINE; AND

# (3) FOR EACH SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$500 \$1,000 OR A SUSPENSION OR REVOCATION OF THE LICENSE, OR BOTH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 156

(House Bill 297)

AN ACT concerning

Montgomery County – Alcoholic Beverages Licenses – Catering Extension

MC 27-20

FOR the purpose of authorizing the Board of License Commissioners for Montgomery County to issue a catering extension to a holder of a Class D beer, wine, and liquor license; providing that a catering extension authorizes a holder of a Class D beer, wine, and liquor license to provide alcoholic beverages at an event that is held off the premises under certain circumstances and only during certain times and days; providing that the holder of a Class D beer, wine, and liquor license is not required to obtain a catering extension under certain circumstances; and generally relating to the sale of alcoholic beverages in Montgomery County. mendments,

BY repealing and reenacting, without amendments, Article – Alcoholic Beverages Section 25–102 and 25–906 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Alcoholic Beverages Section 25–1202 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

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

# Article – Alcoholic Beverages

25 - 102.

This title applies only in Montgomery County.

25-906.

(a) There is a Class D beer, wine, and liquor license.

(b) The Board may issue the license to an owner of an establishment if:

(1) before the issuance of the license, the owner attests in a sworn statement that food will be available for sale for on-premises consumption during the hours that alcoholic beverages are permitted to be served; and

(2) before each renewal of the license, the owner attests in a sworn statement that food will be available for sale for on-premises consumption during the hours that alcoholic beverages are permitted to be served.

(c) The license authorizes the license holder to sell beer, wine, and liquor for on-premises consumption.

(d) The Board shall adopt regulations that specify the type of food that is required to be available for sale for on-premises consumption during the hours that alcoholic beverages are permitted to be served.

(e) The annual license fee is \$3,000.

25 - 1202.

(a) There is a catering extension.

(b) The Board may grant a catering extension to the holder of:

- (1) a Class B restaurant or hotel (on-sale) beer, wine, and liquor license;
- (2) a Class BD–BWL license; [and]
- (3) a Class B–K beer, wine, and liquor license; AND
- (4) A CLASS D BEER, WINE, AND LIQUOR LICENSE.
- (c) The catering extension authorizes a holder to:
- (1) provide alcoholic beverages at an event that is held off the premises for which:

(I) the holder's Class B restaurant or hotel (on-sale) beer, wine, and liquor license is issued; OR

(II) THE HOLDER'S CLASS D BEER, WINE, AND LIQUOR LICENSE IS ISSUED; and

(2) exercise the privileges of the catering extension only during the hours and on the days authorized for:

(i) a Class B restaurant or hotel (on-sale) beer, wine, and liquor license;

- (ii) a Class BD–BWL license; [or]
- (iii) a Class B–K beer, wine, and liquor license; OR
- (IV) A CLASS D BEER, WINE, AND LIQUOR LICENSE.

(d) The holder of a catering extension shall provide food for consumption at the catered event.

(e) This section does not require a holder of the following licenses to obtain a catering extension for catering on the premises for which the license is issued:

- (1) a Class B restaurant or hotel (on-sale) beer, wine, and liquor license;
- (2) a Class BD–BWL license; [and]
- (3) a Class B–K beer, wine, and liquor license; AND

#### 1082

# (4) A CLASS D BEER, WINE, AND LIQUOR LICENSE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 157

# (House Bill 298)

AN ACT concerning

# Montgomery County - Alcoholic Beverages - Hours of Consumption

MC 09-20

FOR the purpose of altering in Montgomery County the hours of consumption for certain alcoholic beverages licenses; requiring a license holder to take certain actions at the end of the license holder's permitted hours of sale; repealing a provision that prohibits the consumption after a certain time of alcoholic beverages that are served under certain licenses; repealing a provision that authorizes the Board of License Commissioners for Montgomery County to issue a certain permit that allows certain license holders to extend their hours of sale on January 1; repealing certain obsolete provisions; and generally relating to alcoholic beverages in Montgomery County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages Section 25–102, 25–2002(e), 25–2004(b), (e), and (f), and 25–2005(c) Annotated Code of Maryland (2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Alcoholic Beverages Section 25–2001 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

BY repealing

Article – Alcoholic Beverages Section 25–2006 and 25–2007 Annotated Code of Maryland (2016 Volume and 2019 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

## Article – Alcoholic Beverages

25 - 102.

This title applies only in Montgomery County.

25-2001.

(a) (1) Unless otherwise provided in this title, [from 2 a.m. to 6 a.m. on any day,] an individual may [not] consume alcoholic beverages in a premises licensed under this title ONLY DURING THE HOURS OF SALE PERMITTED UNDER THE LICENSE OF THE PREMISES.

(2) An owner, an operator, or a manager of a premises licensed under this title may not knowingly allow consumption prohibited under paragraph (1) of this subsection.

(3) A LICENSE HOLDER SHALL REMOVE ALL CONTAINERS OF ALCOHOLIC BEVERAGES FROM THE TABLES AND BAR SERVICE AREA IN THE LICENSED PREMISES AT THE END OF THE LICENSE HOLDER'S PERMITTED HOURS OF SALE.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

#### 25-2002.

(e) A holder of a Class H beer license may sell beer on Monday through Sunday, from 9 a.m. to 2 a.m. the following day.

#### 25-2004.

(b) A holder of a Class B beer and wine license may sell beer and wine:

(1) for on-premises consumption, on Monday through Sunday, from 9 a.m. to 2 a.m. the following day; and

(2) for off–premises consumption, on Monday through Sunday, from 6 a.m. to 1 a.m. the following day.

(e) A holder of a Class D beer and wine license may sell beer and wine:

(1) for on-premises consumption, on Monday through Sunday, from 9 a.m.

#### Chapter 157

to 2 a.m. the following day; and

(2) for off–premises consumption, on Monday through Sunday, from 6 a.m. to 1 a.m. the following day.

(f) A holder of a Class H beer and wine license may sell beer and wine for on-premises consumption on Monday through Sunday, from 9 a.m. to 2 a.m. the following day.

25 - 2005.

(c) (1) Subject to paragraph (2) of this subsection, a holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor:

day;

- (i) on Monday through Thursday, from 9 a.m. to 2 a.m. the following
- (ii) on Friday and Saturday, from 9 a.m. to 3 a.m. the following day;

and

- (iii) on Sunday:
  - 1. from 9 a.m. to 2 a.m. the following day; or

2. from 9 a.m. to 3 a.m. the following day if the federal government has designated the following day as a public holiday.

(2) The license holder shall sell or make available food for consumption on the premises during the hours that alcoholic beverages are permitted to be served.

#### [25-2006.

The Board may issue a permit authorizing a license holder to sell alcoholic beverages for on-premises consumption until 2 a.m. on January 1 if the license holder applies to the Board for the permit at least 60 days in advance.]

#### [25-2007.

(a) This section applies only to a licensed premises for which one of the following licenses is issued:

- (1) a Class H beer license;
- (2) a Class B, Class D, or Class H beer and wine license; or
- (3) a Class B beer, wine, and liquor license.

(b) An individual may not consume alcoholic beverages in a licensed premises from 1:30 a.m. to the time when the license holder may begin daily sales under the license.

(c) An owner or manager of the premises or place may not knowingly allow the consumption of alcoholic beverages from 1:30 a.m. to the time when the license holder may begin daily sales of alcoholic beverages under the respective license listed in this section.

(d) A license holder shall remove all containers of alcoholic beverages from tables on the licensed premises:

- (1) on Sunday through Thursday, before 1:30 a.m.; and
- (2) on Friday and Saturday, before 2:30 a.m.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 158

(House Bill 303)

AN ACT concerning

# State Board of Professional Counselors and Therapists – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Board of Professional Counselors and Therapists by extending to a certain date the termination provisions relating to statutory and regulatory authority of the Board; repealing the requirement that the Board submit a certain semiannual report to the Department of Legislative Services; requiring the Board to submit a certain report to certain committees of the General Assembly on or before a certain date and at certain intervals thereafter; requiring the report to address the progress made in addressing the Board's complaint backlog, adopting certain regulations, and establishing a certain Alcohol and Drug Counselor Subcommittee; and generally relating to the State Board of Professional Counselors and Therapists.

BY repealing and reenacting, with amendments,

Article – Health Occupations Section 17–702 Annotated Code of Maryland (2014 Replacement Volume and 2019 Supplement) BY repealing

Chapter 756 of the Acts of the General Assembly of 2018 Section 2(a) and (b)

BY repealing

Chapter 757 of the Acts of the General Assembly of 2018 Section 2(a) and (b)

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

#### **Article – Health Occupations**

17 - 702.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, this title and all rules or regulations adopted under this title shall terminate and be of no effect after July 1, [2021] **2026**.

## Chapter 756 of the Acts of 2018

SECTION 2. AND BE IT FURTHER ENACTED, That:

[(a) On or before October 1, 2018, and every 6 months thereafter until October 1, 2021, the State Board of Professional Counselors and Therapists, in consultation with the Maryland Department of Health and the Department of Budget and Management, shall submit to the Department of Legislative Services a report on the progress made implementing the recommendations contained within the December 2017 publication "Sunset Review: Evaluation of the State Board of Professional Counselors and Therapists".

(b) The progress reports required under subsection (a) of this section shall address:

(1) the efforts made by the Board, in conjunction with the Maryland Department of Health and the Department of Budget and Management, to:

(i) obtain additional personnel resources to allow the Board to conduct a systematic evaluation and triage of the Board's complaint backlog;

(ii) prioritize complaints based on potential public safety risks; and

(iii) develop a plan to systematically address the complaint backlog and implement strategies to prevent future backlogs;

(2) the practices adopted by the Board to improve the thoroughness, completeness, and legibility of investigative notes and the progress made in moving to an electronic system to track complaints and investigations;

(3) the development of concrete timelines for the duration of investigations, wherein after a certain period of time, a case should be dismissed or advanced except under specified circumstances;

(4) the progress the Board has made in adopting regulations as required under subsection (c) of this section;

(5) the research and consideration the Board has given to extending the use of education programs accredited by the respective professional accrediting organizations for education requirements for licensed clinical professional counselors, clinical alcohol and drug counselors, clinical marriage and family therapists, certified associate counselors–alcohol and drug, and certified supervised counselors–alcohol and drug;

(6) any progress made toward the implementation of the proposed portability plan for professional counselors and levels of reciprocity or endorsement to other levels of licensees or certificate holders in other states who have practiced for a specified number of years, passed a state law exam, and passed either a specified national examination or hold a specified national certification from a respective national credentialing organization;

(7) the specific efforts have been undertaken to train Board staff in current requirements for direct licensure or certification responsibilities, and cross-training for additional licensure and certification responsibilities;

(8) the progress of the investigation by the Board into implementing an online licensing and certification system that:

(i) allows applicants to submit applications electronically;

(ii) assists the Board in keeping accurate records of the number of applicants, licensees, and certificate holders; and

(iii) tracks applications through the licensing and certification process;

(9) whether the number and types of licenses and certificates currently issued are necessary to protect the public or if a reduced number would adequately protect the public and provide better access to services;

(10) the progress that has been made to implement systems to track progress toward licensure and complaint resolution goals, in conjunction with the Department of Budget and Management;

(11) the progress that has been made, in conjunction with the Maryland Department of Health and the Department of Information Technology, to determine whether the Board should be a part of the electronic licensing and disciplinary system;

(12) the progress the Board has made in determining whether it is more appropriate for the Board or the State Board of Examiners of Psychologists to regulate the practice of behavior analysis as required under subsection (d) of this section;

(13) the progress the Board has made in determining whether or not it would be in the best interest of the State to regulate additional creative or expressive counselors and therapists as required under subsection (e) of this section; and

(14) the progress the Board has made in determining a Board composition that appropriately represents the professions credentialed by the Board while providing the best protection to the public as required under subsection (f) of this section.]

## Chapter 757 of the Acts of 2018

SECTION 2. AND BE IT FURTHER ENACTED, That:

[(a) On or before October 1, 2018, and every 6 months thereafter until October 1, 2021, the State Board of Professional Counselors and Therapists, in consultation with the Maryland Department of Health and the Department of Budget and Management, shall submit to the Department of Legislative Services a report on the progress made implementing the recommendations contained within the December 2017 publication "Sunset Review: Evaluation of the State Board of Professional Counselors and Therapists".

(b) The progress reports required under subsection (a) of this section shall address:

(1) the efforts made by the Board, in conjunction with the Maryland Department of Health and the Department of Budget and Management, to:

(i) obtain additional personnel resources to allow the Board to conduct a systematic evaluation and triage of the Board's complaint backlog;

(ii) prioritize complaints based on potential public safety risks; and

(iii) develop a plan to systematically address the complaint backlog and implement strategies to prevent future backlogs;

(2) the practices adopted by the Board to improve the thoroughness, completeness, and legibility of investigative notes and the progress made in moving to an electronic system to track complaints and investigations;

(3) the development of concrete timelines for the duration of investigations, wherein after a certain period of time, a case should be dismissed or advanced except under specified circumstances;

(4) the progress the Board has made in adopting regulations as required under subsection (c) of this section;

(5) the research and consideration the Board has given to extending the use of education programs accredited by the respective professional accrediting organizations for education requirements for licensed clinical professional counselors, clinical alcohol and drug counselors, clinical marriage and family therapists, certified associate counselors–alcohol and drug, and certified supervised counselors–alcohol and drug;

(6) any progress made toward the implementation of the proposed portability plan for professional counselors and levels of reciprocity or endorsement to other levels of licensees or certificate holders in other states who have practiced for a specified number of years, passed a state law exam, and passed either a specified national examination or hold a specified national certification from a respective national credentialing organization;

(7) the specific efforts have been undertaken to train Board staff in current requirements for direct licensure or certification responsibilities, and cross-training for additional licensure and certification responsibilities;

(8) the progress of the investigation by the Board into implementing an online licensing and certification system that:

(i) allows applicants to submit applications electronically;

(ii) assists the Board in keeping accurate records of the number of applicants, licensees, and certificate holders; and

(iii) tracks applications through the licensing and certification process;

(9) whether the number and types of licenses and certificates currently issued are necessary to protect the public or if a reduced number would adequately protect the public and provide better access to services;

(10) the progress that has been made to implement systems to track progress toward licensure and complaint resolution goals, in conjunction with the Department of Budget and Management;

(11) the progress that has been made, in conjunction with the Maryland Department of Health and the Department of Information Technology, to determine whether the Board should be a part of the electronic licensing and disciplinary system;

(12) the progress the Board has made in determining whether it is more appropriate for the Board or the State Board of Examiners of Psychologists to regulate the practice of behavior analysis as required under subsection (d) of this section; (13) the progress the Board has made in determining whether or not it would be in the best interest of the State to regulate additional creative or expressive counselors and therapists as required under subsection (e) of this section; and

(14) the progress the Board has made in determining a Board composition that appropriately represents the professions credentialed by the Board while providing the best protection to the public as required under subsection (f) of this section.]

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) On or before October 1, 2020, and every 6 months thereafter until October 1, 2025, the State Board of Professional Counselors and Therapists shall submit to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2–1257 of the State Government Article, a report on the progress made implementing the recommendations contained within the December 2017 publication "Sunset Review: Evaluation of the State Board of Professional Counselors and Therapists".

(b) The progress reports required under subsection (a) of this section shall address the progress that the Board has made:

(1) addressing the Board's complaint backlog;

(2) adopting regulations as required under Section 2(c) of Chapter 756 of the Acts of the General Assembly of 2018 and Section 2(c) of Chapter 757 of the Acts of the General Assembly of 2018; and

(3) establishing an Alcohol and Drug Counselor Subcommittee as required under 17-205(b)(7) of the Health Occupations Article.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 159

(Senate Bill 182)

AN ACT concerning

State Board of Professional Counselors and Therapists – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Board of Professional Counselors and Therapists by extending to a certain date the termination provisions relating to statutory and regulatory authority of the Board; repealing the requirement that the Board submit a certain semiannual report to the Department of Legislative Services; requiring the Board to submit a certain report to certain committees of the General Assembly on or before a certain date and at certain intervals thereafter; requiring the report to address the progress made in addressing the Board's complaint backlog, adopting certain regulations, and establishing a certain Alcohol and Drug Counselor Subcommittee; and generally relating to the State Board of Professional Counselors and Therapists.

BY repealing and reenacting, with amendments,

Article – Health Occupations Section 17–702 Annotated Code of Maryland (2014 Replacement Volume and 2019 Supplement)

#### BY repealing

Chapter 756 of the Acts of the General Assembly of 2018 Section 2(a) and (b)

#### BY repealing

Chapter 757 of the Acts of the General Assembly of 2018 Section 2(a) and (b)

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

#### **Article – Health Occupations**

#### 17 - 702.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, this title and all rules or regulations adopted under this title shall terminate and be of no effect after July 1, [2021] **2026**.

#### Chapter 756 of the Acts of 2018

#### SECTION 2. AND BE IT FURTHER ENACTED, That:

[(a) On or before October 1, 2018, and every 6 months thereafter until October 1, 2021, the State Board of Professional Counselors and Therapists, in consultation with the Maryland Department of Health and the Department of Budget and Management, shall submit to the Department of Legislative Services a report on the progress made implementing the recommendations contained within the December 2017 publication "Sunset Review: Evaluation of the State Board of Professional Counselors and Therapists".

#### Chapter 159

(b) The progress reports required under subsection (a) of this section shall address:

(1) the efforts made by the Board, in conjunction with the Maryland Department of Health and the Department of Budget and Management, to:

(i) obtain additional personnel resources to allow the Board to conduct a systematic evaluation and triage of the Board's complaint backlog;

(ii) prioritize complaints based on potential public safety risks; and

(iii) develop a plan to systematically address the complaint backlog and implement strategies to prevent future backlogs;

(2) the practices adopted by the Board to improve the thoroughness, completeness, and legibility of investigative notes and the progress made in moving to an electronic system to track complaints and investigations;

(3) the development of concrete timelines for the duration of investigations, wherein after a certain period of time, a case should be dismissed or advanced except under specified circumstances;

(4) the progress the Board has made in adopting regulations as required under subsection (c) of this section;

(5) the research and consideration the Board has given to extending the use of education programs accredited by the respective professional accrediting organizations for education requirements for licensed clinical professional counselors, clinical alcohol and drug counselors, clinical marriage and family therapists, certified associate counselors–alcohol and drug, and certified supervised counselors–alcohol and drug;

(6) any progress made toward the implementation of the proposed portability plan for professional counselors and levels of reciprocity or endorsement to other levels of licensees or certificate holders in other states who have practiced for a specified number of years, passed a state law exam, and passed either a specified national examination or hold a specified national certification from a respective national credentialing organization;

(7) the specific efforts have been undertaken to train Board staff in current requirements for direct licensure or certification responsibilities, and cross-training for additional licensure and certification responsibilities;

(8) the progress of the investigation by the Board into implementing an online licensing and certification system that:

(i) allows applicants to submit applications electronically;

(ii) assists the Board in keeping accurate records of the number of applicants, licensees, and certificate holders; and

(iii) tracks applications through the licensing and certification process;

(9) whether the number and types of licenses and certificates currently issued are necessary to protect the public or if a reduced number would adequately protect the public and provide better access to services;

(10) the progress that has been made to implement systems to track progress toward licensure and complaint resolution goals, in conjunction with the Department of Budget and Management;

(11) the progress that has been made, in conjunction with the Maryland Department of Health and the Department of Information Technology, to determine whether the Board should be a part of the electronic licensing and disciplinary system;

(12) the progress the Board has made in determining whether it is more appropriate for the Board or the State Board of Examiners of Psychologists to regulate the practice of behavior analysis as required under subsection (d) of this section;

(13) the progress the Board has made in determining whether or not it would be in the best interest of the State to regulate additional creative or expressive counselors and therapists as required under subsection (e) of this section; and

(14) the progress the Board has made in determining a Board composition that appropriately represents the professions credentialed by the Board while providing the best protection to the public as required under subsection (f) of this section.]

#### Chapter 757 of the Acts of 2018

SECTION 2. AND BE IT FURTHER ENACTED, That:

[(a) On or before October 1, 2018, and every 6 months thereafter until October 1, 2021, the State Board of Professional Counselors and Therapists, in consultation with the Maryland Department of Health and the Department of Budget and Management, shall submit to the Department of Legislative Services a report on the progress made implementing the recommendations contained within the December 2017 publication "Sunset Review: Evaluation of the State Board of Professional Counselors and Therapists".

(b) The progress reports required under subsection (a) of this section shall address:

(1) the efforts made by the Board, in conjunction with the Maryland Department of Health and the Department of Budget and Management, to:

(i) obtain additional personnel resources to allow the Board to conduct a systematic evaluation and triage of the Board's complaint backlog;

(ii) prioritize complaints based on potential public safety risks; and

(iii) develop a plan to systematically address the complaint backlog and implement strategies to prevent future backlogs;

(2) the practices adopted by the Board to improve the thoroughness, completeness, and legibility of investigative notes and the progress made in moving to an electronic system to track complaints and investigations;

(3) the development of concrete timelines for the duration of investigations, wherein after a certain period of time, a case should be dismissed or advanced except under specified circumstances;

(4) the progress the Board has made in adopting regulations as required under subsection (c) of this section;

(5) the research and consideration the Board has given to extending the use of education programs accredited by the respective professional accrediting organizations for education requirements for licensed clinical professional counselors, clinical alcohol and drug counselors, clinical marriage and family therapists, certified associate counselors–alcohol and drug, and certified supervised counselors–alcohol and drug;

(6) any progress made toward the implementation of the proposed portability plan for professional counselors and levels of reciprocity or endorsement to other levels of licensees or certificate holders in other states who have practiced for a specified number of years, passed a state law exam, and passed either a specified national examination or hold a specified national certification from a respective national credentialing organization;

(7) the specific efforts have been undertaken to train Board staff in current requirements for direct licensure or certification responsibilities, and cross-training for additional licensure and certification responsibilities;

(8) the progress of the investigation by the Board into implementing an online licensing and certification system that:

(i) allows applicants to submit applications electronically;

(ii) assists the Board in keeping accurate records of the number of applicants, licensees, and certificate holders; and

(iii) tracks applications through the licensing and certification

process;

(9) whether the number and types of licenses and certificates currently issued are necessary to protect the public or if a reduced number would adequately protect the public and provide better access to services;

(10) the progress that has been made to implement systems to track progress toward licensure and complaint resolution goals, in conjunction with the Department of Budget and Management;

(11) the progress that has been made, in conjunction with the Maryland Department of Health and the Department of Information Technology, to determine whether the Board should be a part of the electronic licensing and disciplinary system;

(12) the progress the Board has made in determining whether it is more appropriate for the Board or the State Board of Examiners of Psychologists to regulate the practice of behavior analysis as required under subsection (d) of this section;

(13) the progress the Board has made in determining whether or not it would be in the best interest of the State to regulate additional creative or expressive counselors and therapists as required under subsection (e) of this section; and

(14) the progress the Board has made in determining a Board composition that appropriately represents the professions credentialed by the Board while providing the best protection to the public as required under subsection (f) of this section.]

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) On or before October 1, 2020, and every 6 months thereafter until October 1, 2025, the State Board of Professional Counselors and Therapists shall submit to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2–1257 of the State Government Article, a report on the progress made implementing the recommendations contained within the December 2017 publication "Sunset Review: Evaluation of the State Board of Professional Counselors and Therapists".

(b) The progress reports required under subsection (a) of this section shall address the progress that the Board has made:

(1) addressing the Board's complaint backlog;

(2) adopting regulations as required under Section 2(c) of Chapter 756 of the Acts of the General Assembly of 2018 and Section 2(c) of Chapter 757 of the Acts of the General Assembly of 2018; and

(3) establishing an Alcohol and Drug Counselor Subcommittee as required under 17-205(b)(7) of the Health Occupations Article.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 160

## (House Bill 304)

AN ACT concerning

#### Consumer Protection – Unfair, Abusive, or Deceptive Trade Practices – Exploitation of Vulnerable Adults

FOR the purpose of authorizing the Division of Consumer Protection in the Office of the Attorney General to bring a certain action under the Consumer Protection Act against a person who violates a certain provision of criminal law regarding the exploitation of a vulnerable adult; adding a violation of a certain provision of criminal law regarding the exploitation of a vulnerable adult to the unfair, abusive, or deceptive trade practices that are subject to enforcement and penalties under this Act; making a stylistic change; and generally relating to the exploitation of vulnerable adults.

BY repealing and reenacting, with amendments, Article – Criminal Law Section 8–801 Annotated Code of Maryland (2012 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments, Article – Corporations and Associations Section 11–101(a) and (d) and 11–209 Annotated Code of Maryland (2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Commercial Law Section 13–201, 13–204(a)(15), and 13–301(14)(xxiv) Annotated Code of Maryland (2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments, Article – Commercial Law Section 13–204(b) Annotated Code of Maryland (2013 Replacement Volume and 2019 Supplement)

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

### Article – Criminal Law

8-801.

(a) (1) In this section the following words have the meanings indicated.

- (2) "Deception" has the meaning stated in § 7–101 of this article.
- (3) "Deprive" has the meaning stated in § 7–101 of this article.
- (4) "Obtain" has the meaning stated in § 7–101 of this article.
- (5) "Property" has the meaning stated in § 7–101 of this article.

(6) (i) "Undue influence" means domination and influence amounting to force and coercion exercised by another person to such an extent that a vulnerable adult or an individual at least 68 years old was prevented from exercising free judgment and choice.

(ii) "Undue influence" does not include the normal influence that one member of a family has over another member of the family.

- (7) "Value" has the meaning stated in § 7–103 of this article.
- (8) "Vulnerable adult" has the meaning stated in § 3–604 of this article.

(b) (1) A person may not knowingly and willfully obtain by deception, intimidation, or undue influence the property of an individual that the person knows or reasonably should know is a vulnerable adult with intent to deprive the vulnerable adult of the vulnerable adult's property.

(2) A person may not knowingly and willfully obtain by deception, intimidation, or undue influence the property of an individual that the person knows or reasonably should know is at least 68 years old, with intent to deprive the individual of the individual's property.

(c) (1) (i) A person convicted of a violation of this section when the value of the property is at least \$1,500 but less than \$25,000 is guilty of a felony and:

1. is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both; and

2. shall restore the property taken or its value to the owner, or, if the owner is deceased, restore the property or its value to the owner's estate.

(ii) A person convicted of a violation of this section when the value of the property is at least \$25,000 but less than \$100,000 is guilty of a felony and:

1. is subject to imprisonment not exceeding 10 years or a fine not exceeding \$15,000 or both; and

2. shall restore the property taken or its value to the owner, or, if the owner is deceased, restore the property or its value to the owner's estate.

(iii) A person convicted of a violation of this section when the value of the property is \$100,000 or more is guilty of a felony and:

1. is subject to imprisonment not exceeding 20 years or a fine not exceeding \$25,000 or both; and

2. shall restore the property taken or its value to the owner, or, if the owner is deceased, restore the property or its value to the owner's estate.

(2) A person convicted of a violation of this section when the value of the property is less than \$1,500 is guilty of a misdemeanor and:

(i) is subject to imprisonment not exceeding 1 year or a fine not exceeding 500 or both; and

(ii) shall restore the property taken or its value to the owner, or, if the owner is deceased, restore the property or its value to the owner's estate.

(d) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any crime based on the act or acts establishing the violation of this section.

(e) (1) If a defendant fails to restore fully the property taken or its value as ordered under subsection (c) of this section, the defendant is disqualified, to the extent of the defendant's failure to restore the property or its value, from inheriting, taking, enjoying, receiving, or otherwise benefiting from the estate, insurance proceeds, or property of the victim of the offense, whether by operation of law or pursuant to a legal document executed or entered into by the victim before the defendant shall have been convicted under this section.

(2) The defendant has the burden of proof with respect to establishing under paragraph (1) of this subsection that the defendant has fully restored the property taken or its value.

(f) This section may not be construed to impose criminal liability on a person who, at the request of the victim of the offense, the victim's family, or the court appointed guardian of the victim, has made a good faith effort to assist the victim in the management of or transfer of the victim's property.

(G) IN ADDITION TO ANY PENALTIES SET FORTH IN THIS SECTION, A VIOLATION OF THIS SECTION:

#### (1) IS AN UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THE COMMERCIAL LAW ARTICLE; AND

# (2) IS SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS CONTAINED IN TITLE 13 OF THE COMMERCIAL LAW ARTICLE.

#### **Article – Corporations and Associations**

11-101.

(a) In this title, unless the context requires otherwise, the following words have the meanings indicated.

(d) "Commissioner" means the Securities Commissioner of the Division of Securities.

11 - 209.

(a) The Commissioner may:

(1) Bring a civil action for damages against a person that violates § 8–801 of the Criminal Law Article on behalf of a victim of the violation or, if the victim is deceased, the victim's estate;

and

(2) Recover damages under this subsection for property loss or damage;

(3) If the Commissioner prevails in an action brought under this subsection, recover the costs of the action for the use of the Office of the Attorney General.

(b) A conviction for a violation of § 8–801 of the Criminal Law Article is not a prerequisite for maintenance of an action under subsection (a) of this section.

#### Article - Commercial Law

13-201.

(A) There is a Division of Consumer Protection in the Office of the Attorney

#### Chapter 161

General.

(B) The Division shall administer this subtitle.

13-204.

(a) In addition to any other of its powers and duties, the Division has the powers and duties to:

(15) (i) Bring a civil action for damages **OR AN ACTION UNDER THIS TITLE** against a person who violates § 8–801 of the Criminal Law Article on behalf of a victim of the offense or, if the victim is deceased, the victim's estate;

and

(ii) Recover damages under this item for property loss or damage;

(iii) If the Division prevails in an action brought under this item, recover the costs of the action for the use of the Office of the Attorney General.

(b) A conviction for an offense under § 8–801 of the Criminal Law Article is not a prerequisite for maintenance of an action under subsection (a)(15) of this section.

13-301.

Unfair, abusive, or deceptive trade practices include any:

(14) Violation of a provision of:

(xxiv) Section 7–304 OR § 8–801 of the Criminal Law Article;

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

## Chapter 161

(House Bill 311)

AN ACT concerning

Courts - Court Dog and Child Witness Program - Established

FOR the purpose of establishing the Court Dog and Child Witness Program; providing that the Program shall be in the circuit court of each county that participates in the Program; providing that participation in the Program is voluntary; requiring a participating court to adhere to certain procedures <del>and rules</del> adopted by the Administrative Office of the Courts; establishing the purpose of the Program; requiring the Administrative Office of the Courts to develop a plan to implement the Program; requiring the Administrative Office of the Courts to establish requirements that a party in a certain proceeding must follow; requiring the Administrative Office of the Courts to make information about the Program publicly available; requiring the Administrative Office of the Courts to adopt certain <del>rules</del> <u>procedures</u>; defining certain terms; altering the termination date of the Court Dog and Child Witness Pilot Program; and generally relating to the Court Dog and Child Witness Program.

#### BY adding to

Article – Courts and Judicial Proceedings

Section 9–501 to be under the new subtitle "Subtitle 5. Court Dog and Child Witness Program" Annotated Code of Maryland

(2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Chapter 467 of the Acts of the General Assembly of 2016, as amended by Chapter 196 of the Acts of the General Assembly of 2017 and Chapter 466 of the Acts of the General Assembly of 2019

Section 2

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

#### **Article – Courts and Judicial Proceedings**

#### SUBTITLE 5. COURT DOG AND CHILD WITNESS PROGRAM.

#### 9–501.

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

(2) "CHILD WITNESS" MEANS A WITNESS WHO IS A MINOR WHEN THE WITNESS TESTIFIES IN A COURT PROCEEDING.

(3) **"FACILITY DOG" MEANS A DOG THAT HAS:** 

(I) GRADUATED FROM A PROGRAM OF AN ASSISTANCE DOG ORGANIZATION THAT TRAINS DOGS FOR THE PURPOSE OF REDUCING STRESS IN A CHILD WITNESS OR CHILD VICTIM;

#### (II) RECEIVED 2 YEARS OF TRAINING;

(III) PASSED THE SAME <u>A</u>-PUBLIC ACCESS TEST AS A <u>FOR</u> SERVICE DOG <u>DOGS</u>; AND

(IV) IS A MEMBER OF A NATIONALLY RECOGNIZED ASSISTANCE DOG ASSOCIATION; AND

(II) BEEN TEAMED WITH A FACILITY DOG HANDLER.

(4) "FACILITY DOG HANDLER" MEANS A PERSON WHO HAS RECEIVED TRAINING ON:

(I) OFFERING THE PERSON'S ANIMAL FOR ASSISTANCE PURPOSES FROM AN ORGANIZATION ACCREDITED BY ASSISTANCE DOGS INTERNATIONAL OR AN EQUIVALENT ORGANIZATION; AND

(II) COURT PROTOCOL AND POLICIES, INCLUDING THE EXPECTED ROLE OF AN ANIMAL ASSISTANCE TEAM AND HOW NOT TO INTERFERE WITH EVIDENCE COLLECTION OR THE EFFECTIVE ADMINISTRATION OF JUSTICE.

(5) "PROGRAM" MEANS THE COURT DOG AND CHILD WITNESS PROGRAM.

(6) "THERAPY DOG" MEANS A DOG THAT HAS:

(I) RECEIVED TRAINING TO PROVIDE AFFECTION AND COMFORT TO <del>CHILDREN</del> *INDIVIDUALS* WHO NEED EMOTIONAL SUPPORT; <del>AND</del>

(II) **BEEN TEAMED WITH A THERAPY DOG HANDLER; AND** 

(III) 1. GRADUATED FROM A PROGRAM OPERATED BY AN ORGANIZATION THAT REGISTERS OR CERTIFIES ASSISTANCE THERAPY DOGS AND THEIR HANDLERS TO MEET OR EXCEED THE STANDARDS OF PRACTICE IN ANIMAL-ASSISTED INTERVENTIONS; OR

## 2. A. PASSED A PUBLIC ACCESS TEST FOR SERVICE DOGS; AND

**B**<u>E</u>EN SPECIALLY TRAINED TO PROVIDE EMOTIONAL SUPPORT TO WITNESSES TESTIFYING IN JUDICIAL PROCEEDINGS WITHOUT CAUSING A DISTRACTION. (7) "THERAPY DOG HANDLER" MEANS A PERSON WHO HAS RECEIVED TRAINING ON:

(I) OFFERING THE PERSON'S ANIMAL FOR ASSISTANCE PURPOSES FROM AN ORGANIZATION THAT INSURES, REGISTERS, OR CERTIFIES THERAPY <u>ASSISTANCE</u> THERAPY DOGS AND THEIR HANDLERS; AND

(II) COURT PROTOCOL AND POLICIES, INCLUDING THE EXPECTED ROLE OF AN ANIMAL ASSISTANCE TEAM AND HOW NOT TO INTERFERE WITH EVIDENCE COLLECTION OR THE EFFECTIVE ADMINISTRATION OF JUSTICE.

(B) (1) THERE IS A COURT DOG AND CHILD WITNESS PROGRAM.

(2) THE PROGRAM SHALL BE IN THE CIRCUIT COURT OF EACH COUNTY THAT PARTICIPATES IN THE PROGRAM.

(3) **PARTICIPATION IN THE PROGRAM SHALL BE VOLUNTARY.** 

(4) A PARTICIPATING COURT SHALL ADHERE TO THE PROCEDURES ESTABLISHED AND RULES ADOPTED IN ACCORDANCE WITH THIS SECTION BY THE ADMINISTRATIVE OFFICE OF THE COURTS.

(C) THE PURPOSE OF THE PROGRAM IS TO PROVIDE A FACILITY DOG OR THERAPY DOG TO A CHILD WITNESS IN ANY CIRCUIT COURT PROCEEDING <u>OR OTHER</u> <u>RELATED COURT PROCESS, MEETING, OR INTERVIEW</u> IN THE STATE, <u>INCLUDING</u>:

(1) <u>An in camera review or other interaction with a judge</u> <u>OR A MAGISTRATE;</u>

(2) <u>A MEETING WITH AN ATTORNEY, BEST INTEREST ATTORNEY,</u> PRIVILEGE ATTORNEY, OR OTHER SPECIALIZED ATTORNEY; OR

(3) <u>A MEETING WITH A CUSTODY EVALUATOR.</u>

(D) TO ACCOMPLISH THE PURPOSE OF THE PROGRAM, THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL:

(1) **DEVELOP A PLAN TO IMPLEMENT THE PROGRAM;** 

(2) ESTABLISH THE PROCEDURES THAT A PARTY IN A COURT PROCEEDING MUST FOLLOW TO REQUEST THAT A THERAPY DOG AND THERAPY DOG HANDLER OR FACILITY DOG AND FACILITY DOG HANDLER ASSIST A CHILD WITNESS; AND AVAILABLE.

(3)

(E) THE ADMINISTRATIVE OFFICE OF THE COURTS MAY ADOPT <del>RULES</del> <u>PROCEDURES</u> TO IMPLEMENT THIS SECTION.

## Chapter 467 of the Acts of 2016, as amended by Chapter 196 of the Acts of 2017 and Chapter 466 of the Acts of 2019

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016. It shall remain effective for a period of [5] 4 years and, at the end of September 30, [2021] **2020**, 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 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 162

(Senate Bill 101)

AN ACT concerning

## Courts - Court Dog and Child Witness Program - Established

FOR the purpose of establishing the Court Dog and Child Witness Program; providing that the Program shall be in the circuit court of each county that participates in the Program; providing that participation in the Program is voluntary; requiring a participating court to adhere to certain procedures <del>and rules</del> adopted by the Administrative Office of the Courts; establishing the purpose of the Program; requiring the Administrative Office of the Courts to develop a plan to implement the Program; requiring the Administrative Office of the Courts to establish requirements that a party in a certain proceeding must follow; requiring the Administrative Office of the Courts to make information about the Program publicly available; requiring the Administrative Office of the Courts to adopt certain <del>rules</del> <u>procedures</u>; defining certain terms; altering the termination date of the Court Dog and Child Witness Pilot Program; and generally relating to the Court Dog and Child Witness Program.

BY adding to

Article – Courts and Judicial Proceedings

Section 9–501 to be under the new subtitle "Subtitle 5. Court Dog and Child Witness Program"

Annotated Code of Maryland (2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Chapter 467 of the Acts of the General Assembly of 2016, as amended by Chapter 196 of the Acts of the General Assembly of 2017 and Chapter 466 of the Acts of the General Assembly of 2019 Section 2

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

**Article – Courts and Judicial Proceedings** 

SUBTITLE 5. COURT DOG AND CHILD WITNESS PROGRAM.

#### 9-501.

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

(2) "CHILD WITNESS" MEANS A WITNESS WHO IS A MINOR WHEN THE WITNESS TESTIFIES IN A COURT PROCEEDING.

(3) "FACILITY DOG" MEANS A DOG THAT HAS:

(I) GRADUATED FROM A PROGRAM OF AN ASSISTANCE DOG ORGANIZATION THAT TRAINS DOGS FOR THE PURPOSE OF REDUCING STRESS IN A CHILD WITNESS <u>OR CHILD VICTIM</u>;

(II) **RECEIVED 2 YEARS OF TRAINING;** 

(III) PASSED THE SAME <u>A</u> PUBLIC ACCESS TEST AS A <u>FOR</u> SERVICE DOG <u>DOGS</u>; AND

(IV) IS A MEMBER OF A NATIONALLY RECOGNIZED ASSISTANCE DOG ASSOCIATION; AND

(II) BEEN TEAMED WITH A FACILITY DOG HANDLER.

(4) "FACILITY DOG HANDLER" MEANS A PERSON WHO HAS RECEIVED TRAINING ON: (I) OFFERING THE PERSON'S ANIMAL FOR ASSISTANCE PURPOSES FROM AN ORGANIZATION ACCREDITED BY ASSISTANCE DOGS INTERNATIONAL OR AN EQUIVALENT ORGANIZATION; AND

(II) COURT PROTOCOL AND POLICIES, INCLUDING THE EXPECTED ROLE OF AN ANIMAL ASSISTANCE TEAM AND HOW NOT TO INTERFERE WITH EVIDENCE COLLECTION OR THE EFFECTIVE ADMINISTRATION OF JUSTICE.

(5) "PROGRAM" MEANS THE COURT DOG AND CHILD WITNESS PROGRAM.

(6) "THERAPY DOG" MEANS A DOG THAT HAS:

(I) RECEIVED TRAINING TO PROVIDE AFFECTION AND COMFORT TO <del>CHILDREN</del> *INDIVIDUALS* WHO NEED EMOTIONAL SUPPORT; <del>AND</del>

(II) BEEN TEAMED WITH A THERAPY DOG HANDLER; AND

(III) <u>1.</u> <u>Graduated from a program operated by an</u> <u>Organization that registers or certifies <del>assistance</del> <u>therapy</u> <u>Dogs and</u> <u>Their Handlers</u> <u>to meet or exceed the standards of practice in</u> <u>Animal-Assisted interventions; or</u></u>

2. A. PASSED A PUBLIC ACCESS TEST FOR SERVICE

DOGS; AND

**B**<u>EEN SPECIALLY TRAINED TO PROVIDE EMOTIONAL</u> SUPPORT TO WITNESSES TESTIFYING IN JUDICIAL PROCEEDINGS WITHOUT CAUSING A DISTRACTION; AND

<u>C.</u> <u>Performed in the capacity of a service dog</u> <u>for at least 2 years</u>.

(7) "THERAPY DOG HANDLER" MEANS A PERSON WHO HAS RECEIVED TRAINING ON:

(I) OFFERING THE PERSON'S ANIMAL FOR ASSISTANCE PURPOSES FROM AN ORGANIZATION THAT INSURES, REGISTERS, OR CERTIFIES THERAPY ASSISTANCE THERAPY DOGS AND THEIR HANDLERS; AND

(II) COURT PROTOCOL AND POLICIES, INCLUDING THE EXPECTED ROLE OF AN ANIMAL ASSISTANCE TEAM AND HOW NOT TO INTERFERE WITH EVIDENCE COLLECTION OR THE EFFECTIVE ADMINISTRATION OF JUSTICE.

(B) (1) THERE IS A COURT DOG AND CHILD WITNESS PROGRAM.

(2) THE PROGRAM SHALL BE IN THE CIRCUIT COURT OF EACH COUNTY THAT PARTICIPATES IN THE PROGRAM.

(3) **PARTICIPATION IN THE PROGRAM SHALL BE VOLUNTARY.** 

(4) A PARTICIPATING COURT SHALL ADHERE TO THE PROCEDURES ESTABLISHED AND RULES ADOPTED IN ACCORDANCE WITH THIS SECTION BY THE ADMINISTRATIVE OFFICE OF THE COURTS.

(C) THE PURPOSE OF THE PROGRAM IS TO PROVIDE A FACILITY DOG OR THERAPY DOG TO A CHILD WITNESS IN ANY CIRCUIT COURT PROCEEDING <u>OR OTHER</u> <u>RELATED COURT PROCESS, MEETING, OR INTERVIEW</u> IN THE STATE, <u>INCLUDING</u>:

(1) AN IN CAMERA REVIEW OR OTHER INTERACTION WITH A JUDGE OR A MAGISTRATE;

(2) <u>A MEETING WITH AN ATTORNEY, BEST INTEREST ATTORNEY,</u> <u>PRIVILEGE ATTORNEY, OR OTHER SPECIALIZED ATTORNEY; OR</u>

(3) <u>A MEETING WITH A CUSTODY EVALUATOR.</u>

(D) TO ACCOMPLISH THE PURPOSE OF THE PROGRAM, THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL:

(1) DEVELOP A PLAN TO IMPLEMENT THE PROGRAM;

(2) ESTABLISH THE PROCEDURES THAT A PARTY IN A COURT PROCEEDING MUST FOLLOW TO REQUEST THAT A THERAPY DOG AND THERAPY DOG HANDLER OR FACILITY DOG AND FACILITY DOG HANDLER ASSIST A CHILD WITNESS; AND

(3) ENSURE THAT THE DETAILS OF THE PROGRAM ARE PUBLICLY AVAILABLE.

(E) THE ADMINISTRATIVE OFFICE OF THE COURTS MAY ADOPT <del>RULES</del> <u>PROCEDURES</u> TO IMPLEMENT THIS SECTION.

## Chapter 467 of the Acts of 2016, as amended by Chapter 196 of the Acts of 2017 and Chapter 466 of the Acts of 2019

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016. It shall remain effective for a period of [5] 4 years and, at the end of

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September 30, [2021] **2020**, 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 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 163

## (House Bill 314)

AN ACT concerning

### Real Property – Lien Priority of Refinance Mortgages – Exception for Government Junior Mortgages

FOR the purpose of establishing that a certain provision of law authorizing a mortgagor or grantor to refinance the indebtedness secured by a first mortgage or deed of trust without obtaining permission from the holder of a certain junior lien does not apply to certain junior liens; providing for the application of this Act; and generally relating to lien priority and refinance mortgages.

BY repealing and reenacting, with amendments, Article – Real Property Section 7–112 Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

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

## Article – Real Property

7 - 112.

(a) (1) In this section the following words have the meanings indicated.

(2) "Escrow costs" means money to pay property taxes, hazard insurance, mortgage insurance, and similar costs associated with real property secured by a refinance mortgage that a lender requires to be collected at closing and held in escrow.

(3) (i) "Junior lien" means a mortgage, deed of trust, or other security instrument that is subordinate in priority to a first mortgage or deed of trust under § 3-203 of this article.

- (ii) "Junior lien" does not include:
  - 1. A judgment lien; or
  - 2. A lien filed under the Maryland Contract Lien Act.

(4) "Refinance mortgage" means a mortgage, deed of trust, or other security instrument given to secure the refinancing of indebtedness secured by a first mortgage or deed of trust.

(5) "Residential property" means real property improved by four or fewer single family dwelling units that are designed principally and are intended for human habitation.

# (B) THIS SECTION DOES NOT APPLY TO A JUNIOR LIEN SECURING A LOAN MADE BY A STATE OR LOCAL GOVERNMENT AGENCY WITH A 0% INTEREST RATE.

[(b)] (C) A mortgagor or grantor who refinances in full the unpaid indebtedness secured by a first mortgage or deed of trust encumbering or conveying an interest in residential property at an interest rate lower than provided for in the evidence of indebtedness secured by the first mortgage or deed of trust is not required to obtain permission from the holder of a junior lien if:

(1) The principal amount secured by the junior lien does not exceed \$150,000; and

(2) The principal amount secured by the refinance mortgage does not exceed the unpaid outstanding principal balance secured by the first mortgage or deed of trust plus an amount not exceeding \$5,000 to pay closing costs and escrow costs.

[(c)] (D) A refinance mortgage that meets the requirements of subsection [(b)] (C) of this section shall have, on recordation, the same lien priority as the first mortgage or deed of trust that the refinance mortgage replaces.

[(d)] (E) A refinance mortgage that meets the requirements of subsection [(b)] (C) of this section shall include the following statement in bold or capitalized letters: "This is a refinance of a deed of trust/mortgage/other security instrument recorded among the land records of ....., county/city, Maryland in liber no. ...... folio ....., in the original principal amount of ....., and with the unpaid outstanding principal balance of ...... The interest rate provided for in the evidence of indebtedness secured by this refinance mortgage is lower than the applicable interest rate provided for in the evidence of indebtedness secured by the deed of trust/mortgage/other security instrument being refinanced."

[(e)] (F) The priorities among two or more junior liens shall be governed by §

## Chapter 164

3-203 of this article.

[(f)] (G) This section may not be construed to preempt or abrogate the operation or effect of, or ability of a court to apply the principles of, equitable subrogation or equitable subordination.

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 refinance mortgage recorded or having an effective date before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 164

## (House Bill 315)

AN ACT concerning

#### Public Ethics – Executive Branch – Lobbying by Former Secretaries of Principal Departments (Shut the Revolving Door Act of 2020) Public Ethics Violations and Crimes – Prohibitions and Penalties

FOR the purpose of <u>increasing certain penalties for bribery relating to a public employee</u>; prohibiting, subject to a certain exception, a former secretary of a principal department of the Executive Branch from assisting or representing another party for compensation, for a certain period of time, in a certain matter that is the subject of legislative action; and generally relating to <del>public ethics and former public officials</del> <del>of the Executive Branch</del> prohibitions and penalties related to certain public ethics <u>violations and crimes</u>.

BY repealing and reenacting, with amendments,

<u>Article – Criminal Law</u> <u>Section 9–201</u> <u>Annotated Code of Maryland</u> (2012 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – General Provisions Section 5–504(d) Annotated Code of Maryland (2019 Replacement Volume) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

### <u>Article – Criminal Law</u>

#### <u>9–201.</u>

- (a) (1) In this section the following words have the meanings indicated.
  - (2) <u>"Political subdivision" includes a:</u>
    - (i) <u>county;</u>
    - (ii) <u>municipal corporation;</u>
    - (iii) <u>bi-county or multicounty agency;</u>
    - (iv) county board of education;
    - (v) public authority; or
    - (vi) special taxing district that is not a homeowner's association.
  - (3) (i) "Public employee" means an officer or employee of:
    - <u>1.</u> <u>the State; or</u>
    - <u>2.</u> <u>a political subdivision of the State.</u>
    - (ii) <u>"Public employee" includes:</u>
      - <u>1.</u> <u>an executive officer of the State;</u>
      - <u>2.</u> <u>a judge of the State;</u>
      - <u>3.</u> <u>a judicial officer of the State;</u>
      - <u>4.</u> <u>a member or officer of the General Assembly;</u>

<u>5.</u> <u>a member of the police force of Baltimore City or the</u> <u>Department of State Police; and</u>

subdivision.

<u>6.</u> <u>a member, officer, or executive officer of a political</u>

A person may not bribe or attempt to bribe a public employee to influence the (b) public employee in the performance of an official duty of the public employee.

A public employee may not demand or receive a bribe, fee, reward, or (c) testimonial to:

influence the performance of the official duties of the public employee: (1)

or

neglect or fail to perform the official duties of the public employee. (2)

A person who violates this section is guilty of the misdemeanor of bribery and (d) on conviction:

is subject to imprisonment for not less than 2 years and not exceeding (1)12 years or a fine not less than [\$1,000] **\$10,000** \$5,000 and not exceeding [\$10,000] **\$100,000** *\$25,000* or both;

> (2)may not vote; and

may not hold an office of trust or profit in the State. (3)

A person who violates this section is subject to § 5–106(b) of the Courts Article. (e)

- <u>(f)</u> (1) A person who violates this section:
  - (i) is a competent witness; and

subject to paragraph (2) of this subsection, may be compelled to (ii) testify against any person who may have violated this section.

(2)A person compelled to testify for the State under paragraph (1) of this subsection is immune from prosecution for a crime about which the person was compelled to testify.

## **Article – General Provisions**

5 - 504.

(d) (1)Except for a former member of the General Assembly, who shall be subject to the restrictions provided under paragraph (2) of this subsection, a former official or employee may not assist or represent a party, other than the State, in a case, a contract, or any other specific matter for compensation if:

> (i) the matter involves State government; and

(ii) the former official or employee participated significantly in the matter as an official or employee.

(2) (i) In this paragraph, "legislative action" does not include testimony or other advocacy in an official capacity as a member of the General Assembly before a unit of State or local government.

(ii) Except as provided in subparagraph (iii) of this paragraph:

1. a former member of the General Assembly may not assist or represent another party for compensation in a matter that is the subject of legislative action for one calendar year from the date the member leaves office; and

2. a former Governor, Lieutenant Governor, Attorney General, Comptroller, [or] State Treasurer, OR SECRETARY OF A PRINCIPAL DEPARTMENT OF THE EXECUTIVE BRANCH may not assist or represent another party for compensation in a matter that is the subject of legislative action for one calendar year from the date the official leaves State office.

(iii) The limitation under subparagraph (ii) of this paragraph on representation by a former member of the General Assembly [or by a former], Governor, Lieutenant Governor, Attorney General, Comptroller, [or] State Treasurer, OR SECRETARY OF A PRINCIPAL DEPARTMENT OF THE EXECUTIVE BRANCH does not apply to representation of a municipal corporation, county, or State governmental entity.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 165

(House Bill 318)

AN ACT concerning

#### University System of Maryland – Textbooks – Availability of Free <u>or Low-Cost</u> Digital Materials (Textbook Transparency Act of 2020)

FOR the purpose of requiring each constituent institution of higher education in the University System of Maryland to develop a method to clearly and conspicuously show students in the online course catalog which courses use free <u>or low-cost</u> digital materials and may provide access to certain low-cost print materials; providing that

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certain free <u>or low-cost</u> digital materials include certain resources and be equally accessible and usable by individuals with disabilities<del>, to the extent practicable</del>; <u>providing for a delayed effective date</u>; and generally relating to free <u>or low-cost</u> digital materials in higher education courses.

BY adding to

Article – Education Section 12–114.2 Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

#### Article – Education

12-114.2.

(A) EACH CONSTITUENT INSTITUTION SHALL DEVELOP A METHOD TO CLEARLY AND CONSPICUOUSLY SHOW IN THE ONLINE COURSE CATALOG SCHEDULING APPLICATION WHICH COURSES:

(1) PROVIDE STUDENTS ACCESS TO ALL REQUIRED COURSE MATERIALS IN THE FORM OF FREE <u>OR LOW-COST</u> DIGITAL MATERIALS; AND

(2) MAY PROVIDE STUDENTS ACCESS TO COURSE MATERIALS WITH A LOW-COST PRINT OPTION AS AN ALTERNATIVE TO FREE <u>OR LOW-COST</u> DIGITAL MATERIALS.

(B) THE FREE <u>OR LOW-COST</u> DIGITAL MATERIALS UNDER SUBSECTION (A) OF THIS SECTION:

(1) <u>MAY SHALL, TO THE EXTENT PRACTICABLE</u>, INCLUDE OPENLY LICENSED EDUCATIONAL RESOURCES; AND

(2) SHALL<del>, TO THE EXTENT PRACTICABLE,</del> BE EQUALLY ACCESSIBLE TO AND INDEPENDENTLY USABLE BY INDIVIDUALS WITH DISABILITIES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1,  $\frac{2020}{2021}$ .

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 166

## (Senate Bill 667)

AN ACT concerning

#### University System of Maryland – Textbooks – Availability of Free <u>or Low-Cost</u> Digital Materials (Textbook Transparency Act of 2020)

FOR the purpose of requiring each constituent institution of higher education in the University System of Maryland to develop a method to clearly and conspicuously show students in the online course catalog which courses use free <u>or low-cost</u> digital materials and may provide access to certain low-cost print materials; providing that certain free <u>or low-cost</u> digital materials include certain resources and be equally accessible and usable by individuals with disabilities<del>, to the extent practicable</del>; <u>providing for a delayed effective date</u>; and generally relating to free <u>or low-cost</u> digital materials in higher education courses.

BY adding to

Article – Education Section 12–114.2 Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

## Article – Education

#### 12-114.2.

(A) EACH CONSTITUENT INSTITUTION SHALL DEVELOP A METHOD TO CLEARLY AND CONSPICUOUSLY SHOW IN THE ONLINE COURSE CATALOG SCHEDULING APPLICATION WHICH COURSES:

(1) **PROVIDE STUDENTS ACCESS TO ALL REQUIRED COURSE** MATERIALS IN THE FORM OF FREE <u>OR LOW-COST</u> DIGITAL MATERIALS; AND

(2) MAY PROVIDE STUDENTS ACCESS TO COURSE MATERIALS WITH A LOW-COST PRINT OPTION AS AN ALTERNATIVE TO FREE <u>OR LOW-COST</u> DIGITAL MATERIALS.

(B) THE FREE <u>OR LOW-COST</u> DIGITAL MATERIALS UNDER SUBSECTION (A) OF THIS SECTION:

(1) MAY <u>Shall, to the extent practicable</u>, include openly Licensed educational resources; and

# (2) SHALL<del>, TO THE EXTENT PRACTICABLE,</del> BE EQUALLY ACCESSIBLE TO AND INDEPENDENTLY USABLE BY INDIVIDUALS WITH DISABILITIES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1,  $\frac{2020}{2021}$ .

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 167

(House Bill 322)

AN ACT concerning

## Frederick County - Alcoholic Beverages - Cinema/Theater License

FOR the purpose of repealing certain time and area restrictions on the consumption of beer, wine, and liquor in a cinema or theater for which a certain license has been issued in Frederick County; authorizing the on-premises consumption of beer, wine, and liquor in the lobby or a screening room or performance hall in the licensed premises of the cinema or theater; and generally relating to alcoholic beverages in Frederick County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages Section 20–102 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Alcoholic Beverages Section 20–1003.1 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

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

## Article – Alcoholic Beverages

This title applies only in Frederick County.

20-1003.1.

(a) There is a Class CT (cinema/theater) (on-sale) beer, wine, and liquor license.

(b) The Board may issue the license for use in a for-profit cinema or theater that has one or more screening rooms or performance halls.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor for on-premises consumption by the can, bottle, or drink:

(i) [in a designated area of the lobby, for 45 minutes before a movie starts or a theater performance starts] IN THE LOBBY OR A SCREENING ROOM OR PERFORMANCE HALL; and

(ii) to an individual who has a ticket to a movie or a theater performance and proper identification.

(2) A license holder shall offer for sale food other than candy and popcorn.

(d) A customer may consume beer, wine, or liquor anywhere on the licensed premises.

(e) A license holder may exercise the privileges of the license Monday through Sunday.

(f) An individual serving beer, wine, or liquor:

(1) may not mix the contents of one bottle with the contents of another bottle; and

(2) shall remove or destroy all empty bottles and cans.

(g) (1) A license holder shall:

(i) obtain a crowd control training certificate from a program that is certified by the State; and

(ii) while selling beer, wine, and liquor, have one certified crowd control manager on the licensed premises for every 250 individuals present.

(2) Notwithstanding § 20–1903(a) of this title, a license holder shall require one individual who has completed a certified alcohol awareness program to be on the licensed premises at all times when alcohol is being served.

(h) The annual license fee is \$1,500.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

## Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 168

## (House Bill 325)

AN ACT concerning

### Sexual Harassment Prevention Training – Designated Coordinator – University System of Maryland

FOR the purpose of <u>providing for the application of certain sexual harassment prevention</u> <u>training requirements</u>; repealing the requirement that a certain representative designated by a unit of the University System of Maryland to coordinate certain sexual harassment prevention training be the unit's Title IX Coordinator; and generally relating to sexual harassment prevention training and the University System of Maryland.

BY repealing and reenacting, with amendments, Article – State Personnel and Pensions Section <u>2–203.1(d)(1)</u> <u>2–203.1(b) and (d)(1)</u> Annotated Code of Maryland (2015 Replacement Volume and 2019 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**

2 - 203.1.

(b) (1) This section applies to all units in the Executive, Judicial, and Legislative branches of State government, including all units with independent personnel systems.

(2) FOR THE UNIVERSITY SYSTEM OF MARYLAND, THIS SECTION APPLIES TO EACH CONSTITUENT INSTITUTION. (d) (1) (i) Each unit shall designate a representative to coordinate with the Commission to implement the training State employees are required to complete under subsection (c) of this section.

(ii) [For a unit of the University System of Maryland, the representative designated under subparagraph (i) of this paragraph shall be the unit's Title IX Coordinator.

(iii)] A unit may incorporate the training into existing employment training for new employees and supervisors.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 169

### (Senate Bill 961)

AN ACT concerning

### Sexual Harassment Prevention Training – Designated Coordinator – University System of Maryland

- FOR the purpose of <u>providing for the application of certain sexual harassment prevention</u> <u>training requirements</u>; repealing the requirement that a certain representative designated by a unit of the University System of Maryland to coordinate certain sexual harassment prevention training be the unit's Title IX Coordinator; and generally relating to sexual harassment prevention training and the University System of Maryland.
- BY repealing and reenacting, with amendments, Article – State Personnel and Pensions Section <u>2–203.1(d)(1)</u> <u>2–203.1(b) and (d)(1)</u> Annotated Code of Maryland (2015 Replacement Volume and 2019 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**

2-203.1.

(b) (1) This section applies to all units in the Executive, Judicial, and Legislative branches of State government, including all units with independent personnel systems.

# (2) FOR THE UNIVERSITY SYSTEM OF MARYLAND, THIS SECTION APPLIES TO EACH CONSTITUENT INSTITUTION.

(d) (1) (i) Each unit shall designate a representative to coordinate with the Commission to implement the training State employees are required to complete under subsection (c) of this section.

(ii) [For a unit of the University System of Maryland, the representative designated under subparagraph (i) of this paragraph shall be the unit's Title IX Coordinator.

(iii)] A unit may incorporate the training into existing employment training for new employees and supervisors.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 170

# (House Bill 329)

AN ACT concerning

# Anne Arundel County – Alcoholic Beverages – Notice of License Application

FOR the purpose of authorizing the Board of License Commissioners for Anne Arundel County to fulfill a certain notice requirement by posting online a completed application for an alcoholic beverages license a certain number of days before the application hearing; altering a certain notice provision to require the applicant for an alcoholic beverages license, rather than the Board, to post a certain notice at the location described in the application for a certain number of days before the application hearing; and generally relating to alcoholic beverages licenses in Anne Arundel County.

BY repealing and reenacting, without amendments, Article – Alcoholic Beverages Section 4–208 and 11–102 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Alcoholic Beverages Section 11–1508 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

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

### **Article – Alcoholic Beverages**

4 - 208.

(a) Before a local licensing board may approve an application for a license, the local licensing board shall publish notice of the application two times in 2 successive weeks:

(1) in two newspapers of general circulation in the jurisdiction; or

(2) if only one newspaper of general circulation exists in the jurisdiction, in that newspaper.

(b) The notice shall state:

(1) the name of the applicant;

(2) the type of license for which the application is made;

(3) the location described in the application; and

(4) the date, time, and place set by the local licensing board for a hearing on the application.

#### 11 - 102.

This title applies only in Anne Arundel County.

11 - 1508.

# (a) (1) THE BOARD MAY FULFILL THE NOTICE REQUIREMENT UNDER § 4–208 OF THIS ARTICLE BY POSTING ONLINE A COMPLETED APPLICATION AT LEAST 10 DAYS BEFORE THE APPLICATION HEARING.

(2) In addition to the newspaper notice required under § 4–208 of this article OR THE ONLINE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS

**SUBSECTION**, the Board shall **REQUIRE THE APPLICANT FOR A LICENSE TO** post a suitable notice, similar to a notice used for zoning purposes, in a conspicuous place at the location described in the application for at least 10 days before the application hearing.

(b) A notice under this section shall state the class of license for which application is made and the date, time, and location set by the Board for an application hearing.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 171

(Senate Bill 180)

AN ACT concerning

### Anne Arundel County - Alcoholic Beverages - Notice of License Application

FOR the purpose of authorizing the Board of License Commissioners for Anne Arundel County to fulfill a certain notice requirement by posting online a completed application for an alcoholic beverages license a certain number of days before the application hearing; altering a certain notice provision to require the applicant for an alcoholic beverages license, rather than the Board, to post a certain notice at the location described in the application for a certain number of days before the application hearing; and generally relating to alcoholic beverages licenses in Anne Arundel County.

BY repealing and reenacting, without amendments, Article – Alcoholic Beverages Section 4–208 and 11–102 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Alcoholic Beverages Section 11–1508 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

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

### **Article – Alcoholic Beverages**

4 - 208.

(a) Before a local licensing board may approve an application for a license, the local licensing board shall publish notice of the application two times in 2 successive weeks:

(1) in two newspapers of general circulation in the jurisdiction; or

(2) if only one newspaper of general circulation exists in the jurisdiction, in that newspaper.

(b) The notice shall state:

- (1) the name of the applicant;
- (2) the type of license for which the application is made;
- (3) the location described in the application; and

(4) the date, time, and place set by the local licensing board for a hearing on the application.

11-102.

This title applies only in Anne Arundel County.

11 - 1508.

# (a) (1) THE BOARD MAY FULFILL THE NOTICE REQUIREMENT UNDER § 4–208 OF THIS ARTICLE BY POSTING ONLINE A COMPLETED APPLICATION AT LEAST 10 DAYS BEFORE THE APPLICATION HEARING.

(2) In addition to the newspaper notice required under § 4–208 of this article OR THE ONLINE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, the Board shall REQUIRE THE APPLICANT FOR A LICENSE TO post a suitable notice, similar to a notice used for zoning purposes, in a conspicuous place at the location described in the application for at least 10 days before the application hearing.

(b) A notice under this section shall state the class of license for which application is made and the date, time, and location set by the Board for an application hearing.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

# Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 172

### (House Bill 332)

AN ACT concerning

#### Mental Health – <u>Confidentiality of Medical Records and</u> Emergency Facilities List – <u>Comprehensive Crisis Response Centers, Crisis Stabilization Centers, and</u> <u>Crisis Treatment Centers</u>

FOR the purpose of <u>altering the definition of "health care provider" for the purposes of</u> <u>certain provisions of law governing the confidentiality of medical records to include</u> <u>comprehensive crisis response centers, crisis stabilization centers, and crisis</u> <u>treatment centers;</u> providing that the list of emergency facilities the Maryland Department of Health is required to publish may include comprehensive crisis response centers, crisis stabilization centers, <del>and</del> crisis treatment centers, <u>and</u> <u>outpatient mental health clinics; requiring the Department to give the list to each</u> <u>local behavioral health authority; requiring the Department to develop a certain</u> <u>model program structure; requiring the Department to submit a certain report to the</u> <u>General Assembly on or before a certain date each year; prohibiting the Department</u> <u>from adding emergency facilities to a certain list before certain model facility</u> <u>standards are developed;</u> and generally relating to <del>the list of emergency facilities</del> <del>published by the Maryland Department of Health</del> <u>mental health</u>.

BY repealing and reenacting, without amendments,

<u>Article – Health – General</u> <u>Section 4–301(a) and 7.5–207</u> <u>Annotated Code of Maryland</u> (2019 Replacement Volume)

BY repealing and reenacting, with amendments, Article – Health – General Section <u>4–301(h) and</u> 10–621 Annotated Code of Maryland (2019 Replacement Volume)

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

# Article – Health – General

<u>4–301.</u>

- (a) In this subtitle the following words have the meanings indicated.
- (h) (1) <u>"Health care provider" means:</u>

(i) A person who is licensed, certified, or otherwise authorized under the Health Occupations Article or § 13–516 of the Education Article to provide health care in the ordinary course of business or practice of a profession or in an approved education or training program; or

(ii) <u>A facility where health care is provided to patients or recipients,</u> including a facility as defined in § 10–101(g) of this article, a hospital as defined in § 19–301 of this article, a related institution as defined in § 19–301 of this article, a health maintenance organization as defined in § 19–701(g) of this article, an outpatient clinic, [and] a medical laboratory, A COMPREHENSIVE CRISIS RESPONSE CENTER, A CRISIS STABILIZATION CENTER, AND A CRISIS TREATMENT CENTER ESTABLISHED UNDER § 7.5–207 OF THIS ARTICLE.

(2) <u>"Health care provider" includes the agents, employees, officers, and</u> <u>directors of a facility and the agents and employees of a health care provider.</u>

7.5-207.

(a) Subject to subsection (b) of this section, the Administration shall establish crisis treatment centers that provide individuals who are in a mental health or substance use disorder crisis with access to clinical staff who:

(1) Perform assessments and level of care determinations 24 hours a day and 7 days a week; and

(2) Connect the individuals to care immediately.

(b) At least one crisis treatment center shall be established on or before June 1, 2018.

(c) The Administration shall establish the crisis treatment centers required under subsection (a) of this section in a manner that is consistent with the strategic plan developed by the Behavioral Health Advisory Council, as required by Chapters 405 and 406 of the Acts of the General Assembly of 2016.

(d) On or before September 1, 2017, and on or before September 1 each year thereafter until the Administration establishes the crisis treatment centers required under subsection (a) of this section, the Administration shall submit, in accordance with § 2–1257 of the State Government Article, a report on the status of the establishment of crisis treatment centers under this section to the Joint Committee on Behavioral Health and Opioid Use Disorders.

10–621.

(A) At least once a year, the Department shall:

(1) Publish a list of emergency facilities and their addresses; and

(2) Give the list to each health department, judge of a court, sheriff's office, police station, <u>LOCAL BEHAVIORAL HEALTH AUTHORITY</u>, and Secret Service office in this State.

(B) THE LIST PUBLISHED UNDER SUBSECTION (A)(1) OF THIS SECTION MAY INCLUDE:

(1) COMPREHENSIVE CRISIS RESPONSE CENTERS;

(2) CRISIS STABILIZATION CENTERS; AND

(3) CRISIS TREATMENT CENTERS ESTABLISHED UNDER § 7.5–207 OF THIS ARTICLE; AND

(4) OUTPATIENT MENTAL HEALTH CLINICS.

(C) BEFORE INCLUDING A FACILITY UNDER SUBSECTION (B) OF THIS SECTION IN THE LIST OF EMERGENCY FACILITIES, THE DEPARTMENT SHALL CONSULT WITH STAKEHOLDERS TO DEVELOP A MODEL PROGRAM STRUCTURE THAT ENSURES THAT A PROGRAM WISHING TO SERVE AS AN EMERGENCY FACILITY:

(1) IS ADEQUATELY STAFFED TO PROVIDE 24-HOUR EMERGENCY PETITION SERVICES;

(2) PROVIDES THE NECESSARY SERVICES REQUIRED FOR AN EMERGENCY PETITION;

(3) HAS WRITTEN PROCEDURES IN PLACE THAT PROVIDE FOR INVOLUNTARY ADMISSIONS, THROUGH AN EMERGENCY PETITION, INCLUDING TO A LICENSED HOSPITAL, AS NECESSARY;

(4) PROVIDES ADDITIONAL SUPPORT TO RESPECT THE DUE PROCESS RIGHTS OF PATIENTS RECEIVED THROUGH THE EMERGENCY PETITION PROCESS; AND

(5) <u>COMPLIES WITH ADDITIONAL PROCEDURES AS OTHERWISE</u> <u>DETERMINED BY THE DEPARTMENT.</u>

(D) ON OR BEFORE SEPTEMBER 30 EACH YEAR, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, ON: (1) THE NUMBER OF FACILITIES THAT HAVE SOUGHT TO BE DESIGNATED AN EMERGENCY FACILITY;

### (2) THE NUMBER OF THE FACILITIES REPORTED UNDER ITEM (1) OF THIS SUBSECTION THAT HAVE ATTEMPTED TO MEET THE MODEL FACILITY STANDARDS DEVELOPED UNDER SUBSECTION (C) OF THIS SECTION;

### (3) <u>THE PROGRESS OF THE FACILITIES REPORTED UNDER ITEM (2)</u> OF THIS SUBSECTION TOWARD MEETING THE MODEL FACILITY STANDARDS;

# (4) THE DEVELOPMENT OF COLLABORATIVE MODELS BETWEEN STATE, LOCAL, AND PRIVATE ENTITIES; AND

# (5) WHETHER THE DEPARTMENT, IN CONSULTATION WITH STAKEHOLDERS, HAS DETERMINED THAT ANY CHANGES TO THE MODEL FACILITY STANDARDS ARE NECESSARY.

<u>SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Department of</u> <u>Health may not add emergency facilities to the list published under § 10–621(a)(1), as</u> <u>amended by Section 1 of this Act, of the Health – General Article until the model facility</u> <u>standards required under § 10–621(c) of the Health – General Article, as enacted by Section</u> <u>1 of this Act, have been developed.</u>

SECTION  $\stackrel{2}{=}$  3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 173

(Senate Bill 441)

AN ACT concerning

### Mental Health – <u>Confidentiality of Medical Records and</u> Emergency Facilities List – Comprehensive Crisis Response Centers, Crisis Stabilization Centers, and Crisis Treatment Centers

FOR the purpose of <u>altering the definition of "health care provider" for the purposes of</u> <u>certain provisions of law governing the confidentiality of medical records to include</u> <u>comprehensive crisis response centers, crisis stabilization centers, and crisis</u> <u>treatment centers;</u> providing that the list of emergency facilities the Maryland Department of Health is required to publish may include comprehensive crisis response centers, crisis stabilization centers, <u>and</u> crisis treatment centers, <u>and</u> outpatient mental health clinics; requiring the Department to develop a certain model program structure; requiring the Department to submit a certain report to the General Assembly on or before a certain date each year; prohibiting the Department from adding emergency facilities to a certain list before certain model facility standards are developed; requiring the Department to give the list to each local behavioral health authority; and generally relating to the list of emergency facilities published by the Maryland Department of Health <u>mental health</u>.

<u>BY repealing and reenacting, without amendments,</u> <u>Article – Health – General</u> <u>Section 4–301(a) and 7.5–207</u> <u>Annotated Code of Maryland</u> (2019 Replacement Volume)

BY repealing and reenacting, with amendments, Article – Health – General Section <u>4–301(h) and</u> 10–621 Annotated Code of Maryland (2019 Replacement Volume)

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

# Article – Health – General

### <u>4–301.</u>

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

(h) (1) "Health care provider" means:

(i) <u>A person who is licensed, certified, or otherwise authorized under</u> <u>the Health Occupations Article or § 13–516 of the Education Article to provide health care</u> <u>in the ordinary course of business or practice of a profession or in an approved education or</u> <u>training program; or</u>

(ii) <u>A facility where health care is provided to patients or recipients,</u> including a facility as defined in § 10–101(g) of this article, a hospital as defined in § 19–301 of this article, a related institution as defined in § 19–301 of this article, a health maintenance organization as defined in § 19–701(g) of this article, an outpatient clinic, [and] a medical laboratory, A COMPREHENSIVE CRISIS RESPONSE CENTER, A CRISIS STABILIZATION CENTER, AND A CRISIS TREATMENT CENTER ESTABLISHED UNDER § 7.5–207 OF THIS ARTICLE.

(2) <u>"Health care provider" includes the agents, employees, officers, and</u> <u>directors of a facility and the agents and employees of a health care provider.</u> <u>7.5–207.</u>

(a) Subject to subsection (b) of this section, the Administration shall establish crisis treatment centers that provide individuals who are in a mental health or substance use disorder crisis with access to clinical staff who:

(1) <u>Perform assessments and level of care determinations 24 hours a day</u> and 7 days a week; and

(2) <u>Connect the individuals to care immediately.</u>

(b) At least one crisis treatment center shall be established on or before June 1, 2018.

(c) The Administration shall establish the crisis treatment centers required under subsection (a) of this section in a manner that is consistent with the strategic plan developed by the Behavioral Health Advisory Council, as required by Chapters 405 and 406 of the Acts of the General Assembly of 2016.

(d) On or before September 1, 2017, and on or before September 1 each year thereafter until the Administration establishes the crisis treatment centers required under subsection (a) of this section, the Administration shall submit, in accordance with § 2–1257 of the State Government Article, a report on the status of the establishment of crisis treatment centers under this section to the Joint Committee on Behavioral Health and Opioid Use Disorders.

10-621.

(A) At least once a year, the Department shall:

(1) Publish a list of emergency facilities and their addresses; and

(2) Give the list to each health department, judge of a court, sheriff's office, police station, <u>LOCAL BEHAVIORAL HEALTH AUTHORITY</u>, and Secret Service office in this State.

(B) THE LIST PUBLISHED UNDER SUBSECTION (A)(1) OF THIS SECTION MAY INCLUDE:

- (1) COMPREHENSIVE CRISIS RESPONSE CENTERS;
- (2) CRISIS STABILIZATION CENTERS; AND

(3) CRISIS TREATMENT CENTERS ESTABLISHED UNDER § 7.5–207 OF THIS ARTICLE<u>; AND</u>

(4) OUTPATIENT MENTAL HEALTH CLINICS.

(C) <u>BEFORE INCLUDING A FACILITY UNDER SUBSECTION (B) OF THIS</u> <u>SECTION IN THE LIST OF EMERGENCY FACILITIES, THE DEPARTMENT SHALL</u> <u>CONSULT WITH STAKEHOLDERS TO DEVELOP A MODEL PROGRAM STRUCTURE THAT</u> <u>ENSURES THAT A PROGRAM WISHING TO SERVE AS AN EMERGENCY FACILITY:</u>

(1) Is adequately staffed to provide 24-hour emergency <u>Petition services;</u>

(2) PROVIDES THE NECESSARY SERVICES REQUIRED FOR AN EMERGENCY PETITION;

(3) HAS WRITTEN PROCEDURES IN PLACE THAT PROVIDE FOR INVOLUNTARY ADMISSIONS, THROUGH AN EMERGENCY PETITION, INCLUDING TO A LICENSED HOSPITAL, AS NECESSARY;

(4) <u>PROVIDES ADDITIONAL SUPPORT TO RESPECT THE DUE PROCESS</u> <u>RIGHTS OF PATIENTS RECEIVED THROUGH THE EMERGENCY PETITION PROCESS;</u> <u>AND</u>

(5) <u>COMPLIES WITH ADDITIONAL PROCEDURES AS OTHERWISE</u> <u>DETERMINED BY THE DEPARTMENT.</u>

(D) ON OR BEFORE SEPTEMBER 30 EACH YEAR, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, ON:

(1) The number of facilities that have sought to be Designated an emergency facility;

(2) <u>The number of the facilities reported under item (1) of</u> <u>This subsection that have attempted to meet the model facility</u> <u>STANDARDS DEVELOPED UNDER SUBSECTION (C) OF THIS SECTION;</u>

(3) <u>The progress of the facilities reported under item (2) of</u> <u>This subsection toward meeting the model facility standards;</u>

(4) <u>The development of collaborative models between</u> <u>State, local, and private entities; and</u>

(5) WHETHER THE DEPARTMENT, IN CONSULTATION WITH STAKEHOLDERS, HAS DETERMINED THAT ANY CHANGES TO THE MODEL FACILITY STANDARDS ARE NECESSARY. <u>SECTION 2. AND BE IT FURTHER ENACTED</u>, That the Maryland Department of Health may not add emergency facilities to the list published under § 10-621(a)(1), as amended by Section 1 of this Act, of the Health – General Article until the model facility standards required under § 10-621(c) of the Health – General Article, as enacted by Section 1 of this Act, have been developed.

SECTION  $\frac{2}{2}$ . <u>3.</u> AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 174

(Senate Bill 431)

AN ACT concerning

### **Charles County – Tax Increment Financing and Special Taxing Districts**

FOR the purpose of authorizing Charles County to use the proceeds from the issuance of certain tax increment financing bonds for certain purposes in the Waldorf Urban <u>Redevelopment Corridor</u>; authorizing Charles County to establish a special taxing district, impose ad valorem or special taxes, and issue bonds to provide financing, refinancing, or reimbursement for certain costs; <u>making certain financing</u>, <u>refinancing, and reimbursement contingent on the review and approval of the Board of County Commissioners of Charles County; authorizing Charles County, in <u>exercising certain authority, to establish minority business enterprise participation goals for certain development projects;</u> and generally relating to tax increment financing and special taxing districts in Charles County.</u>

BY repealing and reenacting, without amendments,

Article – Economic Development Section 12–203(a), 12–204(a), 12–207(a), and 12–209(a) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

BY adding to

Article – Economic Development Section 12–207(g) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments, Article – Local Government Section 21–503(a) and 21–504(a) Annotated Code of Maryland (2013 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Local Government Section 21–521 Annotated Code of Maryland (2013 Volume and 2019 Supplement)

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

### Article – Economic Development

12-203.

(a) Before issuing bonds, the governing body of the political subdivision shall:

(1) by resolution:

(i) designate a contiguous area within its jurisdiction as a development district;

(ii) identify an area that has been designated a sustainable community; or

(iii) identify an area that has been designated a RISE zone;

(2) receive from the Supervisor of Assessments a certification of the amount of the original base, or if applicable, the adjusted assessable base; and

(3) pledge that until the bonds are fully paid, or a longer period, the real property taxes in the development district, a RISE zone, or a sustainable community shall be divided as follows:

(i) the portion of the taxes that would be produced at the current tax rate on the original taxable value base shall be paid to the respective taxing authorities in the same manner as taxes on other property are paid; and

(ii) the portion of the taxes on the tax increment that normally would be paid into the general fund of the political subdivision shall be paid into the special fund established under 12-208 of this subtitle and applied in accordance with 12-209 of this subtitle.

12 - 204.

(a) Notwithstanding any limitation of law, an issuer may issue bonds from time to time to finance the development of an industrial, commercial, or residential area.

12-207.

(a) Except as provided in subsections (b) and (e) of this section, bond proceeds may be used only:

(1) to buy, lease, condemn, or otherwise acquire property, or an interest in property:

(i) in the development district, a RISE zone, or a sustainable community; or

(ii) needed for a right–of–way or other easement to or from the development district, a RISE zone, or a sustainable community;

- (2) for site removal;
- (3) for surveys and studies;
- (4) to relocate businesses or residents;

(5) to install utilities, construct parks and playgrounds, and for other needed improvements including:

- (i) roads to, from, or in the development district;
- (ii) parking; and
- (iii) lighting;
- (6) to construct or rehabilitate buildings for a governmental purpose or use;
- (7) for reserves or capitalized interest;
- (8) for necessary costs to issue bonds; and

(9) to pay the principal of and interest on loans, advances, or indebtedness that a political subdivision incurs for a purpose specified in this section.

(G) IN ADDITION TO THE PURPOSES LISTED IN SUBSECTION (A) OF THIS SECTION, THE PROCEEDS FROM BONDS ISSUED BY CHARLES COUNTY MAY BE USED IN THE WALDORF URBAN REDEVELOPMENT CORRIDOR (WURC):

(1) FOR CONVENTION CENTERS, CONFERENCE CENTERS, OR VISITORS' CENTERS;

(2) TO MAINTAIN INFRASTRUCTURE IMPROVEMENTS, CONVENTION CENTERS, CONFERENCE CENTERS, OR VISITORS' CENTERS; AND

# (3) TO MARKET DEVELOPMENT DISTRICT FACILITIES AND OTHER IMPROVEMENTS.

### 12-209.

(a) Subject to subsection (c) of this section, the special fund for the development district, the RISE zone, or the sustainable community may be used for any of the following purposes as determined by the governing body of the political subdivision:

- (1) a purpose specified in § 12–207 of this subtitle;
- (2) accumulated to pay debt service on bonds to be issued later;

(3) payment or reimbursement of debt service, or payments under an agreement described in subsection (b) of this section, that the political subdivision is obliged under a general or limited obligation to pay, or has paid, on or relating to bonds issued by the State, a political subdivision, or the revenue authority of Prince George's County if the proceeds were used for a purpose specified in § 12–207 of this subtitle; or

(4) payment to the political subdivision for any other legal purpose.

### Article – Local Government

#### 21 - 503.

- (a) For any purpose stated in \$ 21-504(a)(1) of this subtitle, a county may:
  - (1) establish a special taxing district;
  - (2) impose ad valorem or special taxes; and
  - (3) issue bonds.

#### 21 - 504.

(a) The purpose of the authority granted under this subtitle is to:

(1) finance, refinance, or reimburse the cost of establishing, acquiring, designing, constructing, altering, or extending adequate infrastructure improvements as necessary for the development and use of land in any defined geographic region in the

county, including storm drainage systems, sewers, water systems, roads, bridges, culverts, tunnels, sidewalks, lighting, parking, parks and recreation facilities, libraries, schools, transit facilities, and solid waste facilities; and

(2) provide a source of funding for payment of costs of:

(i) infrastructure improvements located in or supporting a transit-oriented development or a State hospital redevelopment; and

(ii) operating and maintaining infrastructure improvements located in or supporting a transit-oriented development or a State hospital redevelopment.

21 - 521.

(a) Charles County may exercise the authority granted under this subtitle to provide financing, refinancing, or reimbursement of costs for the purposes under § 21-504(a) of this subtitle relating to the development of resort hotels and conference centers in a waterfront planned community.

(b) (1) In addition to imposing ad valorem or special taxes under this subtitle, Charles County may impose a hotel rental tax in a special taxing district to provide financing, refinancing, or reimbursement of costs for the purposes under § 21-504(a) of this subtitle relating to the development of resort hotels and conference centers in a waterfront planned community.

(2) The taxes provided under this subtitle for payment of bonds and pledged to the special fund may include the hotel rental tax authorized under this subsection.

(3) The hotel rental tax authorized under this subsection is in addition to the hotel rental tax authorized under Title 20, Subtitle 4 of this article.

(4) The rate of the hotel rental tax authorized under this subsection may not exceed the rate of the hotel rental tax imposed under Title 20, Subtitle 4 of this article in effect on the day the governing body of Charles County establishes a special taxing district under this subtitle.

(5) The proceeds from the hotel rental tax authorized under this subsection may be used only for the purposes authorized under this subtitle.

(6) Charles County may not impose the hotel rental tax authorized under this subsection outside a special taxing district established under this subtitle.

(C) <u>(1)</u> CHARLES COUNTY MAY EXERCISE THE AUTHORITY GRANTED UNDER THIS SUBTITLE TO PROVIDE FINANCING, REFINANCING, OR REIMBURSEMENT FOR THE COST OF: (1) (1) CONVENTION CENTERS, CONFERENCE CENTERS, AND VISITORS' CENTERS;

(2) (11) MAINTAINING INFRASTRUCTURE IMPROVEMENTS, CONVENTION CENTERS, CONFERENCE CENTERS, AND VISITORS' CENTERS; AND

(3) (III) MARKETING SPECIAL TAXING DISTRICT FACILITIES AND OTHER IMPROVEMENTS.

(2) ANY FINANCING, REFINANCING, OR REIMBURSEMENT PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CONTINGENT ON THE REVIEW AND APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLES COUNTY.

(3) IN EXERCISING ITS AUTHORITY UNDER PARAGRAPH (1) OF THIS SUBSECTION, CHARLES COUNTY MAY ESTABLISH MINORITY BUSINESS ENTERPRISE PARTICIPATION GOALS FOR EACH DEVELOPMENT PROJECT WHOLLY OR PARTLY FINANCED THROUGH BONDS ISSUED UNDER THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 175

# (House Bill 345)

AN ACT concerning

### **Charles County – Tax Increment Financing and Special Taxing Districts**

FOR the purpose of authorizing Charles County to use the proceeds from the issuance of certain tax increment financing bonds for certain purposes; authorizing Charles County to establish a special taxing district, impose ad valorem or special taxes, and issue bonds to provide financing, refinancing, or reimbursement for certain costs; making certain financing, refinancing, and reimbursement contingent on the review and approval of the Board of County Commissioners of Charles County; authorizing Charles County, in exercising certain authority, to establish minority business enterprise participation goals for certain development projects; and generally relating to tax increment financing and special taxing districts in Charles County.

BY repealing and reenacting, without amendments, Article – Economic Development Section 12–203(a), 12–204(a), 12–207(a), and 12–209(a) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

BY adding to

Article – Economic Development Section 12–207(g) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments, Article – Local Government Section 21–503(a) and 21–504(a) Annotated Code of Maryland (2013 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Local Government Section 21–521 Annotated Code of Maryland (2013 Volume and 2019 Supplement)

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

### Article – Economic Development

12 - 203.

(a) Before issuing bonds, the governing body of the political subdivision shall:

(1) by resolution:

(i) designate a contiguous area within its jurisdiction as a development district;

(ii) identify an area that has been designated a sustainable community; or

(iii) identify an area that has been designated a RISE zone;

(2) receive from the Supervisor of Assessments a certification of the amount of the original base, or if applicable, the adjusted assessable base; and

(3) pledge that until the bonds are fully paid, or a longer period, the real property taxes in the development district, a RISE zone, or a sustainable community shall be divided as follows:

(i) the portion of the taxes that would be produced at the current tax rate on the original taxable value base shall be paid to the respective taxing authorities in the same manner as taxes on other property are paid; and

(ii) the portion of the taxes on the tax increment that normally would be paid into the general fund of the political subdivision shall be paid into the special fund established under 12-208 of this subtitle and applied in accordance with 12-209 of this subtitle.

12-204.

(a) Notwithstanding any limitation of law, an issuer may issue bonds from time to time to finance the development of an industrial, commercial, or residential area.

12-207.

(a) Except as provided in subsections (b) and (e) of this section, bond proceeds may be used only:

(1) to buy, lease, condemn, or otherwise acquire property, or an interest in property:

(i) in the development district, a RISE zone, or a sustainable community; or

(ii) needed for a right–of–way or other easement to or from the development district, a RISE zone, or a sustainable community;

(2) for site removal;

- (3) for surveys and studies;
- (4) to relocate businesses or residents;

(5) to install utilities, construct parks and playgrounds, and for other needed improvements including:

- (i) roads to, from, or in the development district;
- (ii) parking; and
- (iii) lighting;

(6) to construct or rehabilitate buildings for a governmental purpose or use;

(7) for reserves or capitalized interest;

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(8) for necessary costs to issue bonds; and

(9) to pay the principal of and interest on loans, advances, or indebtedness that a political subdivision incurs for a purpose specified in this section.

# (G) IN ADDITION TO THE PURPOSES LISTED IN SUBSECTION (A) OF THIS SECTION, THE PROCEEDS FROM BONDS ISSUED BY CHARLES COUNTY MAY BE USED:

(1) FOR CONVENTION CENTERS, CONFERENCE CENTERS, OR VISITORS' CENTERS;

# (2) TO MAINTAIN INFRASTRUCTURE IMPROVEMENTS, CONVENTION CENTERS, CONFERENCE CENTERS, OR VISITORS' CENTERS; AND

# (3) TO MARKET DEVELOPMENT DISTRICT FACILITIES AND OTHER IMPROVEMENTS.

### 12-209.

(a) Subject to subsection (c) of this section, the special fund for the development district, the RISE zone, or the sustainable community may be used for any of the following purposes as determined by the governing body of the political subdivision:

- (1) a purpose specified in § 12–207 of this subtitle;
- (2) accumulated to pay debt service on bonds to be issued later;

(3) payment or reimbursement of debt service, or payments under an agreement described in subsection (b) of this section, that the political subdivision is obliged under a general or limited obligation to pay, or has paid, on or relating to bonds issued by the State, a political subdivision, or the revenue authority of Prince George's County if the proceeds were used for a purpose specified in § 12–207 of this subtitle; or

(4) payment to the political subdivision for any other legal purpose.

### **Article – Local Government**

#### 21 - 503.

- (a) For any purpose stated in \$ 21-504(a)(1) of this subtitle, a county may:
  - (1) establish a special taxing district;
  - (2) impose ad valorem or special taxes; and

(3) issue bonds.

21 - 504.

(a) The purpose of the authority granted under this subtitle is to:

(1) finance, refinance, or reimburse the cost of establishing, acquiring, designing, constructing, altering, or extending adequate infrastructure improvements as necessary for the development and use of land in any defined geographic region in the county, including storm drainage systems, sewers, water systems, roads, bridges, culverts, tunnels, sidewalks, lighting, parking, parks and recreation facilities, libraries, schools, transit facilities, and solid waste facilities; and

(2) provide a source of funding for payment of costs of:

(i) infrastructure improvements located in or supporting a transit-oriented development or a State hospital redevelopment; and

(ii) operating and maintaining infrastructure improvements located in or supporting a transit-oriented development or a State hospital redevelopment.

21-521.

(a) Charles County may exercise the authority granted under this subtitle to provide financing, refinancing, or reimbursement of costs for the purposes under § 21–504(a) of this subtitle relating to the development of resort hotels and conference centers in a waterfront planned community.

(b) (1) In addition to imposing ad valorem or special taxes under this subtitle, Charles County may impose a hotel rental tax in a special taxing district to provide financing, refinancing, or reimbursement of costs for the purposes under § 21-504(a) of this subtitle relating to the development of resort hotels and conference centers in a waterfront planned community.

(2) The taxes provided under this subtitle for payment of bonds and pledged to the special fund may include the hotel rental tax authorized under this subsection.

(3) The hotel rental tax authorized under this subsection is in addition to the hotel rental tax authorized under Title 20, Subtitle 4 of this article.

(4) The rate of the hotel rental tax authorized under this subsection may not exceed the rate of the hotel rental tax imposed under Title 20, Subtitle 4 of this article in effect on the day the governing body of Charles County establishes a special taxing district under this subtitle. (5) The proceeds from the hotel rental tax authorized under this subsection may be used only for the purposes authorized under this subtitle.

(6) Charles County may not impose the hotel rental tax authorized under this subsection outside a special taxing district established under this subtitle.

(C) (1) CHARLES COUNTY MAY EXERCISE THE AUTHORITY GRANTED UNDER THIS SUBTITLE TO PROVIDE FINANCING, REFINANCING, OR REIMBURSEMENT FOR THE COST OF:

(1) (I) CONVENTION CENTERS, CONFERENCE CENTERS, AND VISITORS' CENTERS;

(2) (II) MAINTAINING INFRASTRUCTURE IMPROVEMENTS, CONVENTION CENTERS, CONFERENCE CENTERS, AND VISITORS' CENTERS; AND

(3) (III) MARKETING SPECIAL TAXING DISTRICT FACILITIES AND OTHER IMPROVEMENTS.

(2) ANY FINANCING, REFINANCING, OR REIMBURSEMENT PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CONTINGENT ON THE REVIEW AND APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLES COUNTY.

(3) IN EXERCISING ITS AUTHORITY UNDER PARAGRAPH (1) OF THIS SUBSECTION, CHARLES COUNTY MAY ESTABLISH MINORITY BUSINESS ENTERPRISE PARTICIPATION GOALS FOR EACH DEVELOPMENT PROJECT WHOLLY OR PARTLY FINANCED THROUGH BONDS ISSUED UNDER THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 176

(House Bill 349)

AN ACT concerning

Occupational and Professional Licensing – Service Members, Veterans, and Military Spouses – Revisions to Reciprocity Requirements

### Chapter 176

FOR the purpose of altering the application requirements for a service member, veteran, or military spouse to apply for an occupational or professional license from a unit in the Maryland Department of Labor to require submission of proof that the applicant has held a certain license from another state for a certain period of time; <u>requiring that each license held by a certain applicant that was issued in another state be in good standing</u>; repealing a provision of law requiring a unit to make a certain license; altering the <del>authorization for a unit to</del> <u>circumstances under which a unit may</u> issue a temporary license to a service member, veteran, or military spouse who has held a certain license issued in another state for a certain period of time; and generally relating to occupational and professional licenses for service members, veterans, and military spouses.

BY repealing and reenacting, with amendments, Article – Business Regulation Section 2.5–105 and 2.5–106 Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

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

### Article – Business Regulation

2.5 - 105.

(a) (1) Each unit shall issue an expedited license to a service member, veteran, or military spouse who meets the requirements of this section.

(2) If a service member, veteran, or military spouse meets the requirements for licensure, a unit shall issue the license within 60 days after receiving a completed application.

(b) An application for a license shall include the following, in the form and manner required by the unit:

(1) proof that the applicant is a service member, veteran, or military spouse;

(2) proof that:

(I) the applicant [holds] HAS HELD a valid license in good standing issued in another state FOR AT LEAST 1 YEAR; AND

### (II) EACH VALID LICENSE HELD BY THE APPLICANT ISSUED IN ANOTHER STATE IS IN GOOD STANDING;

(3) if the applicant is a service member or veteran, proof that the applicant is assigned to a duty station in the State or has established legal residence in the State;

(4) if the applicant is a military spouse, proof that the applicant's spouse is assigned to a duty station in the State or has established legal residence in the State;

(5) if a criminal background check is required by the unit for licensure, proof of application for a criminal background check;

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- (6) proof that the applicant has submitted the full application for licensure;
- and
- (7) payment of any application fee required by the unit.

[(c) Before issuing a license under this section, the unit shall determine that the requirements for licensure in the other state are substantially equivalent to, or exceed the requirements for, licensure in this State.]

2.5 - 106.

(a) Subject to subsections (b) and (c) of this section, a unit may issue a temporary license to a service member, veteran, or military spouse who [holds] HAS HELD a valid license in good standing issued in another state [for which the requirements for licensure are not substantially equivalent to the requirements for licensure in this State] FOR LESS THAN 1 YEAR, PROVIDED THAT EACH VALID LICENSE HELD BY THE SERVICE MEMBER, VETERAN, OR MILITARY SPOUSE IS IN GOOD STANDING.

(b) A temporary license issued under this section authorizes the service member, veteran, or military spouse, for a limited period of time, as determined by the unit, to perform services regulated by the unit while the service member, veteran, or military spouse completes additional requirements for licensure in this State.

(c) A unit may not issue a license under this section if issuance of the license would pose a risk to public health, welfare, or safety.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 177

(Senate Bill 280)

### AN ACT concerning

### Occupational and Professional Licensing – Service Members, Veterans, and Military Spouses – Revisions to Reciprocity Requirements

FOR the purpose of altering the application requirements for a service member, veteran, or military spouse to apply for an occupational or professional license from a unit in the Maryland Department of Labor to require submission of proof that the applicant has held a certain license from another state for a certain period of time; <u>requiring that each license held by a certain applicant that was issued in another state be in good standing</u>; repealing a provision of law requiring a unit to make a certain determination regarding certain licensing requirements before issuing a certain license; altering the <del>authorization for a unit to</del> <u>circumstances under which a unit may</u> issue a temporary license to a service member, veteran, or military spouse who has held a certain license issued in another state for a certain period of time; and generally relating to occupational and professional licenses for service members, veterans, and military spouses.

BY repealing and reenacting, with amendments,

Article – Business Regulation Section 2.5–105 and 2.5–106 Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

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

# Article – Business Regulation

2.5 - 105.

(a) (1) Each unit shall issue an expedited license to a service member, veteran, or military spouse who meets the requirements of this section.

(2) If a service member, veteran, or military spouse meets the requirements for licensure, a unit shall issue the license within 60 days after receiving a completed application.

(b) An application for a license shall include the following, in the form and manner required by the unit:

(1) proof that the applicant is a service member, veteran, or military spouse;

(2) proof that:

the applicant [holds] HAS HELD a valid license in good standing **(I)** issued in another state FOR AT LEAST 1 YEAR; AND

#### **(II)** EACH VALID LICENSE HELD BY THE APPLICANT ISSUED IN ANOTHER STATE IS IN GOOD STANDING;

if the applicant is a service member or veteran, proof that the applicant (3)is assigned to a duty station in the State or has established legal residence in the State;

(4) if the applicant is a military spouse, proof that the applicant's spouse is assigned to a duty station in the State or has established legal residence in the State;

if a criminal background check is required by the unit for licensure, (5)proof of application for a criminal background check;

(6)proof that the applicant has submitted the full application for licensure;

and

(7)payment of any application fee required by the unit.

Before issuing a license under this section, the unit shall determine that the (c) requirements for licensure in the other state are substantially equivalent to, or exceed the requirements for, licensure in this State.]

# 2.5 - 106.

Subject to subsections (b) and (c) of this section, a unit may issue a temporary (a) license to a service member, veteran, or military spouse who [holds] HAS HELD a valid license in good standing issued in another state [for which the requirements for licensure are not substantially equivalent to the requirements for licensure in this State FOR LESS THAN 1 YEAR, PROVIDED THAT EACH VALID LICENSE HELD BY THE SERVICE MEMBER, VETERAN, OR MILITARY SPOUSE IS IN GOOD STANDING.

(b) A temporary license issued under this section authorizes the service member, veteran, or military spouse, for a limited period of time, as determined by the unit, to perform services regulated by the unit while the service member, veteran, or military spouse completes additional requirements for licensure in this State.

(c)A unit may not issue a license under this section if issuance of the license would pose a risk to public health, welfare, or safety.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

# Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 178

# (House Bill 353)

AN ACT concerning

### Frederick County - Elderly or Disabled Renters - Grants

FOR the purpose of authorizing the governing body of Frederick County to provide, by law, a grant to certain renters of property; authorizing the governing body of Frederick County to establish qualifications for the grant; requiring the governing body of Frederick County to fund the grant from the appropriate county source; and generally relating to authorizing the governing body of Frederick County to provide certain grants.

BY repealing and reenacting, with amendments, Article – Tax – Property Section 9–402 Annotated Code of Maryland (2019 Replacement Volume)

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

# Article - Tax - Property

9-402.

- (a) In this section, "county" means:
  - (1) Anne Arundel County;
  - (2) **FREDERICK COUNTY;**
  - (3) Howard County;
  - [(3)] (4) Montgomery County; and
  - [(4)] (5) Prince George's County.

(b) Instead of a property tax credit, the governing body of a county may provide, by law, a grant to any eligible elderly or disabled renter.

(c) The governing body of a county may establish any qualification for the grant, including an income limit.

(d) The governing body of a county shall fund the grant from the appropriate county source.

(e) This section may not be construed to deny the governing body of a county the power to alter, amend, or repeal any law adopted under this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 179

(Senate Bill 264)

AN ACT concerning

### Frederick County - Elderly or Disabled Renters - Grants

FOR the purpose of authorizing the governing body of Frederick County to provide, by law, a grant to certain renters of property; authorizing the governing body of Frederick County to establish qualifications for the grant; requiring the governing body of Frederick County to fund the grant from the appropriate county source; and generally relating to authorizing the governing body of Frederick County to provide certain grants.

BY repealing and reenacting, with amendments,

Article – Tax – Property Section 9–402 Annotated Code of Maryland (2019 Replacement Volume)

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

### Article – Tax – Property

9-402.

- (a) In this section, "county" means:
  - (1) Anne Arundel County;
  - (2) **FREDERICK COUNTY;**

(3) Howard County;

[(3)] (4) Montgomery County; and

[(4)] (5) Prince George's County.

(b) Instead of a property tax credit, the governing body of a county may provide, by law, a grant to any eligible elderly or disabled renter.

(c) The governing body of a county may establish any qualification for the grant, including an income limit.

(d) The governing body of a county shall fund the grant from the appropriate county source.

(e) This section may not be construed to deny the governing body of a county the power to alter, amend, or repeal any law adopted under this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 180

# (House Bill 362)

AN ACT concerning

# Maryland National Guard – Tuition Assistance Program – Modifications

FOR the purpose of increasing the percentage of tuition that may be reimbursed of the cost of in-State tuition for certain courses for any active National Guard member attending certain institutions; expanding the definition of "member" as it relates to who can receive tuition reimbursement to include any individual who holds a commission in the National Guard; and generally relating to tuition assistance for members of the Maryland National Guard.

BY repealing and reenacting, with amendments, Article – Public Safety Section 13–405 Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

### Article – Public Safety

13-405.

(a) (1) In this section the following words have the meanings indicated.

(2) "Institution" means:

(i) any campus of the University System of Maryland, any community college established under Title 16 of the Education Article, Morgan State University, or St. Mary's College;

(ii) any private institution of higher education that grants a member a tuition waiver of at least 50%;

(iii) any public postsecondary vocational-technical or trade school; or

(iv) any private postsecondary vocational-technical or trade school that grants a member a tuition waiver of at least 50%.

- (3) "Member" means an individual who:
  - (i) is regularly enlisted in the National Guard; or
  - (ii) holds a commission in the National Guard [as:
    - 1. an officer in the grade of major or below; or
    - 2. a warrant officer].

(4) (i) "Tuition" means the basic instructional charge for undergraduate, graduate, professional, vocational-technical, and trade school credit courses and related fees at an institution.

(ii) "Tuition" does not include charges for self-supporting programs.

(b) (1) To the extent that funds are provided in the State budget, the Department may provide assistance equal to [50%] **100%** of the cost of in–State tuition for any regularly scheduled undergraduate credit course, graduate credit course, professional credit course, vocational–technical course, or trade course for any active member attending an institution who is certified as eligible by the Adjutant General.

(2) Subject to paragraph (5) of this subsection, a member who receives assistance under paragraph (1) of this subsection for an undergraduate credit, vocational-technical, or trade course shall remain an active member for at least 2 years

1149

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following the completion of the course.

(3) Subject to paragraph (5) of this subsection, a member who receives assistance under paragraph (1) of this subsection for a graduate or professional credit course shall remain an active member for at least 4 years following the completion of the course.

(4) Subject to paragraph (5) of this subsection, if a member receives assistance under paragraph (1) of this subsection, and is a member of a unit that has been disbanded on or after September 1, 2013, due to budgetary cuts, Base Realignment and Closure, or any other reason, the member may satisfy the requirements of paragraph (2) or paragraph (3) of this subsection by transferring to another active duty, reserve, or National Guard Unit in the State or in another state.

(5) If a member who receives assistance under paragraph (1) of this subsection is offered early separation by the military following the disbanding of the member's unit due to budget cuts, Base Realignment and Closure, or any other reason, the member is excused from the requirements of paragraph (2) or paragraph (3) of this subsection.

(c) (1) The Adjutant General may not certify a member as eligible unless the member is:

(i) enlisted and has at least 24 months remaining to serve on the current enlistment of the member; or

(ii) an officer or warrant officer and agrees in writing to serve for a minimum of 24 months.

(2) The 24–month requirement runs from the first day of classes for the semester.

(d) If a recipient of tuition assistance under this section is discharged from the National Guard for a reason designated by the Adjutant General, the assistance terminates and the member shall reimburse the Department the amount of tuition assistance received for that semester within 30 days of discharge.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 181

(Senate Bill 282)

AN ACT concerning

### Maryland National Guard – Tuition Assistance Program – Modifications

FOR the purpose of increasing the percentage of tuition that may be reimbursed of the cost of in-State tuition for certain courses for any active National Guard member attending certain institutions; expanding the definition of "member" as it relates to who can receive tuition reimbursement to include any individual who holds a commission in the National Guard; and generally relating to tuition assistance for members of the Maryland National Guard.

BY repealing and reenacting, with amendments,

Article – Public Safety Section 13–405 Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

### Article – Public Safety

13 - 405.

(a) (1) In this section the following words have the meanings indicated.

(2) "Institution" means:

(i) any campus of the University System of Maryland, any community college established under Title 16 of the Education Article, Morgan State University, or St. Mary's College;

(ii) any private institution of higher education that grants a member a tuition waiver of at least 50%;

(iii) any public postsecondary vocational-technical or trade school; or

(iv) any private postsecondary vocational-technical or trade school that grants a member a tuition waiver of at least 50%.

- (3) "Member" means an individual who:
  - (i) is regularly enlisted in the National Guard; or
  - (ii) holds a commission in the National Guard [as:

- 1. an officer in the grade of major or below; or
- 2. a warrant officer].

(4) (i) "Tuition" means the basic instructional charge for undergraduate, graduate, professional, vocational-technical, and trade school credit courses and related fees at an institution.

(ii) "Tuition" does not include charges for self-supporting programs.

(b) (1) To the extent that funds are provided in the State budget, the Department may provide assistance equal to [50%] **100%** of the cost of in–State tuition for any regularly scheduled undergraduate credit course, graduate credit course, professional credit course, vocational–technical course, or trade course for any active member attending an institution who is certified as eligible by the Adjutant General.

(2) Subject to paragraph (5) of this subsection, a member who receives assistance under paragraph (1) of this subsection for an undergraduate credit, vocational-technical, or trade course shall remain an active member for at least 2 years following the completion of the course.

(3) Subject to paragraph (5) of this subsection, a member who receives assistance under paragraph (1) of this subsection for a graduate or professional credit course shall remain an active member for at least 4 years following the completion of the course.

(4) Subject to paragraph (5) of this subsection, if a member receives assistance under paragraph (1) of this subsection, and is a member of a unit that has been disbanded on or after September 1, 2013, due to budgetary cuts, Base Realignment and Closure, or any other reason, the member may satisfy the requirements of paragraph (2) or paragraph (3) of this subsection by transferring to another active duty, reserve, or National Guard Unit in the State or in another state.

(5) If a member who receives assistance under paragraph (1) of this subsection is offered early separation by the military following the disbanding of the member's unit due to budget cuts, Base Realignment and Closure, or any other reason, the member is excused from the requirements of paragraph (2) or paragraph (3) of this subsection.

(c) (1) The Adjutant General may not certify a member as eligible unless the member is:

(i) enlisted and has at least 24 months remaining to serve on the current enlistment of the member; or

(ii) an officer or warrant officer and agrees in writing to serve for a minimum of 24 months.

(2) The 24–month requirement runs from the first day of classes for the semester.

(d) If a recipient of tuition assistance under this section is discharged from the National Guard for a reason designated by the Adjutant General, the assistance terminates and the member shall reimburse the Department the amount of tuition assistance received for that semester within 30 days of discharge.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 182

(House Bill 364)

AN ACT concerning

### Hospital and Nursing Facility Workers and Health Care Practitioners – Identification Tags and Badges – Name Requirement

FOR the purpose of specifying the form of name required to be indicated on the personal identification tag required to be worn by a certain employee or other individual who provides certain services in a hospital or nursing facility; specifying the form of names required to be displayed on the badge or other form of identification required to be worn by a health care practitioner when providing certain care to a patient in certain facilities; making a conforming change; and generally relating to identification tags and badges of hospital and nursing facility workers and health care practitioners.

BY repealing and reenacting, with amendments, Article – Health – General Section 19–308.4 Annotated Code of Maryland (2019 Replacement Volume)

BY repealing and reenacting, with amendments, Article – Health Occupations Section 1–221 Annotated Code of Maryland (2014 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

Chapter 182

That the Laws of Maryland read as follows:

### Article – Health – General

19-308.4.

(a) Each hospital or nursing facility in the State shall ensure that its employees and any other individuals who provide a health care service within or on the premises of the hospital or nursing facility wear a personal identification tag, except where inappropriate for medical reasons, that indicates in readable text:

# (1) The **FIRST NAME, NICKNAME, LAST NAME, OR FULL** name of the individual **THAT IS COMMONLY USED IN THE HOSPITAL OR NURSING FACILITY**; and

(2) The professional or other title of the individual.

(b) The Secretary may impose a fine not to exceed \$25 per violation of this section.

### Article – Health Occupations

1 - 221.

(a) In this section, "health care practitioner" means a person who is licensed, certified, or otherwise authorized under this article to provide health care services in the ordinary course of business or practice of a profession.

- (b) This section applies only to a health care practitioner who practices in:
  - (1) A freestanding ambulatory care facility;
  - (2) A physician's office; or
  - (3) An urgent care facility.

(c) Except as provided in subsection (d) of this section, when providing health care to a patient, a health care practitioner shall wear a badge or other form of identification displaying in readily visible type:

# (1) The health care practitioner's **FIRST NAME**, **NICKNAME**, **LAST NAME**, **OR FULL** name **THAT IS COMMONLY USED IN THE OFFICE OR FACILITY**; and

(2) The type of license of the health care practitioner.

(d) A badge or other form of identification is not required to be worn if:

(1) (i) The patient is being seen in the office of a health care practitioner who is a solo practitioner; and

(ii) The name and license of the health care practitioner can be readily determined by the patient from a posted license or sign in the office; or

(2) The patient is being seen in:

(i) An operating room or other setting where surgical or other invasive procedures are performed; or

(ii) Any other setting where maintaining a sterile environment is medically necessary.

(e) (1) Each health occupations board may adopt regulations to implement this section.

(2) The regulations, when necessary for the patient or health care practitioner's safety or for therapeutic concerns may[:

(i) Provide] **PROVIDE** exemptions from wearing a badge or other form of identification[; or

(ii) Allow use of the health care practitioner's first name only].

(3) A violation may be reported to the health occupations board that licensed or certified the health care practitioner.

(4) In response to a reported violation, a health occupations board may send an advisory letter or a letter of education to the health care practitioner.

(f) An advisory letter or letter of education sent by a health occupations board under this section is confidential and may not be publicly reported as a disciplinary action.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 183

(House Bill 365)

AN ACT concerning

**Debt Collection – Exemptions From Attachment and Execution** 

FOR the purpose of altering the amount of wages of a judgment debtor that are exempt from attachment; exempting a property insurance payment that an individual receives for certain purposes from execution on a judgment; making a conforming change; providing for the application of this Act; defining "property insurance"; providing for the application of this Act; and generally relating to exemptions from debt collection.

BY repealing and reenacting, with amendments, Article – Commercial Law Section 15–601.1 Annotated Code of Maryland (2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Courts and Judicial Proceedings Section 11–504 Annotated Code of Maryland (2013 Replacement Volume and 2019 Supplement)

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

#### Article – Commercial Law

15-601.1.

(a) In this section, "disposable wages" means the part of wages that remain after deduction of any amount required to be withheld by law.

(b) The following are exempt from attachment:

(1) [Except as provided in item (2) of this subsection, the] **THE** greater of:

[(i) The product of \$145 multiplied by the number of weeks in which the wages due were earned; or

(ii) 75 percent of the disposable wages due;

(2) In Caroline, Kent, Queen Anne's, and Worcester counties, for each workweek, the greater of:]

(i) 75 percent of the disposable wages due; or

(ii) [30] 50 times the [federal] STATE minimum hourly [wages under the Fair Labor Standards Act] WAGE in effect at the time the wages are due,

MULTIPLIED BY THE NUMBER OF WEEKS DURING WHICH THE WAGES DUE WERE EARNED; and

[(3)] (2) Any medical insurance payment deducted from an employee's wages by the employer.

(c) The amount subject to attachment shall be calculated per pay period.

#### Article - Courts and Judicial Proceedings

<del>11-504.</del>

(a) In this section THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(1) "PROPERTY INSURANCE" HAS THE MEANING STATED IN § 1–101 OF THE INSURANCE ARTICLE.

(2) "value" means fair market value as of the date upon which the execution or other judicial process becomes effective against the property of the debtor, or the date of filing the petition under the federal Bankruptcy Code.

(b) The following items are exempt from execution on a judgment:

(1) Wearing apparel, books, tools, instruments, or appliances, in an amount not to exceed \$5,000 in value necessary for the practice of any trade or profession except those kept for sale, lease, or barter.

(2) Except as provided in subsection (i) of this section, money payable in the event of sickness, accident, injury, or death of any person, including compensation for loss of future earnings. This exemption includes but is not limited to money payable on account of judgments, arbitrations, compromises, insurance, benefits, compensation, and relief. Disability income benefits are not exempt if the judgment is for necessities contracted for after the disability is incurred.

(3) Professionally prescribed health aids for the debtor or any dependent of the debtor.

(4) The debtor's interest, not to exceed \$1,000 in value, in household furnishings, household goods, wearing apparel, appliances, books, animals kept as pets, and other items that are held primarily for the personal, family, or household use of the debtor or any dependent of the debtor.

(5) Cash or property of any kind equivalent in value to \$6,000 is exempt, if within 30 days from the date of the attachment or the levy by the sheriff, the debtor elects to exempt cash or selected items of property in an amount not to exceed a cumulative value of \$6,000.

(6) Money payable or paid in accordance with an agreement or court order for child support.

(7) Money payable or paid in accordance with an agreement or court order for alimony to the same extent that wages are exempt from attachment under § [15-601.1(b)(1)(ii) or (2)(i)] 15-601.1(B)(1)(I) of the Commercial Law Article.

(8) The debtor's beneficial interest in any trust property that is immune from the claims of the debtor's creditors under § 14.5–511 of the Estates and Trusts Article.

(9) With respect to claims by a separate creditor of a husband or wife, trust property that is immune from the claims of the separate creditors of the husband or wife under § 14.5–511 of the Estates and Trusts Article.

(10) A PROPERTY INSURANCE PAYMENT THAT AN INDIVIDUAL RECEIVES FOR RESTORATION, REMEDIATION WORK, OR REPLACEMENT.

(c) (1) In order to determine whether the property listed in subsection (b)(4) and (5) of this section is subject to execution, the sheriff shall appraise the property at the time of levy. The sheriff shall return the appraisal with the writ.

(2) An appraisal made by the sheriff under this subsection is subject to review by the court on motion of the debtor.

(3) Procedures will be as prescribed by rules issued by the Court of Appeals.

(d) The debtor may not waive, by cognovit note or otherwise, the provisions of subsections (b) and (h) of this section.

(e) The exemptions in this section do not apply to wage attachments.

(f) (1) (i) In addition to the exemptions provided in subsection (b) of this section, and in other statutes of this State, in any proceeding under Title 11 of the United States Code, entitled "Bankruptey", any individual debtor domiciled in this State may exempt the debtor's aggregate interest in:

1. Personal property, up to \$5,000; and

2. Subject to subparagraph (ii) of this paragraph:

A. Owner-occupied residential real property, including a condominium unit or a manufactured home that has been converted to real property in accordance with § 8B-201 of the Real Property Article; or

B. A cooperative housing corporation that owns property that the debtor occupies as a residence.

(ii) The exemption allowed under subparagraph (i)2 of this paragraph may not exceed the amount under 11 U.S.C. § 522(d)(1), adjusted in accordance with 11 U.S.C. § 104, subject to the provisions of paragraphs (2) and (3) of this subsection.

(2) An individual may not claim the exemption under paragraph (1)(i)2 of this subsection on a particular property if:

(i) The individual has claimed successfully the exemption on the property within 8 years prior to the filing of the bankruptcy proceeding in which the exemption under this subsection is claimed; or

(ii) The individual's spouse, child, child's spouse, parent, sibling, grandparent, or grandchild has claimed successfully the exemption on the property within 8 years prior to the filing of the bankruptcy proceeding in which the exemption under this subsection is claimed.

(3) The exemption under paragraph (1)(i)2 of this subsection may not be claimed by both a husband and wife in the same bankruptcy proceeding.

(g) In any bankruptcy proceeding, a debtor is not entitled to the federal exemptions provided by § 522(d) of the federal Bankruptcy Code.

(h) (1) In addition to the exemptions provided in subsections (b) and (f) of this section and any other provisions of law, any money or other assets payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan qualified under § 401(a), § 403(a), § 403(b), § 408, § 408A, § 414(d), or § 414(e) of the United States Internal Revenue Code of 1986, as amended, or § 409 (as in effect prior to January 1984) of the United States Internal Revenue Code of the beneficiary or participant, other than claims by the Maryland Department of Health.

(2) Paragraph (1) of this subsection does not apply to:

(i) An alternate payee under a qualified domestic relations order, as defined in § 414(p) of the United States Internal Revenue Code of 1986, as amended;

(ii) A retirement plan, qualified under § 401(a) of the United States Internal Revenue Code of 1986, as amended, as a creditor of an individual retirement account qualified under § 408 of the United States Internal Revenue Code of 1986, as amended; or

(iii) The assets of a bankruptcy case filed before January 1, 1988.

(3) The interest of an alternate payee in a plan described under paragraph (1) of this subsection shall be exempt from any and all claims of any creditor of the alternate payee, except claims by the Maryland Department of Health. (4) If a contribution to a retirement plan described under paragraph (1) of this subsection exceeds the amount deductible or, in the case of contribution under § 408A of the Internal Revenue Code, the maximum contribution allowed under the applicable provisions of the United States Internal Revenue Code of 1986, as amended, the portion of that contribution that exceeds the amount deductible or, in the case of contribution under § 408A of the Internal Revenue Code, the maximum contribution allowed, and any accrued earnings on such a portion, are not exempt under paragraph (1) of this subsection.

(i) (1) In this subsection, "net recovery" means the sum of money to be distributed to the debtor after deduction of attorney's fees, expenses, medical bills, and satisfaction of any liens or subrogation claims arising out of the claims for personal injury, including those arising under:

(i) The Medicare Secondary Payer Act, 42 U.S.C. § 1395y;

(ii) A program of the Maryland Department of Health for which a right of subrogation exists under §§ 15–120 and 15–121.1 of the Health – General Article;

(iii) An employee benefit plan subject to the federal Employee Retirement Income Security Act of 1974; or

(iv) A health insurance contract.

(2) Twenty-five percent of the net recovery by the debtor on a claim for personal injury is subject to execution on a judgment for a child support arrearage.

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 writ of garnishment or writ of execution issued before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 184

(Senate Bill 425)

AN ACT concerning

**Debt Collection – Exemptions From Attachment and Execution** 

FOR the purpose of altering the amount of wages of a judgment debtor that are exempt from attachment; exempting a property insurance payment that an individual receives for certain purposes from execution on a judgment; making a conforming change; providing for the application of this Act; defining "property insurance"; and generally <u>and generally</u> relating to exemptions from debt collection.

BY repealing and reenacting, with amendments, Article – Commercial Law Section 15–601.1 Annotated Code of Maryland (2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Courts and Judicial Proceedings Section 11–504 Annotated Code of Maryland (2013 Replacement Volume and 2019 Supplement)

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

#### Article – Commercial Law

15-601.1.

(a) In this section, "disposable wages" means the part of wages that remain after deduction of any amount required to be withheld by law.

(b) The following are exempt from attachment:

(1) [Except as provided in item (2) of this subsection, the] **THE** greater of:

[(i) The product of \$145 multiplied by the number of weeks in which the wages due were earned; or

(ii) 75 percent of the disposable wages due;

(2) In Caroline, Kent, Queen Anne's, and Worcester counties, for each workweek, the greater of:]

(i) 75 percent of the disposable wages due; or

(ii) [30] 50 times the [federal] STATE minimum hourly [wages under the Fair Labor Standards Act] WAGE in effect at the time the wages are due, MULTIPLIED BY THE NUMBER OF WEEKS DURING WHICH THE WAGES DUE WERE EARNED; and [(3)] (2) Any medical insurance payment deducted from an employee's wages by the employer.

(c) The amount subject to attachment shall be calculated per pay period.

#### Article - Courts and Judicial Proceedings

<del>11-504.</del>

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

(1) "PROPERTY INSURANCE" HAS THE MEANING STATED IN § 1–101 OF THE INSURANCE ARTICLE.

(2) "Value" means fair market value as of the date upon which the execution or other judicial process becomes effective against the property of the debtor, or the date of filing the petition under the federal Bankruptcy Code.

(b) The following items are exempt from execution on a judgment:

(1) Wearing apparel, books, tools, instruments, or appliances, in an amount not to exceed \$5,000 in value necessary for the practice of any trade or profession except those kept for sale, lease, or barter.

(2) Except as provided in subsection (i) of this section, money payable in the event of sickness, accident, injury, or death of any person, including compensation for loss of future earnings. This exemption includes but is not limited to money payable on account of judgments, arbitrations, compromises, insurance, benefits, compensation, and relief. Disability income benefits are not exempt if the judgment is for necessities contracted for after the disability is incurred.

(3) Professionally prescribed health aids for the debtor or any dependent of the debtor.

(4) The debtor's interest, not to exceed \$1,000 in value, in household furnishings, household goods, wearing apparel, appliances, books, animals kept as pets, and other items that are held primarily for the personal, family, or household use of the debtor or any dependent of the debtor.

(5) Cash or property of any kind equivalent in value to \$6,000 is exempt, if within 30 days from the date of the attachment or the levy by the sheriff, the debtor elects to exempt cash or selected items of property in an amount not to exceed a cumulative value of \$6,000.

(6) Money payable or paid in accordance with an agreement or court order for child support.

(7) Money payable or paid in accordance with an agreement or court order for alimony to the same extent that wages are exempt from attachment under § [15-601.1(b)(1)(ii) or (2)(i)] **15-601.1(B)(1)(I)** of the Commercial Law Article.

(8) The debtor's beneficial interest in any trust property that is immune from the claims of the debtor's creditors under § 14.5–511 of the Estates and Trusts Article.

(9) With respect to claims by a separate creditor of a husband or wife, trust property that is immune from the claims of the separate creditors of the husband or wife under § 14.5–511 of the Estates and Trusts Article.

(10) A PROPERTY INSURANCE PAYMENT THAT AN INDIVIDUAL RECEIVES FOR RESTORATION, REMEDIATION WORK, OR REPLACEMENT.

(c) (1) In order to determine whether the property listed in subsection (b)(4) and (5) of this section is subject to execution, the sheriff shall appraise the property at the time of levy. The sheriff shall return the appraisal with the writ.

(2) An appraisal made by the sheriff under this subsection is subject to review by the court on motion of the debtor.

(3) Procedures will be as prescribed by rules issued by the Court of Appeals.

(d) The debtor may not waive, by cognovit note or otherwise, the provisions of subsections (b) and (h) of this section.

(e) The exemptions in this section do not apply to wage attachments.

(f) (1) (i) In addition to the exemptions provided in subsection (b) of this section, and in other statutes of this State, in any proceeding under Title 11 of the United States Code, entitled "Bankruptcy", any individual debtor domiciled in this State may exempt the debtor's aggregate interest in:

1. Personal property, up to \$5,000; and

2. Subject to subparagraph (ii) of this paragraph:

A. Owner-occupied residential real property, including a condominium unit or a manufactured home that has been converted to real property in accordance with § 8B-201 of the Real Property Article; or

B. A cooperative housing corporation that owns property that the debtor occupies as a residence.

(ii) The exemption allowed under subparagraph (i)2 of this paragraph may not exceed the amount under 11 U.S.C. § 522(d)(1), adjusted in accordance with 11 U.S.C. § 104, subject to the provisions of paragraphs (2) and (3) of this subsection.

(2) An individual may not claim the exemption under paragraph (1)(i)2 of this subsection on a particular property if:

(i) The individual has claimed successfully the exemption on the property within 8 years prior to the filing of the bankruptcy proceeding in which the exemption under this subsection is claimed; or

(ii) The individual's spouse, child, child's spouse, parent, sibling, grandparent, or grandchild has claimed successfully the exemption on the property within 8 years prior to the filing of the bankruptcy proceeding in which the exemption under this subsection is claimed.

(3) The exemption under paragraph (1)(i)2 of this subsection may not be claimed by both a husband and wife in the same bankruptcy proceeding.

(g) In any bankruptcy proceeding, a debtor is not entitled to the federal exemptions provided by § 522(d) of the federal Bankruptcy Code.

(h) (1) In addition to the exemptions provided in subsections (b) and (f) of this section and any other provisions of law, any money or other assets payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan qualified under § 401(a), § 403(a), § 403(b), § 408, § 408A, § 414(d), or § 414(e) of the United States Internal Revenue Code of 1986, as amended, or § 409 (as in effect prior to January 1984) of the United States Internal Revenue Code of 1954, as amended, shall be exempt from any and all claims of the creditors of the beneficiary or participant, other than claims by the Maryland Department of Health.

(2) Paragraph (1) of this subsection does not apply to:

(i) An alternate payee under a qualified domestic relations order, as defined in § 414(p) of the United States Internal Revenue Code of 1986, as amended;

(ii) A retirement plan, qualified under § 401(a) of the United States Internal Revenue Code of 1986, as amended, as a creditor of an individual retirement account qualified under § 408 of the United States Internal Revenue Code of 1986, as amended; or

(iii) The assets of a bankruptcy case filed before January 1, 1988.

(3) The interest of an alternate payee in a plan described under paragraph (1) of this subsection shall be exempt from any and all claims of any creditor of the alternate payee, except claims by the Maryland Department of Health.

(4) If a contribution to a retirement plan described under paragraph (1) of this subsection exceeds the amount deductible or, in the case of contribution under § 408A of the Internal Revenue Code, the maximum contribution allowed under the applicable provisions of the United States Internal Revenue Code of 1986, as amended, the portion of that contribution that exceeds the amount deductible or, in the case of contribution under § 408A of the Internal Revenue Code, the maximum contribution allowed, and any accrued earnings on such a portion, are not exempt under paragraph (1) of this subsection.

(i) (1) In this subsection, "net recovery" means the sum of money to be distributed to the debtor after deduction of attorney's fees, expenses, medical bills, and satisfaction of any liens or subrogation claims arising out of the claims for personal injury, including those arising under:

(i) The Medicare Secondary Payer Act, 42 U.S.C. § 1395y;

(ii) A program of the Maryland Department of Health for which a right of subrogation exists under §§ 15–120 and 15–121.1 of the Health – General Article;

(iii) An employee benefit plan subject to the federal Employee Retirement Income Security Act of 1974; or

(iv) A health insurance contract.

(2) Twenty-five percent of the net recovery by the debtor on a claim for personal injury is subject to execution on a judgment for a child support arrearage.

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 writ of garnishment or writ of execution issued before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 185

(House Bill 370)

AN ACT concerning

**Bicounty Commissions – Annual Reports – Conflicts of Interest and Lobbying** 

PG/MC 102-20

FOR the purpose of requiring certain bicounty commissions to submit a certain report on certain conflict of interest issues and regulations on or before a certain date each year; requiring certain bicounty commissions to submit a certain report on certain lobbying and lobbying regulation on or before a certain date each year; requiring certain bicounty commissions to publish certain reports on the website of the bicounty commission; and generally relating to annual reports on conflicts of interest and lobbying by bicounty commissions.

BY repealing and reenacting, without amendments, Article – General Provisions Section 5–101(c) Annotated Code of Maryland (2019 Replacement Volume)

BY repealing and reenacting, with amendments, Article – General Provisions Section 5–823 and 5–830 Annotated Code of Maryland (2019 Replacement Volume)

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

## **Article – General Provisions**

5-101.

(c) "Bicounty commission" means:

- (1) the Maryland–National Capital Park and Planning Commission;
- (2) the Washington Suburban Sanitary Commission; or
- (3) the Washington Suburban Transit Commission.

#### 5-823.

(a) Each bicounty commission shall adopt regulations relating to conflicts of interest of its employees.

(b) At a minimum, the conflict of interest standards applicable to public officials under Subtitle 5 of this title shall apply to the employees of each bicounty commission.

(c) Each bicounty commission shall file with the Ethics Commission a copy of its regulations relating to conflicts of interest.

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(d) [Each] ON OR BEFORE APRIL 30 EACH YEAR, EACH bicounty commission shall:

(1) prepare an annual report on its conflict of interest issues and regulations during the **PREVIOUS CALENDAR** year [covered]; [and]

(2) submit the report to the governing body of each county in which the bicounty commission operates; AND

(3) PUBLISH THE REPORT ON THE WEBSITE OF THE BICOUNTY COMMISSION.

5 - 830.

(a) Each bicounty commission shall adopt regulations relating to lobbying of that bicounty commission.

(b) At a minimum, the regulations adopted by a bicounty commission shall be similar to the provisions of Subtitle 7 of this title.

(c) Each bicounty commission shall submit to the Ethics Commission a copy of its regulations relating to lobbying.

(d) [Each] **ON OR BEFORE APRIL 30 EACH YEAR, EACH** bicounty commission shall:

(1) prepare an annual report on the lobbying before the bicounty commission and regulation of that lobbying by the bicounty commission FOR THE PREVIOUS CALENDAR YEAR; [and]

(2) submit the report to the governing body of each county in which the bicounty commission operates; AND

(3) PUBLISH THE REPORT ON THE WEBSITE OF THE BICOUNTY COMMISSION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 186

(House Bill 377)

AN ACT concerning

#### Montgomery County – Alcoholic Beverages – Consumption Only Marketplace License

#### MC 11-20

FOR the purpose of establishing in Montgomery County a consumption only marketplace license; authorizing the Board of License Commissioners to issue the license to the developer of a commercial shopping center if the commercial shopping center meets certain criteria; authorizing the license holder to allow the consumption of beer, wine, and liquor in a designated outdoor area if the beer, wine, or liquor is purchased from certain establishments; requiring a developer to include certain information in the license application; providing for the hours of consumption for the license; establishing an annual license fee; defining a certain term; and generally relating to a consumption only marketplace license in Montgomery County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages Section 25–102 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

BY adding to

Article – Alcoholic Beverages Section 25–1004.1 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

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

#### **Article – Alcoholic Beverages**

25 - 102.

This title applies only in Montgomery County.

#### 25-1004.1.

(A) IN THIS SECTION, "SHOPPING CENTER" MEANS ANY COMBINATION OF **PRIVATELY OWNED** PRIVATELY OWNED COMMERCIAL, PROFESSIONAL, OR RETAIL ESTABLISHMENTS TO WHICH THE GENERAL PUBLIC IS INVITED FOR BUSINESS PURPOSES. (B) THERE IS A CONSUMPTION ONLY MARKETPLACE LICENSE.

(C) THE BOARD MAY ISSUE A CONSUMPTION ONLY MARKETPLACE LICENSE TO THE DEVELOPER OF A COMMERCIAL SHOPPING CENTER IF THE COMMERCIAL SHOPPING CENTER:

(1) ENCOMPASSES AN AREA OF AT LEAST 10 ACRES;

(2) INCLUDES AT LEAST ONE ESTABLISHMENT FOR WHICH A CLASS B LICENSE, CLASS BD–BWL LICENSE, CLASS D–BWL LICENSE, OR CLASS H LICENSE HAS BEEN ISSUED; AND

(3) CONTAINS A DESIGNATED OUTDOOR AREA FOR THE CONSUMPTION OF ALCOHOLIC BEVERAGES.

(D) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO ALLOW THE CONSUMPTION OF BEER, WINE, AND LIQUOR IN A DESIGNATED OUTDOOR AREA LOCATED WITHIN THE COMMERCIAL SHOPPING CENTER IF THE BEER, WINE, OR LIQUOR IS PURCHASED AT AN ESTABLISHMENT:

(1) THAT IS LOCATED WITHIN THE COMMERCIAL SHOPPING CENTER;

(2) FOR WHICH A CLASS B LICENSE, CLASS BD–BWL LICENSE, OR CLASS H LICENSE HAS BEEN ISSUED;

(3) IS CONTIGUOUS TO THE DESIGNATED OUTDOOR AREA; AND

(4) THAT USES CONTAINERS BRANDED WITH AN IDENTIFYING MARK OF THE SELLER.

(E) AS PART OF THE LICENSE APPLICATION, A DEVELOPER SHALL INCLUDE:

(1) A DESCRIPTION OF THE DESIGNATED OUTDOOR AREA AND A LIST OF THE CONTIGUOUS LICENSE HOLDERS WHOSE BEER, WINE, AND LIQUOR MAY BE CONSUMED IN THE DESIGNATED OUTDOOR AREA; AND

(2) A SECURITY PLAN THAT HAS BEEN APPROVED BY THE MONTGOMERY COUNTY <del>Police</del> Department <u>of Police</u>.

(F) THE LICENSE HOLDER MAY ALLOW THE CONSUMPTION OF BEER, WINE, AND LIQUOR IN THE DESIGNATED OUTDOOR AREA ON MONDAY THROUGH SUNDAY, FROM 11 A.M. TO 11 P.M.

(G) THE ANNUAL LICENSE FEE IS \$4,000.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

## Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 187

## (House Bill 378)

AN ACT concerning

#### Natalie M. LaPrade Medical Cannabis Commission – Certifying Providers

FOR the purpose of altering the definition of "certifying provider" to include certain physician assistants; altering the membership of the Natalie M. LaPrade Medical Cannabis Commission; making stylistic changes; making a conforming change; and generally relating to the Natalie M. LaPrade Medical Cannabis Commission.

BY repealing and reenacting, without amendments,

Article – Health – General Section 13–3301(a) Annotated Code of Maryland (2019 Replacement Volume)

BY repealing and reenacting, with amendments, Article – Health – General Section 13–3301(d) and 13–3303(a) Annotated Code of Maryland (2019 Replacement Volume)

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

## Article – Health – General

13-3301.

- (a) In this subtitle the following words have the meanings indicated.
- (d) "Certifying provider" means an individual who:

(1) (i) 1. Has an active, unrestricted license to practice medicine that was issued by the State Board of Physicians under Title 14 of the Health Occupations Article; and

2. Is in good standing with the State Board of Physicians;

(ii) 1. Has an active, unrestricted license to practice dentistry that was issued by the State Board of Dental Examiners under Title 4 of the Health Occupations Article; and

Examiners;

2. Is in good standing with the State Board of Dental

(iii) 1. Has an active, unrestricted license to practice podiatry that was issued by the State Board of Podiatric Medical Examiners under Title 16 of the Health Occupations Article; and

2. Is in good standing with the State Board of Podiatric Medical Examiners; [or]

(iv) 1. Has an active, unrestricted license to practice registered nursing and has an active, unrestricted certification to practice as a nurse practitioner or a nurse midwife that were issued by the State Board of Nursing under Title 8 of the Health Occupations Article; and

2. Is in good standing with the State Board of Nursing; **OR** 

(V) 1. HAS AN ACTIVE, UNRESTRICTED LICENSE TO PRACTICE AS A PHYSICIAN ASSISTANT ISSUED BY THE STATE BOARD OF PHYSICIANS UNDER TITLE 15 OF THE HEALTH OCCUPATIONS ARTICLE;

# 2. HAS AN ACTIVE DELEGATION AGREEMENT WITH A <u>PRIMARY SUPERVISING</u> PHYSICIAN WHO IS A CERTIFYING PROVIDER; AND

3. IS IN GOOD STANDING WITH THE STATE BOARD OF PHYSICIANS;

(2) Has a State controlled dangerous substances registration; and

(3) Is registered with the Commission to make cannabis available to patients for medical use in accordance with regulations adopted by the Commission.

13-3303.

(a) The Commission consists of the following 13 members:

(1) The Secretary of Health, or the Secretary's designee; and

(2) The following 5 members, appointed by the Governor with the advice and consent of the Senate:

(i) Two licensed noncertified providers who are [physicians, dentists, podiatrists,]:

- 1. PHYSICIANS;
- 2. **DENTISTS;**
- 3. PODIATRISTS;
- 4. [nurse] NURSE practitioners[, or];
- 5. [nurse] NURSE midwives; OR
- 6. PHYSICIAN ASSISTANTS;

(ii) One nurse or other health care provider licensed in the State who has experience in hospice care, nominated by a State hospice trade association;

(iii) One pharmacist licensed in the State, nominated by a State research institution or trade association; and

(iv) One scientist who has experience in the science of cannabis, nominated by a State research institution;

(3) Four members appointed by the Governor with the advice and consent of the Senate;

(4) One member appointed by the Governor from a list of three individuals recommended by the President of the Senate;

(5) One member appointed by the Governor from a list of three individuals recommended by the Speaker of the House of Delegates; and

(6) One member appointed by the Governor from either of the two lists described in items (4) and (5) of this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 188

## (Senate Bill 304)

AN ACT concerning

## Natalie M. LaPrade Medical Cannabis Commission – Certifying Providers

FOR the purpose of altering the definition of "certifying provider" to include certain physician assistants; altering the membership of the Natalie M. LaPrade Medical Cannabis Commission; making stylistic changes; making a conforming change; and generally relating to the Natalie M. LaPrade Medical Cannabis Commission.

BY repealing and reenacting, without amendments, Article – Health – General Section 13–3301(a) Annotated Code of Maryland (2019 Replacement Volume)

BY repealing and reenacting, with amendments, Article – Health – General Section 13–3301(d) and 13–3303(a) Annotated Code of Maryland (2019 Replacement Volume)

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

## Article – Health – General

13-3301.

- (a) In this subtitle the following words have the meanings indicated.
- (d) "Certifying provider" means an individual who:

(1) (i) 1. Has an active, unrestricted license to practice medicine that was issued by the State Board of Physicians under Title 14 of the Health Occupations Article; and

2. Is in good standing with the State Board of Physicians;

(ii) 1. Has an active, unrestricted license to practice dentistry that was issued by the State Board of Dental Examiners under Title 4 of the Health Occupations Article; and

2.

Examiners;

(iii) 1. Has an active, unrestricted license to practice podiatry that was issued by the State Board of Podiatric Medical Examiners under Title 16 of the Health Occupations Article; and

2. Is in good standing with the State Board of Podiatric Medical Examiners; [or]

(iv) 1. Has an active, unrestricted license to practice registered nursing and has an active, unrestricted certification to practice as a nurse practitioner or a nurse midwife that were issued by the State Board of Nursing under Title 8 of the Health Occupations Article; and

2. Is in good standing with the State Board of Nursing; **OR** 

Is in good standing with the State Board of Dental

(V) 1. HAS AN ACTIVE, UNRESTRICTED LICENSE TO PRACTICE AS A PHYSICIAN ASSISTANT ISSUED BY THE STATE BOARD OF PHYSICIANS UNDER TITLE 15 OF THE HEALTH OCCUPATIONS ARTICLE;

2. HAS AN ACTIVE DELEGATION AGREEMENT WITH A <u>PRIMARY SUPERVISING</u> PHYSICIAN WHO IS A CERTIFYING PROVIDER; AND

3. IS IN GOOD STANDING WITH THE STATE BOARD OF PHYSICIANS;

(2) Has a State controlled dangerous substances registration; and

(3) Is registered with the Commission to make cannabis available to patients for medical use in accordance with regulations adopted by the Commission.

13-3303.

(a) The Commission consists of the following 13 members:

(1) The Secretary of Health, or the Secretary's designee; and

(2) The following 5 members, appointed by the Governor with the advice and consent of the Senate:

(i) Two licensed noncertified providers who are [physicians, dentists, podiatrists,]:

1. PHYSICIANS;

- 2. **DENTISTS;**
- 3. PODIATRISTS;
- 4. [nurse] NURSE practitioners[, or];
- 5. [nurse] NURSE midwives; OR
- 6. PHYSICIAN ASSISTANTS;

(ii) One nurse or other health care provider licensed in the State who has experience in hospice care, nominated by a State hospice trade association;

(iii) One pharmacist licensed in the State, nominated by a State research institution or trade association; and

(iv) One scientist who has experience in the science of cannabis, nominated by a State research institution;

(3) Four members appointed by the Governor with the advice and consent of the Senate;

(4) One member appointed by the Governor from a list of three individuals recommended by the President of the Senate;

(5) One member appointed by the Governor from a list of three individuals recommended by the Speaker of the House of Delegates; and

(6) One member appointed by the Governor from either of the two lists described in items (4) and (5) of this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 189

(House Bill 384)

AN ACT concerning

Charles County – Illegal Disposal of Bulky Items – Penalties

Chapter 189

FOR the purpose of authorizing the governing body of Charles County to adopt an ordinance to prohibit the disposal of a bulky item in certain locations under certain circumstances; authorizing Charles County to impose certain penalties for certain violations; altering the definition of a certain term; making conforming changes; and generally relating to the illegal disposal of bulky items in Charles County.

BY repealing and reenacting, with amendments, Article – Criminal Law Section 10–110(a) and (j) Annotated Code of Maryland (2012 Replacement Volume and 2019 Supplement)

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

#### Article – Criminal Law

10-110.

- (a) (1) In this section the following words have the meanings indicated.
  - (2) "Bi–county unit" means:

or

- (i) the Maryland–National Capital Park and Planning Commission;
- (ii) the Washington Suburban Sanitary Commission.

(3) (i) "Bulky item" means any discarded furniture, home or industrial appliance, or abandoned vehicle or part of an abandoned vehicle not designated for disposal purposes under the laws of Prince George's County **OR CHARLES COUNTY**.

(ii) "Bulky item" does not include discarding, dropping, or scattering of small quantities of waste matter ordinarily carried on or about the person, including:

- 1. beverage containers and closures;
- 2. packaging;
- 3. wrappers;
- 4. wastepaper;
- 5. newspapers;
- 6. magazines; and

7. waste matter that escapes or is allowed to escape from a container, receptacle, or package.

(4) "Litter" means all rubbish, waste matter, refuse, garbage, trash, debris, dead animals, or other discarded materials of every kind and description.

- (5) "Public or private property" means:
  - (i) the right–of–way of a road or highway;

(ii) a body of water or watercourse or the shores or beaches of a body of water or watercourse;

- (iii) a park;
- (iv) a parking facility;
- (v) a playground;
- (vi) public service company property or transmission line

right-of-way;

- (vii) a building;
- (viii) a refuge or conservation or recreation area;
- (ix) residential or farm property; or
- (x) timberlands or a forest.
- (j) (1) The legislative body of a municipal corporation may:
  - (i) prohibit littering; and

(ii) classify littering as a municipal infraction under Title 6 of the Local Government Article.

(2) The governing bodies of Prince George's County, Calvert County, and Montgomery County may each adopt an ordinance to prohibit littering under this section and, for violations of the ordinance, may impose criminal penalties and civil penalties that do not exceed the criminal penalties and civil penalties specified in subsection (f)(1) through (3) of this section.

(3) (i) The governing [body] **BODIES** of Prince George's County **AND CHARLES COUNTY** may **EACH** adopt an ordinance to prohibit the disposal of a bulky item:

1. on a highway; or

2. on public or private property unless the property is designated by the State, a unit of the State, or a political subdivision of the State for the disposal of bulky items and the person is authorized by the proper public authority to use the property.

(ii) For violations of [the] AN ordinance adopted under this paragraph, [Prince George's County] A COUNTY may impose criminal penalties and civil penalties that do not exceed the criminal penalties and civil penalties specified in subparagraph (iii) of this paragraph.

(iii) A person who disposes of a bulky item in violation of this paragraph is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding \$5,000 or both.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 190

(Senate Bill 429)

AN ACT concerning

## Charles County – Illegal Disposal of Bulky Items – Penalties

FOR the purpose of authorizing the governing body of Charles County to adopt an ordinance to prohibit the disposal of a bulky item in certain locations under certain circumstances; authorizing Charles County to impose certain penalties for certain violations; altering the definition of a certain term; making conforming changes; and generally relating to the illegal disposal of bulky items in Charles County.

BY repealing and reenacting, with amendments, Article – Criminal Law Section 10–110(a) and (j) Annotated Code of Maryland (2012 Replacement Volume and 2019 Supplement)

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

## Article – Criminal Law

1179

10–110.

- (a) (1) In this section the following words have the meanings indicated.
  - (2) "Bi–county unit" means:

or

- (i) the Maryland–National Capital Park and Planning Commission;
- (ii) the Washington Suburban Sanitary Commission.

(3) (i) "Bulky item" means any discarded furniture, home or industrial appliance, or abandoned vehicle or part of an abandoned vehicle not designated for disposal purposes under the laws of Prince George's County **OR CHARLES COUNTY**.

(ii) "Bulky item" does not include discarding, dropping, or scattering of small quantities of waste matter ordinarily carried on or about the person, including:

- 1. beverage containers and closures;
- 2. packaging;
- 3. wrappers;
- 4. wastepaper;
- 5. newspapers;
- 6. magazines; and

7. waste matter that escapes or is allowed to escape from a container, receptacle, or package.

(4) "Litter" means all rubbish, waste matter, refuse, garbage, trash, debris, dead animals, or other discarded materials of every kind and description.

(5) "Public or private property" means:

(i) the right–of–way of a road or highway;

(ii) a body of water or watercourse or the shores or beaches of a body of water or watercourse;

- (iii) a park;
- (iv) a parking facility;

(v) a playground;

(vi) public service company property or transmission line right–of–way;

- (vii) a building;
- (viii) a refuge or conservation or recreation area;
- (ix) residential or farm property; or
- (x) timberlands or a forest.
- (j) (1) The legislative body of a municipal corporation may:
  - (i) prohibit littering; and

(ii) classify littering as a municipal infraction under Title 6 of the Local Government Article.

(2) The governing bodies of Prince George's County, Calvert County, and Montgomery County may each adopt an ordinance to prohibit littering under this section and, for violations of the ordinance, may impose criminal penalties and civil penalties that do not exceed the criminal penalties and civil penalties specified in subsection (f)(1) through (3) of this section.

(3) (i) The governing [body] **BODIES** of Prince George's County **AND CHARLES COUNTY** may **EACH** adopt an ordinance to prohibit the disposal of a bulky item:

1. on a highway; or

2. on public or private property unless the property is designated by the State, a unit of the State, or a political subdivision of the State for the disposal of bulky items and the person is authorized by the proper public authority to use the property.

(ii) For violations of [the] AN ordinance adopted under this paragraph, [Prince George's County] A COUNTY may impose criminal penalties and civil penalties that do not exceed the criminal penalties and civil penalties specified in subparagraph (iii) of this paragraph.

(iii) A person who disposes of a bulky item in violation of this paragraph is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding \$5,000 or both.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 191

## (House Bill 387)

AN ACT concerning

#### Tri-County Council for Southern Maryland – Funding

FOR the purpose of increasing the amount of money that the county commissioners of Calvert County, Charles County, and St. Mary's County are required to appropriate each year for the Tri-County Council for Southern Maryland to foster cooperative planning and development in the region; and generally relating to funding for the Tri-County Council for Southern Maryland.

BY repealing and reenacting, without amendments,

Article – Economic Development Section 13–601(a) and (c) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Economic Development Section 13–611 Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

#### Article – Economic Development

13-601.

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

(c) "Council" means the Tri–County Council for Southern Maryland.

13-611.

(a) The State and Calvert, Charles, and St. Mary's counties may jointly finance the Council and its activities.

(b) (1) The State may provide financial support to the Council to assist in carrying out the activities of the Council.

(2) (i) On or before August 1 of each year, the Council shall submit its proposed work programs and operating budget for the following fiscal year to the Department.

(ii) The submission shall include supporting schedules to show how the budget is financed, and to provide for review and recommendations.

(iii) After review, the Department shall forward the submission and any recommendations to the Department of Budget and Management for consideration.

(3) The Governor shall include in the State budget for the following fiscal year an appropriation to partially support the Council.

(c) (1) The county commissioners of Calvert, Charles, and St. Mary's counties shall appropriate money each year for the Council to foster cooperative planning and development in the region as follows:

- (i) Calvert County **[**\$7,000**] \$125,000**;
- (ii) Charles County [\$9,000] **\$125,000**; and
- (iii) St. Mary's County [\$9,000] **\$125,000**.

(2) Calvert, Charles, and St. Mary's counties may appropriate any other money for the Council as they consider necessary and appropriate.

(d) The Council may accept additional money from any other public or private source.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 192

(Senate Bill 805)

AN ACT concerning

**Tri-County Council for Southern Maryland – Funding** 

FOR the purpose of increasing the amount of money that the county commissioners of Calvert County, Charles County, and St. Mary's County are required to appropriate each year for the Tri-County Council for Southern Maryland to foster cooperative planning and development in the region; and generally relating to funding for the Tri-County Council for Southern Maryland.

BY repealing and reenacting, without amendments, Article – Economic Development Section 13–601(a) and (c) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Economic Development Section 13–611 Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

#### Article – Economic Development

13-601.

- (a) In this subtitle the following words have the meanings indicated.
- (c) "Council" means the Tri–County Council for Southern Maryland.

13-611.

(a) The State and Calvert, Charles, and St. Mary's counties may jointly finance the Council and its activities.

(b) (1) The State may provide financial support to the Council to assist in carrying out the activities of the Council.

(2) (i) On or before August 1 of each year, the Council shall submit its proposed work programs and operating budget for the following fiscal year to the Department.

(ii) The submission shall include supporting schedules to show how the budget is financed, and to provide for review and recommendations.

(iii) After review, the Department shall forward the submission and any recommendations to the Department of Budget and Management for consideration.

(3) The Governor shall include in the State budget for the following fiscal year an appropriation to partially support the Council.

(c) (1) The county commissioners of Calvert, Charles, and St. Mary's counties shall appropriate money each year for the Council to foster cooperative planning and development in the region as follows:

- (i) Calvert County **[**\$7,000**] \$125,000**;
- (ii) Charles County **[**\$9,000**] \$125,000**; and
- (iii) St. Mary's County [\$9,000] **\$125,000**.

(2) Calvert, Charles, and St. Mary's counties may appropriate any other money for the Council as they consider necessary and appropriate.

(d) The Council may accept additional money from any other public or private source.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 193

## (House Bill 402)

AN ACT concerning

#### Washington Metropolitan Area Transit Authority – Sovereign Immunity – Employee Whistleblower Protection

FOR the purpose of providing that certain whistleblower protections for certain employees of the State apply to the employees of the Washington Metropolitan Area Transit Authority contingent on certain action by the Commonwealth of Virginia and the District of Columbia; <u>specifying certain whistleblower protection laws that the General Assembly considers similar for the purpose of a certain provision of law;</u> establishing the intent of the General Assembly to waive the sovereign immunity of the State extended to the Washington Metropolitan Area Transit Authority for certain purposes; <u>altering the Washington Metropolitan Area Transit Authority</u> <u>Compact to waive jurisdictional sovereign immunity extended to the Washington Metropolitan Area Transit Authority for certain purposes and subject to a certain <u>contingency</u>; and generally relating to the sovereign immunity of the State extended to the Washington Metropolitan Area Transit Authority.</u> BY repealing and reenacting, with amendments, Article – State Personnel and Pensions Section 5–301 Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

BY adding to

Article – Transportation Section 10–209 Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

<u>BY repealing and reenacting, with amendments,</u> <u>Article – Transportation</u> <u>Section 10–204 Title III Article XVI Section 80</u> <u>Annotated Code of Maryland</u> (2012 Replacement Volume and 2019 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**

5-301.

(A) This subtitle applies to:

(1) all employees and State employees who are applicants for positions in the Executive Branch of State government, including a unit with an independent personnel system; AND

(2) IF BOTH THE COMMONWEALTH OF VIRGINIA AND THE DISTRICT OF COLUMBIA ENACT SIMILAR WHISTLEBLOWER PROTECTIONS OR WAIVE THEIR SOVEREIGN IMMUNITY AS APPLIED TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY FOR THE PURPOSE OF PROVIDING WHISTLEBLOWER PROTECTIONS, ALL EMPLOYEES OF THE WASHINGTON METROPOLITAN TRANSIT AUTHORITY.

(B) FOR THE PURPOSE OF SUBSECTION (A)(2) OF THIS SECTION, THE GENERAL ASSEMBLY CONSIDERS THE FOLLOWING WHISTLEBLOWER PROTECTION LAWS TO BE SIMILAR TO WHISTLEBLOWER PROTECTION LAWS ESTABLISHED UNDER TITLE 5, SUBTITLE 3 OF THE STATE PERSONNEL AND PENSIONS ARTICLE:

(1) THE DISTRICT OF COLUMBIA'S EMPLOYEES OF DISTRICT CONTRACTORS AND INSTRUMENTALITY WHISTLEBLOWER PROTECTION ACT, TITLE 2, CHAPTER 2, SUBCHAPTER XII OF THE CODE OF THE DISTRICT OF COLUMBIA; AND

#### (2) <u>THE COMMONWEALTH OF VIRGINIA'S FRAUD AND ABUSE</u> <u>WHISTLEBLOWER PROTECTION ACT, TITLE 2.2, CHAPTER 30.1 OF THE CODE OF</u> <u>VIRGINIA.</u>

**Article – Transportation** 

10-209.

IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE SOVEREIGN IMMUNITY OF THE STATE NOT EXTEND TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY FOR THE PURPOSES OF CLAIMS BROUGHT AGAINST THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BY AN EMPLOYEE OR FORMER EMPLOYEE UNDER:

(1) THE FALSE CLAIMS ACT,  $\frac{32}{31}$  U.S.C. § 3729 ET SEQ., AS AMENDED; AND

(2) TITLE 5, SUBTITLE 3 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

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

#### <u>Article – Transportation</u>

<u>10–204.</u>

#### <u>Title III</u>

#### Article XVI

<u>80.</u>

(A) The Authority shall be liable for its contracts and for its torts and those of its directors, officers, employees and agents committed in the conduct of any proprietary function, in accordance with the law of the applicable signatory (including rules on conflict of laws), but shall not be liable for any torts occurring in the performance of a governmental function. The exclusive remedy for such breach of contracts and torts for which the Authority shall be liable, as herein provided, shall be by suit against the Authority. [Nothing] EXCEPT AS PROVIDED IN PARAGRAPH (B) OF THIS SECTION, NOTHING contained in this title shall be construed as a waiver by the District of Columbia, Maryland, Virginia and the counties and cities within the zone of any immunity from suit.

#### (B) THE SOVEREIGN IMMUNITY OF THE DISTRICT OF COLUMBIA, MARYLAND, AND VIRGINIA DOES NOT EXTEND TO THE AUTHORITY FOR THE PURPOSES OF CLAIMS BROUGHT AGAINST THE AUTHORITY BY AN EMPLOYEE OR FORMER EMPLOYEE OF THE AUTHORITY UNDER:

#### (1) THE FALSE CLAIMS ACT, 31 U.S.C. § 3729 ET SEQ., AS AMENDED; OR

#### (2) <u>A LAW ENACTED BY THE DISTRICT OF COLUMBIA, MARYLAND, OR</u> <u>VIRGINIA THAT AUTHORIZES A PRIVATE RIGHT OF ACTION FOR AN ALLEGED</u> <u>VIOLATION OF A LAW INTENDED TO PROVIDE WHISTLEBLOWER PROTECTIONS.</u>

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act may not take effect until similar Acts are passed by the District of Columbia and the Commonwealth of Virginia; that the District of Columbia and the Commonwealth of Virginia are requested to concur in this Act of the General Assembly by the passage of substantially similar Acts; that the Department of Legislative Services shall notify the appropriate officials of the District of Columbia, the Commonwealth of Virginia, and the United States Congress of the Passage of this Act; and that, upon concurrence in this Act by the District of Columbia, the Commonwealth of Virginia, and the United States, the Governor of the State of Maryland shall issue a proclamation declaring this Act valid and effective and shall forward a copy of the proclamation to the Executive Director of the Department of Legislative Services.

SECTION <u>2.</u> <u>4.</u> AND BE IT FURTHER ENACTED, That<u>, subject to Section 3 of this</u> <u>Act</u>, this Act shall take effect October 1, 2020.

#### Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 194

(House Bill 404)

AN ACT concerning

#### Economic Development Programs – Data Collection and Tracking – Minority Business Enterprises

FOR the purpose of requiring the Department of Commerce to include certain information relating to certain minority business enterprises in a certain annual report on economic development programs that the Department administers; and generally related to minority business enterprises. BY repealing and reenacting, with amendments, Article – Economic Development Section 2.5–109 Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments, Article – State Finance and Procurement Section 14–301(a) and (f) Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

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

#### Article – Economic Development

2.5 - 109.

(a) In this section, "economic development program" means:

(1) the Economic Development Opportunities Program Account established under § 7-314 of the State Finance and Procurement Article;

(2) the Partnership for Workforce Quality Program established under Title 3, Subtitle 4 of this article;

(3) each of the economic development and financial assistance programs established under Title 5 of this article; and

(4) each of the tax credit programs administered by the Department, including:

- (i) the Film Production Activity Tax Credit;
- (ii) the Job Creation Tax Credit;
- (iii) the One Maryland Economic Development Tax Credit;
- (iv) the Biotechnology Investment Incentive Tax Credit;
- (v) the Research and Development Tax Credit;

(vi) the Security Clearance Administrative Expenses and Construction and Equipment Costs Tax Credit;

(vii) the Cybersecurity Investment Incentive Tax Credit; and

(viii) the Aerospace, Electronics, or Defense Contract Tax Credit.

(b) The Department shall compile data in accordance with this section on the economic development programs administered by the Department.

(c) On or before December 31, 2013, and each year thereafter, the Department shall submit a report on the economic development programs that were administered by the Department during the previous fiscal year to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.

(d) (1) The report required under this section shall include the following data, if applicable, on the economic development programs administered by the Department:

- (i) the number of jobs created;
- (ii) the number of jobs retained;
- (iii) the estimated amount of State revenue generated;
- (iv) the status of any special fund; [and]

# (V) FOR MINORITY BUSINESS ENTERPRISES, AS DEFINED IN § 14–301 OF THE STATE FINANCE AND PROCUREMENT ARTICLE:

1. THE NUMBER OF ENTERPRISES THAT RECEIVED ASSISTANCE FROM EACH ECONOMIC DEVELOPMENT PROGRAM; AND

2. THE PERCENTAGE OF ASSISTANCE DISTRIBUTED TO EACH MINORITY BUSINESS ENTERPRISE FROM EACH ECONOMIC DEVELOPMENT PROGRAM COMPARED TO THE TOTAL ASSISTANCE DISTRIBUTED FROM EACH ECONOMIC DEVELOPMENT PROGRAM; AND

[(v)] (VI) any additional information required by the Department through regulations.

(2) The report required under this section shall include data in the aggregate and disaggregated by:

- (i) each economic development program; and
- (ii) each recipient of assistance from an economic development program.

(3) The report required under this section shall include any additional information required under the law authorizing the economic development program.

(e) If a recipient of assistance from an economic development program is not meeting the requirements of the economic development program, the Department shall implement a process to assist the recipient in meeting the program requirements.

#### **Article – State Finance and Procurement**

14 - 301.

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

(f) "Minority business enterprise" means any legal entity, except a joint venture, that is:

(1) organized to engage in commercial transactions;

(2) at least 51% owned and controlled by 1 or more individuals who are socially and economically disadvantaged; and

(3) managed by, and the daily business operations of which are controlled by, one or more of the socially and economically disadvantaged individuals who own it.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

## Chapter 195

(Senate Bill 499)

AN ACT concerning

#### Economic Development Programs – Data Collection and Tracking – Minority Business Enterprises

FOR the purpose of requiring the Department of Commerce to include certain information relating to certain minority business enterprises in a certain annual report on economic development programs that the Department administers; and generally related to minority business enterprises.

BY repealing and reenacting, with amendments, Article – Economic Development Section 2.5–109 Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments, Article – State Finance and Procurement Section 14–301(a) and (f) Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

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

#### Article – Economic Development

2.5 - 109.

(a) In this section, "economic development program" means:

(1) the Economic Development Opportunities Program Account established under § 7-314 of the State Finance and Procurement Article;

(2) the Partnership for Workforce Quality Program established under Title 3, Subtitle 4 of this article;

(3) each of the economic development and financial assistance programs established under Title 5 of this article; and

(4) each of the tax credit programs administered by the Department, including:

- (i) the Film Production Activity Tax Credit;
- (ii) the Job Creation Tax Credit;
- (iii) the One Maryland Economic Development Tax Credit;
- (iv) the Biotechnology Investment Incentive Tax Credit;
- (v) the Research and Development Tax Credit;

(vi) the Security Clearance Administrative Expenses and Construction and Equipment Costs Tax Credit;

- (vii) the Cybersecurity Investment Incentive Tax Credit; and
- (viii) the Aerospace, Electronics, or Defense Contract Tax Credit.
- (b) The Department shall compile data in accordance with this section on the

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## Chapter 195

economic development programs administered by the Department.

(c) On or before December 31, 2013, and each year thereafter, the Department shall submit a report on the economic development programs that were administered by the Department during the previous fiscal year to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.

(d) (1) The report required under this section shall include the following data, if applicable, on the economic development programs administered by the Department:

- (i) the number of jobs created;
- (ii) the number of jobs retained;
- (iii) the estimated amount of State revenue generated;
- (iv) the status of any special fund; [and]

# (V) FOR MINORITY BUSINESS ENTERPRISES, AS DEFINED IN § 14–301 OF THE STATE FINANCE AND PROCUREMENT ARTICLE:

# 1. THE NUMBER OF ENTERPRISES THAT RECEIVED ASSISTANCE FROM EACH ECONOMIC DEVELOPMENT PROGRAM; AND

2. THE PERCENTAGE OF ASSISTANCE DISTRIBUTED TO EACH MINORITY BUSINESS ENTERPRISE FROM EACH ECONOMIC DEVELOPMENT PROGRAM COMPARED TO THE TOTAL ASSISTANCE DISTRIBUTED FROM EACH ECONOMIC DEVELOPMENT PROGRAM; AND

[(v)] (VI) any additional information required by the Department through regulations.

(2) The report required under this section shall include data in the aggregate and disaggregated by:

(i) each economic development program; and

(ii) each recipient of assistance from an economic development program.

(3) The report required under this section shall include any additional information required under the law authorizing the economic development program.

(e) If a recipient of assistance from an economic development program is not meeting the requirements of the economic development program, the Department shall implement a process to assist the recipient in meeting the program requirements.

# **Article - State Finance and Procurement**

14-301.

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

(f) "Minority business enterprise" means any legal entity, except a joint venture, that is:

(1) organized to engage in commercial transactions;

(2) at least 51% owned and controlled by 1 or more individuals who are socially and economically disadvantaged; and

(3) managed by, and the daily business operations of which are controlled by, one or more of the socially and economically disadvantaged individuals who own it.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 196

(House Bill 407)

AN ACT concerning

## Harford County – State's Attorney's Office and Child Support Administration – Transfer of Personnel

FOR the purpose of transferring the functions, powers, and duties of the Child Support Unit of the Office of the State's Attorney for Harford County to the Child Support Administration of the Department of Human Services; requiring the creation of certain Position Identification Numbers for certain transferred employees; providing for the determination of salary grade and seniority for transferred employees; requiring that certain transferred employees be given credit with the State for years of county employment for purposes of determining leave accumulation and eligibility layoff rights in the State Personnel Management System; requiring that certain transferred employees be credited for certain unused leave; requiring Harford County to pay certain personnel certain compensation as of a certain date; <u>requiring certain employer contributions and interest on behalf of certain transferred</u> <u>employees of Harford County to be transferred within the accumulation fund for the Employees' Pension System from the municipal pool to the State pool; requiring a</u> <u>certain actuarial valuation to be performed by a certain actuary</u>; and generally relating to the transfer of certain personnel to the Child Support Administration of the Department of Human Services.

BY repealing and reenacting, <del>without</del> <u>with</u> amendments, Article – Family Law Section 10–117 Annotated Code of Maryland (2019 Replacement Volume)

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

#### Article – Family Law

10 - 117.

(a) A county or circuit court with a local support enforcement office may request that the responsibility for support enforcement be transferred to the Administration.

(b) A request for transfer of responsibility under this section must be made to the Department of Human Services by September 1 of the year preceding the fiscal year for which responsibility will be transferred.

Any personnel of the local support enforcement office involved in a transfer (c) under this section shall be in the State Personnel Management System and shall be placed in the position that is comparable to or most closely compares to their former position, without further examination or qualification. These employees shall be credited with the years of service with the jurisdiction for purposes of seniority, including the determination of leave accumulation and the determination of layoff rights under Title 11, Subtitle 2 of the State Personnel and Pensions Article, and, except as provided under § 2-510 of the Courts Article, shall become REMAIN members of the Employees' Pension System of the State of Maryland. All previous pension contributions shall be transferred in accordance with Title 37 of the State Personnel and Pensions Article. These employees shall receive no diminution in compensation or accumulated leave solely as a result of the transfer. The salary grade of these employees shall be determined using a salary based on the same hourly rate of salary of the employee at the time of transfer. Annual leave in excess of that which may be retained annually in the State Personnel Management System may be retained at the time of transfer if that accumulation was permitted by the former employer.

SECTION 2. AND BE IT FURTHER ENACTED, That, on July 1, 2020, all the functions, powers, and duties of the Child Support Unit of the Office of the State's Attorney for Harford County and the personnel indicated in Section 3 of this Act shall be transferred to the Child Support Administration of the Department of Human Services.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) Except for the assistant State's Attorneys, all employees of the Child Support Unit of the Office of the State's Attorney for Harford County on June 30, 2020, shall be transferred to the Child Support Administration of the Department of Human Services in accordance with the provisions of § 10–117(c) of the Family Law Article.

(b) Except for the assistant State's Attorneys, a Position Identification Number (PIN) shall be created for each transferred employee in a State classification commensurate with the employee's salary grade at the time of the transfer. The salary grade shall be determined using a salary based on the same hourly rate of salary of the employee at the time of transfer.

(c) If an employee of the Office of the State's Attorney for Harford County who provides services as an assistant State's Attorney under the 2020 agreement between the Child Support Administration and the Office of the State's Attorney for Harford County for the period between October 1, 2019, and June 30, 2020, both inclusive, is appointed by the Office of the Attorney General to continue providing services for the Child Support Administration as a State employee on or after June 30, 2020, a Position Identification Number (PIN) shall be created for each transferred employee in a State classification commensurate with the employee's salary grade at the time of the transfer. The salary grade shall be determined using a salary based on the same hourly rate of salary of the employee at the time of transfer.

(d) Each transferred employee identified in paragraphs (b) and (c) of this subsection shall be given credit with the State for years of county employment for the purposes of seniority including the determination of leave accumulation under Title 9 of the State Personnel and Pensions Article and the determination of layoff rights under Title 11, Subtitle 2 of the State Personnel and Pensions Article. Each transferred employee shall also be credited for any unused leave accumulation earned during county employment.

(e) It shall be the responsibility of Harford County to pay each employee transferred under this Act any compensation due to the employee on termination of county employment as of June 30, 2020.

(f) (1) All employer contributions and interest on those contributions made by Harford County on behalf of employees transferred under this Act, as employees of Harford County, shall be transferred within the accumulation fund for the State Employees' Pension System from the municipal pool to the State pool, in accordance with § 37–205 of the State Personnel and Pensions Article.

(2) The actuarial valuation required under § 37–205 of the State Personnel and Pensions Article for the transferred employees transferred under this Act shall be performed by the actuary designated by the Board of Trustees for the State Retirement and Pension System in accordance with § 21–125 of the State Personnel and Pensions Article.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 197

(Senate Bill 137)

AN ACT concerning

## Harford County – State's Attorney's Office and Child Support Administration – Transfer of Personnel

FOR the purpose of transferring the functions, powers, and duties of the Child Support Unit of the Office of the State's Attorney for Harford County to the Child Support Administration of the Department of Human Services; requiring the creation of certain Position Identification Numbers for certain transferred employees; providing for the determination of salary grade and seniority for transferred employees; requiring that certain transferred employees be given credit with the State for years of county employment for purposes of determining leave accumulation and eligibility layoff rights in the State Personnel Management System; requiring that certain transferred employees be credited for certain unused leave; requiring Harford County to pay certain personnel certain compensation as of a certain date; requiring certain employer contributions and interest on behalf of certain transferred employees of Harford County to be transferred within the accumulation fund for the Employees' Pension System from the municipal pool to the State pool; requiring a certain actuarial valuation to be performed by a certain actuary; and generally relating to the transfer of certain personnel to the Child Support Administration of the Department of Human Services.

BY repealing and reenacting, <del>without</del> <u>with</u> amendments, Article – Family Law Section 10–117 Annotated Code of Maryland (2019 Replacement Volume)

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

# Article – Family Law

10 - 117.

(a) A county or circuit court with a local support enforcement office may request that the responsibility for support enforcement be transferred to the Administration.

(b) A request for transfer of responsibility under this section must be made to the Department of Human Services by September 1 of the year preceding the fiscal year for which responsibility will be transferred.

Any personnel of the local support enforcement office involved in a transfer (c)under this section shall be in the State Personnel Management System and shall be placed in the position that is comparable to or most closely compares to their former position, without further examination or qualification. These employees shall be credited with the years of service with the jurisdiction for purposes of seniority, including the determination of leave accumulation and the determination of layoff rights under Title 11, Subtitle 2 of the State Personnel and Pensions Article, and, except as provided under § 2-510 of the Courts Article. shall become REMAIN members of the Employees' Pension System of the State of Maryland. All previous pension contributions shall be transferred in accordance with Title 37 of the State Personnel and Pensions Article. These employees shall receive no diminution in compensation or accumulated leave solely as a result of the transfer. The salary grade of these employees shall be determined using a salary based on the same hourly rate of salary of the employee at the time of transfer. Annual leave in excess of that which may be retained annually in the State Personnel Management System may be retained at the time of transfer if that accumulation was permitted by the former employer.

SECTION 2. AND BE IT FURTHER ENACTED, That, on July 1, 2020, all the functions, powers, and duties of the Child Support Unit of the Office of the State's Attorney for Harford County and the personnel indicated in Section 3 of this Act shall be transferred to the Child Support Administration of the Department of Human Services.

#### SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) Except for the assistant State's Attorneys, all employees of the Child Support Unit of the Office of the State's Attorney for Harford County on June 30, 2020, shall be transferred to the Child Support Administration of the Department of Human Services in accordance with the provisions of § 10–117(c) of the Family Law Article.

(b) Except for the assistant State's Attorneys, a Position Identification Number (PIN) shall be created for each transferred employee in a State classification commensurate with the employee's salary grade at the time of the transfer. The salary grade shall be determined using a salary based on the same hourly rate of salary of the employee at the time of transfer.

(c) If an employee of the Office of the State's Attorney for Harford County who provides services as an assistant State's Attorney under the 2020 agreement between the Child Support Administration and the Office of the State's Attorney for Harford County for the period between October 1, 2019, and June 30, 2020, both inclusive, is appointed by the Office of the Attorney General to continue providing services for the Child Support Administration as a State employee on or after June 30, 2020, a Position Identification Number (PIN) shall be created for each transferred employee in a State classification commensurate with the employee's salary grade at the time of the transfer. The salary

grade shall be determined using a salary based on the same hourly rate of salary of the employee at the time of transfer.

(d) Each transferred employee identified in paragraphs (b) and (c) of this subsection shall be given credit with the State for years of county employment for the purposes of seniority including the determination of leave accumulation under Title 9 of the State Personnel and Pensions Article and the determination of layoff rights under Title 11, Subtitle 2 of the State Personnel and Pensions Article. Each transferred employee shall also be credited for any unused leave accumulation earned during county employment.

(e) It shall be the responsibility of Harford County to pay each employee transferred under this Act any compensation due to the employee on termination of county employment as of June 30, 2020.

(f) (1) All employer contributions and interest on those contributions made by Harford County on behalf of employees transferred under this Act, as employees of Harford County, shall be transferred within the accumulation fund for the State Employees' Pension System from the municipal pool to the State pool, in accordance with § 37–205 of the State Personnel and Pensions Article.

(2) The actuarial valuation required under § 37–205 of the State Personnel and Pensions Article for the transferred employees transferred under this Act shall be performed by the actuary designated by the Board of Trustees for the State Retirement and Pension System in accordance with § 21–125 of the State Personnel and Pensions Article.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 198

(House Bill 409)

AN ACT concerning

# Maryland Medical Assistance Program – Participation of School–Based Health Centers – Regulations

FOR the purpose of requiring the Maryland Department of Health, on or before a certain date, to revise its regulations regarding school-based health centers that may participate in the Maryland Medical Assistance Program to include school-based health centers that have a written agreement with a sponsoring agency that meets certain requirements identified by the State Department of Education in a certain version of a certain report; and generally relating to regulations governing the participation of school-based health centers in the Maryland Medical Assistance Program.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, on or before January 1, 2021, the Maryland Department of Health shall revise its regulations regarding school-based health centers that may participate in the Maryland Medical Assistance Program to include school-based health centers that have a written agreement with a sponsoring agency that meets the requirements identified by the State Department of Education in the version of the "Maryland School-Based Health Center Standards" report available December 1, 2019, including a sponsoring agency that:

- (1)has a clinical director who is either a physician or nurse practitioner;

#### and

- (2)is:
  - (i) a local health department;
  - a federally qualified health center; (ii)
  - (iii) a community health center;
  - (iv) a hospital;
  - a private medical practice; (v)
  - a university medical center; or (vi)
  - (vii) a managed care organization; or

(viii) any other sponsor approved by the Maryland Department of Health and the Maryland State Department of Education; and

has met all other applicable requirements established by the Maryland (3)Medical Assistance Program.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 199

(House Bill 414)

### AN ACT concerning

## St. Mary's County – Property Tax Credit <del>– Improvements</del> <u>for Improvements</u> to Commercial Real Property <u>and Transfer Tax Sunset Extension</u>

FOR the purpose of authorizing the governing body of St. Mary's County to grant, by law, a property tax credit against the county property tax imposed on certain real property that is located in a certain area of the county and has had improvements made on it on or after a certain date; prohibiting the tax credit from exceeding a certain percentage of the county property tax assessed on the property; authorizing the governing body of St. Mary's County to provide, by law, for certain matters relating to the tax credit; requiring the governing body of St. Mary's County to define, by law, certain eligibility criteria; extending to a certain date the termination provision relating to the authority of the County Commissioners of St. Mary's County to impose a transfer tax on certain instruments of writing; providing for the application of certain provisions of this Act; and generally relating to a property tax credit for improvements to commercial real property and the transfer tax in St. Mary's County.

#### BY adding to

Article – Tax – Property Section 9–320(e) Annotated Code of Maryland (2019 Replacement Volume)

BY repealing and reenacting, without amendments,

<u>The Public Local Laws of St. Mary's County</u> <u>Section 138–1B.</u> <u>Article 19 – Public Local Laws of Maryland</u> (2007 Edition and March 2015 Supplement, as amended)

BY repealing and reenacting, with amendments,

<u>The Public Local Laws of St. Mary's County</u> <u>Section 138–1F.</u> <u>Article 19 – Public Local Laws of Maryland</u> (2007 Edition and March 2015 Supplement, as amended)

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

## Article – Tax – Property

9-320.

(E) (1) THE GOVERNING BODY OF ST. MARY'S COUNTY MAY GRANT, BY LAW, A PROPERTY TAX CREDIT AGAINST THE COUNTY PROPERTY TAX IMPOSED ON COMMERCIAL REAL PROPERTY THAT: (I) IS LOCATED IN AN ELIGIBLE AREA OF THE COUNTY; AND

(II) HAS HAD IMPROVEMENTS MADE ON THE PROPERTY ON OR AFTER JULY 1, 2020.

(2) (I) THE AMOUNT OF THE CREDIT AUTHORIZED UNDER THIS SUBSECTION MAY NOT EXCEED 25% OF THE COUNTY PROPERTY TAX ASSESSED ON THE PROPERTY.

(II) THE DURATION OF THE CREDIT AUTHORIZED UNDER THIS SUBSECTION MAY NOT EXCEED 10 YEARS.

(3) IF THE GOVERNING BODY OF ST. MARY'S COUNTY AUTHORIZES A CREDIT UNDER THIS SUBSECTION, THE GOVERNING BODY OF ST. MARY'S COUNTY:

(I) MAY PROVIDE, BY LAW, FOR:

**1.** SUBJECT TO PARAGRAPH (2)(I) OF THIS SUBSECTION, THE AMOUNT OF THE CREDIT;

**2.** SUBJECT TO PARAGRAPH **(2)(II)** OF THIS SUBSECTION, THE DURATION OF THE CREDIT; AND

**3.** ANY OTHER PROVISION NECESSARY TO ADMINISTER THE CREDIT; AND

(II) SHALL DEFINE, BY LAW, THE AREAS IN THE COUNTY AND THE IMPROVEMENTS TO THE PROPERTY THAT ARE ELIGIBLE FOR A CREDIT AUTHORIZED UNDER THIS SUBSECTION.

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

## Article 19 – St. Mary's County

#### <u>138–1.</u>

<u>B.</u> <u>The County Commissioners may impose a transfer tax on an instrument of</u> writing:

- (1) Recorded with the Clerk of the Circuit Court for St. Mary's County; or
- (2) Filed with the State Department of Assessments and Taxation.

<u>F.</u> The authority granted to impose a transfer tax under this section shall terminate and be of no effect after [July 1, 2020] **OCTOBER 1, 2024**.

<u>SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall be</u> applicable to all taxable years beginning after June 30, 2020.

SECTION <del>2.</del> <u>4.</u> AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020<del>, and shall be applicable to all taxable years beginning after June 30, 2020</del>.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 200

(House Bill 415)

AN ACT concerning

## Higher Education – Maryland Community College Promise Scholarship – Revisions

FOR the purpose of altering the eligibility requirements for a Maryland Community College Promise Scholarship to repeal a provision of law requiring a certain applicant to apply within a certain number of years after graduating from high school; altering certain eligibility requirements to allow a certain applicant to have earned a certain grade point average by the end of the senior year of high school for an initial award or while enrolled at a community college; requiring certain State or federal student financial aid received by a scholarship award recipient to be credited to the recipient's tuition before the calculation of a scholarship award amount; repealing certain provisions of law regarding a service obligation for receiving a scholarship award and converting a scholarship award to a loan under certain circumstances; altering the contents of a certain report; requiring the Maryland Higher Education Commission to contact each school counselor at each public high school in the State with certain information and to post certain information on the Commission's website in a certain manner; requiring each community college to post certain information on the community college's website in a certain manner; providing that a certain agreement signed by a recipient of a scholarship award before a certain date is null and void and without legal effect after a certain date; and generally relating to the Maryland Community College Promise Scholarship.

BY repealing and reenacting, with amendments,

Article – Education Section 18–3603, 18–3604, 18–3606, and 18–3607 Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement) <u>BY adding to</u>

<u>Article – Education</u> <u>Section 18–3608</u> <u>Annotated Code of Maryland</u> (2018 Replacement Volume and 2019 Supplement)

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

## Article – Education

18-3603.

(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 eligible for in–State tuition;

(2) Enrolls as a candidate for a vocational certificate, a certificate, or an associate's degree or participates in a registered apprenticeship [within 2 years] after graduating from a high school or successfully completing a GED in the State:

(i) Except as provided in items (ii) and (iii) of this item, at the community college located in the county or, in the case of a regional community college, in the region, where the applicant lives;

(ii) If the community college located in the county or region where the applicant lives does not offer the degree or certification program in which the applicant wants to enroll, then at any community college in the State that offers the program; or

(iii) At a community college in the State that has an on-campus residential facility for students;

(3) Has earned a cumulative grade point average of:

(I) FOR AN INITIAL AWARD, at least 2.3 on a 4.0 scale or its equivalent at the end of the first semester OR THE END OF THE YEAR of the senior year in high school; OR

# (II) WHILE ENROLLED AT A COMMUNITY COLLEGE IN THE STATE, AT LEAST 2.5 ON A 4.0 SCALE OR ITS EQUIVALENT;

(4) Has an annual adjusted gross income of not more than:

(i) \$100,000 if the applicant is single or resides in a single-parent household; or

(ii) \$150,000 if the applicant is married or resides in a two-parent

At least 12 credits per semester at the community college;

household;

(5) (i) Enrolls in:

1.

or

2. A sequence of credit or noncredit courses that leads to

licensure or certification; or

(ii) Participates in a registered apprenticeship program; 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.

18-3604.

(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) Except as provided in paragraph (3) of this subsection, any **STATE OR FEDERAL** 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. Initial awards shall be provided to recipients 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.

3. Notwithstanding § 18–3603(b) of this subtitle, an eligible recipient who does not receive an award under this subparagraph due to insufficient funding of the program remains eligible for the program the following academic year.

(ii) Eligible applicants who do not receive an award under this subtitle shall be notified and placed on a waiting list.

(3) If a recipient is eligible for a local promise scholarship, an award provided under this subtitle shall be credited to the recipient's tuition before the award of the local promise scholarship.

[(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) Use an address in the State on the recipient's State income tax return and commence full-time employment within 1 year after completion of the later of:

(i) The vocational certificate, certificate, or associate's degree; or

(ii) If a recipient has attained at least 48 credits at the community college and transferred to a 4-year institution, a baccalaureate degree;

(2) Continue to use an address in the State on the recipient's State income tax return and maintain employment 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)] (C) (1) Subject to paragraphs (2) and (3) of this subsection, each recipient may hold the award until the earlier of:

(i) 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 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 eligible for in–State tuition;

(ii) 1. Continues to enroll in and complete at least 12 credits per semester, or a sequence of credit or noncredit courses that leads to licensure or certification, or their equivalent, as determined by the Office; or

program;

2. Continues to participate in a registered apprenticeship

(iii) Maintains a cumulative grade point average of at least 2.5 on a 4.0 scale or its equivalent for the requisite credit-bearing coursework 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 § 18–3603(b)(4) of this subtitle; and

(vi) Continues to timely submit an application under § 18–3603(b)(6) of this subtitle.

[(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.]

# 18-3606.

[(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 § 18–3604 of this subtitle.]

18-3607.

On or before December 1, 2020, and each December 1 thereafter, the Commission shall report to the General Assembly, in accordance with § 2–1257 of the State Government Article, on the implementation of the Maryland Community College Promise Scholarship program, including:

The number of applicants who received a Maryland Community College (1)Promise Scholarship in the academic year disaggregated by the community college at which the scholarship was used:

The number of scholarship recipients enrolled in an associate's degree (2)program;

(3)The number of scholarship recipients enrolled in a vocational certificate program;

> The number of scholarship recipients enrolled in a certificate program; (4)

The amount of the award made to each scholarship recipient; (5)

The number of eligible applicants, if any, who were placed on a waiting (6)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;

The number of scholarship recipients who earned a vocational (8)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:

The number of scholarship recipients who received a baccalaureate (10)degree after transferring to a 4-year institution in the State: AND

The number of scholarship awards for which the service obligation was (11)deferred, waived, or converted into a student loan; and

(12) The actual and potential impact of the program on enrollment rates at community colleges and 4-year public institutions in the State; AND

(12) THE OUTREACH ACTIVITIES MADE BY THE COMMISSION FOR THE SCHOLARSHIP.

#### 18–<u>3608.</u>

## (A) <u>THE COMMISSION SHALL:</u>

(1) <u>CONTACT EACH SCHOOL COUNSELOR AT EACH PUBLIC HIGH</u> SCHOOL IN THE STATE WITH INFORMATION ON THE MARYLAND COMMUNITY COLLEGE PROMISE SCHOLARSHIP, INCLUDING THE ELIGIBILITY, AVAILABILITY, AND DEADLINES FOR THE SCHOLARSHIP; AND

(2) POST ON THE COMMISSION'S WEBSITE, IN A READILY ACCESSIBLE LOCATION, INFORMATION ON THE MARYLAND COMMUNITY COLLEGE PROMISE SCHOLARSHIP, INCLUDING THE ELIGIBILITY, AVAILABILITY, AND DEADLINES FOR THE SCHOLARSHIP.

(B) EACH COMMUNITY COLLEGE IN THE STATE SHALL POST ON THE COMMUNITY COLLEGE'S WEBSITE, IN A READILY ACCESSIBLE LOCATION, INFORMATION ON THE MARYLAND COMMUNITY COLLEGE PROMISE SCHOLARSHIP, INCLUDING THE ELIGIBILITY, AVAILABILITY, AND DEADLINES FOR THE SCHOLARSHIP.

SECTION 2. AND BE IT FURTHER ENACTED, That an agreement signed before the effective date of this Act by a recipient of a Maryland Community College Promise Scholarship award requiring performance of a service obligation in accordance with § 18–3604(c) of the Education Article is null and void and without legal effect after the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 201

(Senate Bill 307)

AN ACT concerning

#### Higher Education – Maryland Community College Promise Scholarship – Revisions

FOR the purpose of altering the eligibility requirements for a Maryland Community College Promise Scholarship to repeal a provision of law requiring a certain applicant to apply within a certain number of years after graduating from high school; altering certain eligibility requirements to allow a certain applicant to have earned a certain grade point average by the end of the senior year of high school for an initial award or while enrolled at a community college; requiring certain State or federal student financial aid received by a scholarship award recipient to be credited to the recipient's tuition before the calculation of a scholarship award amount; repealing certain provisions of law regarding a service obligation for receiving a scholarship award and converting a scholarship award to a loan under certain circumstances; altering the contents of a certain report; <u>requiring the Maryland Higher Education</u> <u>Commission to contact each school counselor at each public high school in the State</u> <u>with certain information and to post certain information on the Commission's website</u> <u>in a certain manner; requiring each community college to post certain information on the community college's website in a certain manner;</u> providing that a certain agreement signed by a recipient of a scholarship award before a certain date is null and void and without legal effect after a certain date; and generally relating to the Maryland Community College Promise Scholarship.

BY repealing and reenacting, with amendments,

Article – Education Section 18–3603, 18–3604, 18–3606, and 18–3607 Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

BY adding to

<u>Article – Education</u> <u>Section 18–3608</u> <u>Annotated Code of Maryland</u> (2018 Replacement Volume and 2019 Supplement)

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

# Article – Education

18-3603.

(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 eligible for in–State tuition;

(2) Enrolls as a candidate for a vocational certificate, a certificate, or an associate's degree or participates in a registered apprenticeship [within 2 years] after graduating from a high school or successfully completing a GED in the State:

(i) Except as provided in items (ii) and (iii) of this item, at the community college located in the county or, in the case of a regional community college, in the region, where the applicant lives;

(ii) If the community college located in the county or region where the applicant lives does not offer the degree or certification program in which the applicant wants to enroll, then at any community college in the State that offers the program; or

(iii) At a community college in the State that has an on-campus residential facility for students;

(3) Has earned a cumulative grade point average of:

(I) FOR AN INITIAL AWARD, at least 2.3 on a 4.0 scale or its equivalent at the end of the first semester OR THE END OF THE YEAR of the senior year in high school; OR

(II) WHILE ENROLLED AT A COMMUNITY COLLEGE IN THE STATE, AT LEAST 2.5 ON A 4.0 SCALE OR ITS EQUIVALENT;

(4) Has an annual adjusted gross income of not more than:

(i) \$100,000 if the applicant is single or resides in a single-parent household; or

(ii) \$150,000 if the applicant is married or resides in a two-parent

household;

- (5) (i) Enrolls in:
  - 1. At least 12 credits per semester at the community college;

or

- 2. A sequence of credit or noncredit courses that leads to licensure or certification; or
  - (ii) Participates in a registered apprenticeship program; 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.

18-3604.

(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) Except as provided in paragraph (3) of this subsection, any **STATE OR FEDERAL** 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. Initial awards shall be provided to recipients 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.

3. Notwithstanding § 18–3603(b) of this subtitle, an eligible recipient who does not receive an award under this subparagraph due to insufficient funding of the program remains eligible for the program the following academic year.

(ii) Eligible applicants who do not receive an award under this subtitle shall be notified and placed on a waiting list.

(3) If a recipient is eligible for a local promise scholarship, an award provided under this subtitle shall be credited to the recipient's tuition before the award of the local promise scholarship.

[(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) Use an address in the State on the recipient's State income tax return and commence full-time employment within 1 year after completion of the later of:

(i) The vocational certificate, certificate, or associate's degree; or

(ii) If a recipient has attained at least 48 credits at the community college and transferred to a 4-year institution, a baccalaureate degree;

(2) Continue to use an address in the State on the recipient's State income tax return and maintain employment 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)] (C) (1) Subject to paragraphs (2) and (3) of this subsection, each recipient may hold the award until the earlier of:

(i) 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 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 eligible for in–State tuition;

(ii) 1. Continues to enroll in and complete at least 12 credits per semester, or a sequence of credit or noncredit courses that leads to licensure or certification, or their equivalent, as determined by the Office; or

program;

2. Continues to participate in a registered apprenticeship

(iii) Maintains a cumulative grade point average of at least 2.5 on a 4.0 scale or its equivalent for the requisite credit-bearing coursework 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 § 18–3603(b)(4) of this subtitle; and

(vi) Continues to timely submit an application under § 18–3603(b)(6) of this subtitle.

[(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.]

18-3606.

[(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 § 18–3604 of this subtitle.]

18-3607.

On or before December 1, 2020, and each December 1 thereafter, the Commission shall report to the General Assembly, in accordance with § 2–1257 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 disaggregated by the community college at which the scholarship was used;

(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;

(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;

(10) The number of scholarship recipients who received a baccalaureate degree after transferring to a 4–year institution in the State; <del>AND</del>

(11) [The number of scholarship awards for which the service obligation was deferred, waived, or converted into a student loan; and

(12)] The actual and potential impact of the program on enrollment rates at community colleges and 4-year public institutions in the State<u>; AND</u>

# (12) <u>The outreach activities made by the Commission for the</u> <u>Scholarship</u>.

# <u>18-3608.</u>

# (A) <u>THE COMMISSION SHALL:</u>

# (1) <u>CONTACT EACH SCHOOL COUNSELOR AT EACH PUBLIC HIGH</u> <u>SCHOOL IN THE STATE WITH INFORMATION ON THE MARYLAND COMMUNITY</u> <u>COLLEGE PROMISE SCHOLARSHIP, INCLUDING THE ELIGIBILITY, AVAILABILITY,</u> <u>AND DEADLINES FOR THE SCHOLARSHIP; AND</u>

(2) POST ON THE COMMISSION'S WEBSITE, IN A READILY ACCESSIBLE LOCATION, INFORMATION ON THE MARYLAND COMMUNITY COLLEGE PROMISE SCHOLARSHIP, INCLUDING THE ELIGIBILITY, AVAILABILITY, AND DEADLINES FOR THE SCHOLARSHIP.

(B) EACH COMMUNITY COLLEGE IN THE STATE SHALL POST ON THE COMMUNITY COLLEGE'S WEBSITE, IN A READILY ACCESSIBLE LOCATION, INFORMATION ON THE MARYLAND COMMUNITY COLLEGE PROMISE SCHOLARSHIP, INCLUDING THE ELIGIBILITY, AVAILABILITY, AND DEADLINES FOR THE SCHOLARSHIP.

SECTION 2. AND BE IT FURTHER ENACTED, That an agreement signed before the effective date of this Act by a recipient of a Maryland Community College Promise Scholarship award requiring performance of a service obligation in accordance with § 18–3604(c) of the Education Article is null and void and without legal effect after the effective date of this Act. SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 202

(House Bill 421)

AN ACT concerning

#### State Government – Open Meetings – Requirements and Application of Open Meetings Act (Maryland State Agency Transparency Act)

FOR the purpose of providing that the Maryland Technology Development Corporation is subject to the Open Meetings Act; requiring certain State agencies to make publicly available on their websites open meeting agendas a certain amount of time in advance of each meeting or, under certain circumstances, as far in advance of the meeting as practicable; requiring certain State agencies to post on their websites certain meeting minutes not more than a certain number of days after the minutes are approved; requiring certain State agencies to make publicly available live video streaming of each portion of a certain meeting; requiring certain State agencies to maintain certain meeting minutes and recordings on their websites for a certain number of years after certain meetings; requiring the Maryland Stadium Authority, under certain circumstances, to make publicly available live audio streaming of each portion of a certain meeting; altering the requirements regarding minutes of and the posting of information regarding meetings of the State Board of Elections; requiring the Department of Information Technology to provide certain staff, support, and equipment to the Maryland Transportation Authority; making conforming and technical changes; and generally relating to open meetings of State agencies.

BY repealing and reenacting, without amendments,

Article – Economic Development Section <del>10–402(a)</del> and 10–604(a) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Economic Development Section <del>10–407(a) and</del> 10–607(a) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

Article – Economic Development Section 10–407(f)
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)
BY repealing and reenacting, without amendments, Article – Election Law
Section 2–101(a) Annotated Code of Maryland (2017 Replacement Volume and 2019 Supplement)
BY repealing and reenacting, with amendments,
Article – Election Law Section 2–102(d)
Annotated Code of Maryland
(2017 Replacement Volume and 2019 Supplement)
BY repealing and reenacting, without amendments, Article – Public Safety
Section 1–305(a)
Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)
BY repealing and reenacting, with amendments, Article – Public Safety Section 1–305(e)
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)
BY repealing and reenacting, without amendments, Article – Public Utilities Section 2–101(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2019 Supplement)
BY repealing and reenacting, with amendments, Article – Public Utilities
Section 2–108(b) Apprototed Code of Meruland
Annotated Code of Maryland (2010 Replacement Volume and 2019 Supplement)
BY repealing and reenacting, without amendments, Article – Transportation Section 4–201
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY adding to Article – Transportation Section 4–211 Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

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

#### Article - Economic Development

<del>10-402.</del>

(a) There is a Maryland Technology Development Corporation.

<del>10-407.</del>

(a) Except as provided in [subsections (b), (c), and (e)] SUBSECTION (E) of this section, the Corporation is exempt from **[**:

(1)] Title 10 and Division II of the State Finance and Procurement Article[;

and

- (2) §§ 3–301 and 3–303 of the General Provisions Article].
- (F) (1) THE CORPORATION IS SUBJECT TO THE OPEN MEETINGS ACT.
  - (2) THE CORPORATION SHALL MAKE PUBLICLY AVAILABLE ON ITS

WEBSITE:

(I) EACH OPEN MEETING AGENDA:

1

AT LEAST 48 HOURS IN ADVANCE OF EACH MEETING;

<del>OR</del>

2. IF THE MEETING IS BEING HELD DUE TO AN EMERGENCY, A NATURAL DISASTER, OR ANY OTHER UNANTICIPATED SITUATION, AS FAR IN ADVANCE OF THE MEETING AS PRACTICABLE; AND

(II) MEETING MINUTES FROM THE PORTIONS OF A MEETING THAT WERE HELD IN OPEN SESSION, NOT MORE THAN 2 BUSINESS DAYS AFTER THE MINUTES ARE APPROVED.

# (3) THE CORPORATION SHALL MAKE PUBLICLY AVAILABLE LIVE VIDEO STREAMING OF EACH PORTION OF A MEETING THAT IS HELD IN OPEN SESSION.

10-604.

(a) There is a Maryland Stadium Authority.

10-607.

(a) (1) The Authority shall determine the times and places of its meetings.

(2) THE AUTHORITY SHALL MAKE PUBLICLY AVAILABLE ON ITS WEBSITE:

(I) EACH OPEN MEETING AGENDA:

OR

1. AT LEAST 48 HOURS IN ADVANCE OF EACH MEETING;

2. IF THE MEETING IS BEING HELD DUE TO AN EMERGENCY, A NATURAL DISASTER, OR ANY OTHER UNANTICIPATED SITUATION, AS FAR IN ADVANCE OF THE MEETING AS PRACTICABLE; AND

(II) MEETING MINUTES FROM THE PORTIONS OF A MEETING THAT WERE HELD IN OPEN SESSION, NOT MORE THAN 2 BUSINESS DAYS AFTER THE MINUTES ARE APPROVED<del>,;</del> AND

(3) (I) (III) EXCEPT EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) PARAGRAPH (3) OF THIS PARAGRAPH, THE AUTHORITY SHALL MAKE PUBLICLY AVAILABLE SUBSECTION, LIVE VIDEO STREAMING OF EACH PORTION OF A MEETING THAT IS HELD IN OPEN SESSION.

(H) (3) IF THE AUTHORITY MEETS BY TELEPHONE CONFERENCE, THE AUTHORITY SHALL MAKE PUBLICLY AVAILABLE ON ITS WEBSITE LIVE AUDIO STREAMING OF EACH PORTION OF THE MEETING THAT IS HELD IN OPEN SESSION.

# (4) <u>THE AUTHORITY SHALL MAINTAIN ON ITS WEBSITE:</u>

(1) <u>MEETING MINUTES MADE AVAILABLE UNDER PARAGRAPH</u> (2) OF THIS SUBSECTION FOR A MINIMUM OF 5 YEARS AFTER THE DATE OF THE <u>MEETING</u>;

## (II) <u>A COMPLETE AND UNEDITED ARCHIVED VIDEO RECORDING</u> OF EACH OPEN MEETING FOR WHICH LIVE VIDEO STREAMING WAS MADE AVAILABLE UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR A MINIMUM OF 1 YEAR AFTER THE DATE OF THE MEETING; AND

# (III) <u>A COMPLETE AND UNEDITED ARCHIVED AUDIO RECORDING</u> OF EACH OPEN MEETING FOR WHICH LIVE AUDIO STREAMING WAS MADE AVAILABLE UNDER PARAGRAPH (3) OF THIS SUBSECTION FOR A MINIMUM OF 1 YEAR AFTER THE DATE OF THE MEETING.

#### Article – Election Law

2 - 101.

(a) There is a State Board of Elections consisting of five members.

2 - 102.

(d) [(1) The State Board shall prepare written minutes of each meeting of the State Board as soon as practicable after the meeting.

(2) The State Board, in consultation with the Department of Information Technology, shall make publicly available on the Internet:

(i) each meeting agenda, made available at least 24 hours in advance of each meeting;

(ii) live video streaming of each open meeting of the State Board; and

(iii) a complete, unedited archived video recording of each open meeting for a minimum of 4 years after the date of the meeting.]

(1) THE STATE BOARD SHALL MAKE PUBLICLY AVAILABLE ON ITS WEBSITE:

#### (I) EACH OPEN MEETING AGENDA:

1.

AT LEAST 48 HOURS IN ADVANCE OF EACH MEETING;

OR

2. IF THE MEETING IS BEING HELD DUE TO AN EMERGENCY, A NATURAL DISASTER, OR ANY OTHER UNANTICIPATED SITUATION, AS FAR IN ADVANCE OF THE MEETING AS PRACTICABLE; AND

(II) MEETING MINUTES FROM THE PORTIONS OF A MEETING THAT WERE HELD IN OPEN SESSION, NOT MORE THAN 2 BUSINESS DAYS AFTER THE MINUTES ARE APPROVED<del>\*;</del> AND

(2) (III) THE STATE BOARD SHALL MAKE PUBLICLY AVAILABLE LIVE VIDEO STREAMING OF EACH PORTION OF A MEETING THAT IS HELD IN OPEN SESSION.

# (2) THE STATE BOARD SHALL MAINTAIN ON ITS WEBSITE:

# (1) <u>MEETING MINUTES MADE AVAILABLE UNDER PARAGRAPH</u> (2) OF THIS SUBSECTION FOR A MINIMUM OF 5 YEARS AFTER THE DATE OF THE <u>MEETING; AND</u>

# (II) <u>A COMPLETE AND UNEDITED ARCHIVED VIDEO RECORDING</u> OF EACH OPEN MEETING FOR WHICH LIVE VIDEO STREAMING WAS MADE AVAILABLE UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR A MINIMUM OF 1 YEAR AFTER THE DATE OF THE MEETING.

(3) The Department of Information Technology shall provide to the State Board the technical staff, support, and equipment necessary to stream live video of the open meetings of the State Board.

## Article – Public Safety

1 - 305.

(a) There is an Emergency Number Systems Board in the Department of Public Safety and Correctional Services.

(e) (1) The Board shall meet as necessary, but at least once each quarter.

# (2) THE BOARD SHALL MAKE PUBLICLY AVAILABLE ON ITS WEBSITE:

- (I) EACH OPEN MEETING AGENDA:
  - 1. AT LEAST 48 HOURS IN ADVANCE OF EACH MEETING;

OR

2. IF THE MEETING IS BEING HELD DUE TO AN EMERGENCY, A NATURAL DISASTER, OR ANY OTHER UNANTICIPATED SITUATION, AS FAR IN ADVANCE OF THE MEETING AS PRACTICABLE; AND

(II) MEETING MINUTES FROM THE PORTIONS OF A MEETING THAT WERE HELD IN OPEN SESSION, NOT MORE THAN 2 BUSINESS DAYS AFTER THE MINUTES ARE APPROVED<del>,;</del> AND

(3) (III) THE BOARD SHALL MAKE PUBLICLY AVAILABLE LIVE VIDEO STREAMING OF EACH PORTION OF A MEETING THAT IS HELD IN OPEN SESSION.

## (3) THE BOARD SHALL MAINTAIN ON ITS WEBSITE:

# (1) <u>MEETING MINUTES MADE AVAILABLE UNDER PARAGRAPH</u> (2) OF THIS SUBSECTION FOR A MINIMUM OF 5 YEARS AFTER THE DATE OF THE <u>MEETING; AND</u>

# (II) A COMPLETE AND UNEDITED ARCHIVED VIDEO RECORDING OF EACH OPEN MEETING FOR WHICH LIVE VIDEO STREAMING WAS MADE AVAILABLE UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR A MINIMUM OF 1 YEAR AFTER THE DATE OF THE MEETING.

#### **Article – Public Utilities**

2–101.

(a) There is a Public Service Commission.

2 - 108.

(b) (1) The Commission shall meet at the times and places in the State as the Commission considers necessary.

(2) THE COMMISSION SHALL MAKE PUBLICLY AVAILABLE ON ITS WEBSITE:

- (I) EACH OPEN MEETING AGENDA:
- 1. AT LEAST 48 HOURS IN ADVANCE OF EACH MEETING; OR

2. IF THE MEETING IS BEING HELD DUE TO AN EMERGENCY, A NATURAL DISASTER, OR ANY OTHER UNANTICIPATED SITUATION, AS FAR IN ADVANCE OF THE MEETING AS PRACTICABLE; AND

(II) MEETING MINUTES FROM THE PORTIONS OF A MEETING THAT WERE HELD IN OPEN SESSION, NOT MORE THAN 2 BUSINESS DAYS AFTER THE MINUTES ARE APPROVED<del>,;</del> AND (3) (III) THE COMMISSION SHALL MAKE PUBLICLY AVAILABLE LIVE VIDEO STREAMING OF EACH PORTION OF A MEETING THAT IS HELD IN OPEN SESSION.

# (3) THE COMMISSION SHALL MAINTAIN ON ITS WEBSITE:

(1) <u>MEETING MINUTES MADE AVAILABLE UNDER PARAGRAPH</u> (2) OF THIS SUBSECTION FOR A MINIMUM OF 5 YEARS AFTER THE DATE OF THE <u>MEETING; AND</u>

# (II) <u>A COMPLETE AND UNEDITED ARCHIVED VIDEO RECORDING</u> OF EACH OPEN MEETING FOR WHICH LIVE VIDEO STREAMING WAS MADE AVAILABLE UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR A MINIMUM OF 1 YEAR AFTER THE DATE OF THE MEETING.

## **Article – Transportation**

4-201.

There is a Maryland Transportation Authority.

4-211.

(A) THE AUTHORITY SHALL MAKE PUBLICLY AVAILABLE ON ITS WEBSITE:

- (1) EACH OPEN MEETING AGENDA:
  - (I) AT LEAST 48 HOURS IN ADVANCE OF EACH MEETING; OR

(II) IF THE MEETING IS BEING HELD DUE TO AN EMERGENCY, A NATURAL DISASTER, OR ANY OTHER UNANTICIPATED SITUATION, AS FAR IN ADVANCE OF THE MEETING AS PRACTICABLE; <del>AND</del>

(2) MEETING MINUTES FROM THE PORTIONS OF A MEETING THAT WERE HELD IN OPEN SESSION, NOT MORE THAN 2 BUSINESS DAYS AFTER THE MINUTES ARE APPROVED.

(B) (3) THE AUTHORITY SHALL MAKE PUBLICLY AVAILABLE LIVE LIVE VIDEO STREAMING OF EACH PORTION OF A MEETING THAT IS HELD IN OPEN SESSION OPEN MEETING OF THE AUTHORITY THAT IS HELD AT:

(I) THE HEADQUARTERS OF THE AUTHORITY; OR

(II) ANY OTHER LOCATION WHERE THE AUTHORITY HELD AT LEAST 10 MEETINGS DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR; AND

# (4) <u>A COMPLETE AND UNEDITED ARCHIVED VIDEO RECORDING OF</u> EACH OPEN MEETING FOR WHICH LIVE VIDEO STREAMING WAS MADE AVAILABLE UNDER ITEM (3) OF THIS SUBSECTION FOR A MINIMUM OF 5 YEARS AFTER THE DATE OF THE MEETING.

# (B) <u>The Department of Information Technology shall provide to</u> <u>The Authority the technical staff, support, and equipment necessary to</u> <u>Livestream the open meetings of the Authority</u>.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 203

(Senate Bill 363)

AN ACT concerning

#### State Government – Open Meetings – Requirements and Application of Open Meetings Act (Maryland State Agency Transparency Act)

- FOR the purpose of <del>providing that the Maryland Technology Development Corporation is</del> subject to the Open Meetings Act; requiring certain State agencies to make publicly available on their websites open meeting agendas a certain amount of time in advance of each meeting or, under certain circumstances, as far in advance of the meeting as practicable; requiring certain State agencies to post on their websites certain meeting minutes not more than a certain number of days after the minutes are approved; requiring certain State agencies to make publicly available live video streaming of each portion of a certain meeting; requiring certain State agencies to maintain certain meeting minutes and recordings on their websites for a certain number of years after certain meetings; requiring the Maryland Stadium Authority, under certain circumstances, to make publicly available live audio streaming of each portion of a certain meeting; altering the requirements regarding minutes of and the posting of information regarding meetings of the State Board of Elections; requiring the Department of Information Technology to provide certain staff, support, and equipment to the Maryland Transportation Authority; making conforming and technical changes; and generally relating to open meetings of State agencies.
- BY repealing and reenacting, without amendments, Article – Economic Development

Section <del>10–402(a) and</del> 10–604(a) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Economic Development Section <del>10–407(a)</del> and 10–607(a) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

#### BY adding to

Article – Economic Development Section 10–407(f) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments, Article – Election Law Section 2–101(a) Annotated Code of Maryland (2017 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Election Law Section 2–102(d) Annotated Code of Maryland (2017 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments, Article – Public Safety Section 1–305(a) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Public Safety Section 1–305(e) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments, Article – Public Utilities Section 2–101(a) Annotated Code of Maryland (2010 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Utilities Section 2–108(b) Annotated Code of Maryland (2010 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments, Article – Transportation Section 4–201 Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

#### BY adding to

Article – Transportation Section 4–211 Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

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

#### Article – Economic Development

#### <del>10-402.</del>

(a) There is a Maryland Technology Development Corporation.

#### <del>10-407.</del>

and

(a) Except as provided in [subsections (b), (c), and (e)] SUBSECTION (E) of this section, the Corporation is exempt from [:

- (1)] Title 10 and Division II of the State Finance and Procurement Article[;
  - (2) §§ 3-301 and 3-303 of the General Provisions Article].
  - (F) (1) THE CORPORATION IS SUBJECT TO THE OPEN MEETINGS ACT.
    - (2) THE CORPORATION SHALL MAKE PUBLICLY AVAILABLE ON ITS

#### WEBSITE:

- (I) EACH OPEN MEETING AGENDA:
  - 1. AT LEAST 48 HOURS IN ADVANCE OF EACH MEETING;

2. IF THE MEETING IS BEING HELD DUE TO AN EMERGENCY, A NATURAL DISASTER, OR ANY OTHER UNANTICIPATED SITUATION, AS FAR IN ADVANCE OF THE MEETING AS PRACTICABLE; AND

(II) MEETING MINUTES FROM THE PORTIONS OF A MEETING THAT WERE HELD IN OPEN SESSION, NOT MORE THAN 2 BUSINESS DAYS AFTER THE MINUTES ARE APPROVED.; AND

(3) (III) THE CORPORATION SHALL MAKE PUBLICLY AVAILABLE LIVE VIDEO STREAMING OF EACH PORTION OF A MEETING THAT IS HELD IN OPEN SESSION.

(3) <u>THE CORPORATION SHALL MAINTAIN ON ITS WEBSITE:</u>

(1) <u>MEETING MINUTES MADE AVAILABLE UNDER PARAGRAPH</u> (2) OF THIS SUBSECTION FOR A MINIMUM OF 5 YEARS AFTER THE DATE OF THE MEETING; AND

# (II) A COMPLETE AND UNEDITED ARCHIVED VIDEO RECORDING OF EACH OPEN MEETING FOR WHICH LIVE VIDEO STREAMING WAS MADE AVAILABLE UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR A MINIMUM OF 1 YEAR AFTER THE DATE OF THE MEETING.

10-604.

(a) There is a Maryland Stadium Authority.

10-607.

(a) (1) The Authority shall determine the times and places of its meetings.

(2) THE AUTHORITY SHALL MAKE PUBLICLY AVAILABLE ON ITS WEBSITE:

- (I) EACH OPEN MEETING AGENDA:
- 1. AT LEAST 48 HOURS IN ADVANCE OF EACH MEETING; OR

2. IF THE MEETING IS BEING HELD DUE TO AN EMERGENCY, A NATURAL DISASTER, OR ANY OTHER UNANTICIPATED SITUATION, AS FAR IN ADVANCE OF THE MEETING AS PRACTICABLE; AND

(II) MEETING MINUTES FROM THE PORTIONS OF A MEETING THAT WERE HELD IN OPEN SESSION, NOT MORE THAN 2 BUSINESS DAYS AFTER THE MINUTES ARE APPROVED<del>,;</del> AND

(3) (1) (111) EXCEPT EXCEPT AS PROVIDED IN SUBPARAGRAPH (11) PARAGRAPH (3) OF THIS PARAGRAPH, THE AUTHORITY SHALL MAKE PUBLICLY AVAILABLE SUBSECTION, LIVE VIDEO STREAMING OF EACH PORTION OF A MEETING THAT IS HELD IN OPEN SESSION.

(H) (3) IF THE AUTHORITY MEETS BY TELEPHONE CONFERENCE, THE AUTHORITY SHALL MAKE PUBLICLY AVAILABLE <u>ON ITS WEBSITE</u> LIVE AUDIO STREAMING OF EACH PORTION OF THE MEETING THAT IS HELD IN OPEN SESSION.

(4) <u>THE AUTHORITY SHALL MAINTAIN ON ITS WEBSITE:</u>

(1) <u>MEETING MINUTES MADE AVAILABLE UNDER PARAGRAPH</u> (2) OF THIS SUBSECTION FOR A MINIMUM OF 5 YEARS AFTER THE DATE OF THE <u>MEETING</u>;

# (II) <u>A COMPLETE AND UNEDITED ARCHIVED VIDEO RECORDING</u> OF EACH OPEN MEETING FOR WHICH LIVE VIDEO STREAMING WAS MADE AVAILABLE UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR A MINIMUM OF 1 YEAR AFTER THE DATE OF THE MEETING; AND

#### (III) <u>A COMPLETE AND UNEDITED ARCHIVED AUDIO RECORDING</u> OF EACH OPEN MEETING FOR WHICH LIVE AUDIO STREAMING WAS MADE AVAILABLE UNDER PARAGRAPH (3) OF THIS SUBSECTION FOR A MINIMUM OF 1 YEAR AFTER THE DATE OF THE MEETING.

#### Article – Election Law

2–101.

(a) There is a State Board of Elections consisting of five members.

2 - 102.

(d) [(1) The State Board shall prepare written minutes of each meeting of the State Board as soon as practicable after the meeting.

(2) The State Board, in consultation with the Department of Information Technology, shall make publicly available on the Internet:

(i) each meeting agenda, made available at least 24 hours in advance of each meeting;

(ii) live video streaming of each open meeting of the State Board; and

AT LEAST 48 HOURS IN ADVANCE OF EACH MEETING;

(iii) a complete, unedited archived video recording of each open meeting for a minimum of 4 years after the date of the meeting.]

(1) THE STATE BOARD SHALL MAKE PUBLICLY AVAILABLE ON ITS WEBSITE:

#### (I) EACH OPEN MEETING AGENDA:

1.

OR

2 --- --- --- --- --- --- --- ---

2. IF THE MEETING IS BEING HELD DUE TO AN EMERGENCY, A NATURAL DISASTER, OR ANY OTHER UNANTICIPATED SITUATION, AS FAR IN ADVANCE OF THE MEETING AS PRACTICABLE; AND

(II) MEETING MINUTES FROM THE PORTIONS OF A MEETING THAT WERE HELD IN OPEN SESSION, NOT MORE THAN 2 BUSINESS DAYS AFTER THE MINUTES ARE APPROVED<del>;</del> AND

(2) (III) THE STATE BOARD SHALL MAKE PUBLICLY AVAILABLE LIVE VIDEO STREAMING OF EACH PORTION OF A MEETING THAT IS HELD IN OPEN SESSION.

# (2) THE STATE BOARD SHALL MAINTAIN ON ITS WEBSITE:

# (1) <u>MEETING MINUTES MADE AVAILABLE UNDER PARAGRAPH</u> (2) (1)(11) OF THIS SUBSECTION FOR A MINIMUM OF 5 YEARS AFTER THE DATE OF THE MEETING; AND

# (II) <u>A COMPLETE AND UNEDITED ARCHIVED VIDEO RECORDING</u> <u>OF EACH OPEN MEETING FOR WHICH LIVE VIDEO STREAMING WAS MADE AVAILABLE</u> <u>UNDER PARAGRAPH (2)</u> (1)(III) OF THIS SUBSECTION FOR A MINIMUM OF 1 YEAR <u>AFTER THE DATE OF THE MEETING.</u>

(3) The Department of Information Technology shall provide to the State Board the technical staff, support, and equipment necessary to stream live video of the open meetings of the State Board.

# Article – Public Safety

1 - 305.

OR

(a) There is an Emergency Number Systems Board in the Department of Public Safety and Correctional Services.

(e) (1) The Board shall meet as necessary, but at least once each quarter.

#### (2) THE BOARD SHALL MAKE PUBLICLY AVAILABLE ON ITS WEBSITE:

- (I) EACH OPEN MEETING AGENDA:
- 1. AT LEAST 48 HOURS IN ADVANCE OF EACH MEETING;

2. IF THE MEETING IS BEING HELD DUE TO AN EMERGENCY, A NATURAL DISASTER, OR ANY OTHER UNANTICIPATED SITUATION, AS FAR IN ADVANCE OF THE MEETING AS PRACTICABLE; AND

(II) MEETING MINUTES FROM THE PORTIONS OF A MEETING THAT WERE HELD IN OPEN SESSION, NOT MORE THAN 2 BUSINESS DAYS AFTER THE MINUTES ARE APPROVED<del>;</del>; AND

(3) (III) THE BOARD SHALL MAKE PUBLICLY AVAILABLE LIVE VIDEO STREAMING OF EACH PORTION OF A MEETING THAT IS HELD IN OPEN SESSION.

# (3) THE BOARD SHALL MAINTAIN ON ITS WEBSITE:

(1) <u>MEETING MINUTES MADE AVAILABLE UNDER PARAGRAPH</u> (2) OF THIS SUBSECTION FOR A MINIMUM OF 5 YEARS AFTER THE DATE OF THE <u>MEETING; AND</u>

# (II) <u>A COMPLETE AND UNEDITED ARCHIVED VIDEO RECORDING</u> OF EACH OPEN MEETING FOR WHICH LIVE VIDEO STREAMING WAS MADE AVAILABLE UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR A MINIMUM OF 1 YEAR AFTER THE DATE OF THE MEETING.

Article – Public Utilities

2 - 101.

(a) There is a Public Service Commission.

2 - 108.

(b) (1) The Commission shall meet at the times and places in the State as the Commission considers necessary.

(2) THE COMMISSION SHALL MAKE PUBLICLY AVAILABLE ON ITS WEBSITE:

- (I) EACH OPEN MEETING AGENDA:
- 1. AT LEAST 48 HOURS IN ADVANCE OF EACH MEETING; OR

2. IF THE MEETING IS BEING HELD DUE TO AN EMERGENCY, A NATURAL DISASTER, OR ANY OTHER UNANTICIPATED SITUATION, AS FAR IN ADVANCE OF THE MEETING AS PRACTICABLE; AND

(II) MEETING MINUTES FROM THE PORTIONS OF A MEETING THAT WERE HELD IN OPEN SESSION, NOT MORE THAN 2 BUSINESS DAYS AFTER THE MINUTES ARE APPROVED<del>=;</del> AND

(3) (III) THE COMMISSION SHALL MAKE PUBLICLY AVAILABLE LIVE VIDEO STREAMING OF EACH PORTION OF A MEETING THAT IS HELD IN OPEN SESSION.

# (3) THE COMMISSION SHALL MAINTAIN ON ITS WEBSITE:

(1) <u>MEETING MINUTES MADE AVAILABLE UNDER PARAGRAPH</u> (2) OF THIS SUBSECTION FOR A MINIMUM OF 5 YEARS AFTER THE DATE OF THE <u>MEETING; AND</u>

# (II) <u>A COMPLETE AND UNEDITED ARCHIVED VIDEO RECORDING</u> OF EACH OPEN MEETING FOR WHICH LIVE VIDEO STREAMING WAS MADE AVAILABLE UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR A MINIMUM OF 1 YEAR AFTER THE DATE OF THE MEETING.

# Article – Transportation

4-201.

There is a Maryland Transportation Authority.

4-211.

- (A) THE AUTHORITY SHALL MAKE PUBLICLY AVAILABLE ON ITS WEBSITE:
  - (1) EACH OPEN MEETING AGENDA:

(I) AT LEAST 48 HOURS IN ADVANCE OF EACH MEETING; OR

(II) IF THE MEETING IS BEING HELD DUE TO AN EMERGENCY, A NATURAL DISASTER, OR ANY OTHER UNANTICIPATED SITUATION, AS FAR IN ADVANCE OF THE MEETING AS PRACTICABLE; AND

(2) MEETING MINUTES FROM THE PORTIONS OF A MEETING THAT WERE HELD IN OPEN SESSION, NOT MORE THAN 2 BUSINESS DAYS AFTER THE MINUTES ARE APPROVED.  $\therefore$  AND

(B) (3) THE AUTHORITY SHALL MAKE PUBLICLY AVAILABLE LIVE LIVE VIDEO STREAMING OF EACH PORTION OF A MEETING THAT IS HELD IN OPEN SESSION OPEN MEETING OF THE AUTHORITY THAT IS HELD AT:

(I) <u>THE HEADQUARTERS OF THE AUTHORITY; OR</u>

(II) ANY OTHER LOCATION WHERE THE AUTHORITY HELD AT LEAST 10 MEETINGS DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR; AND

(4) <u>A COMPLETE AND UNEDITED ARCHIVED VIDEO RECORDING OF</u> EACH OPEN MEETING FOR WHICH LIVE VIDEO STREAMING WAS MADE AVAILABLE UNDER ITEM (3) OF THIS SUBSECTION FOR A MINIMUM OF 5 YEARS AFTER THE DATE OF THE MEETING.

(B) THE AUTHORITY SHALL MAINTAIN ON ITS WEBSITE:

(1) MEETING MINUTES MADE AVAILABLE UNDER SUBSECTION (A) OF THIS SECTION FOR A MINIMUM OF 5 YEARS AFTER THE DATE OF THE MEETING; AND

(2) <u>A COMPLETE AND UNEDITED ARCHIVED VIDEO RECORDING OF</u> EACH OPEN MEETING FOR WHICH LIVE VIDEO STREAMING WAS MADE AVAILABLE UNDER SUBSECTION (A) OF THIS SECTION FOR A MINIMUM OF 1 YEAR AFTER THE DATE OF THE MEETING.

(B) <u>The Department of Information Technology shall provide to</u> <u>The Authority the technical staff, support, and equipment necessary to</u> <u>Livestream the open meetings of the Authority.</u>

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 204

# (House Bill 425)

AN ACT concerning

#### Criminal Procedure – Sexual Assault Evidence Kits – Privacy, Reimbursement, and Notification

FOR the purpose of requiring a physician, qualified health care provider, or hospital to provide a certain notice to the Criminal Injuries Compensation Board regarding certain services rendered; prohibiting a physician, qualified health care provider, or hospital from including certain information in a request to obtain payment for certain services related to sexual assault forensic examinations for certain sexually related crimes under certain circumstances; altering the services for which the Board is required to pay certain claims and for which a physician or a qualified health care provider is immune from civil liability under certain circumstances; and generally relating to sexual assault evidence kits.

BY repealing and reenacting, with amendments,

Article – Criminal Procedure Section 11–1007 Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

#### **Article – Criminal Procedure**

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.

(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:

(I) 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;

# (II) SHALL PROVIDE WRITTEN OR ELECTRONIC VERIFICATION SIGNED BY A PHYSICIAN OR QUALIFIED HEALTH CARE PROVIDER TO THE CRIMINAL INJURIES COMPENSATION BOARD THAT SERVICES <u>DESCRIBED IN SUBSECTION (C)</u> <u>OF THIS SECTION</u> WERE RENDERED TO A VICTIM OF AN ALLEGED RAPE OR SEXUAL OFFENSE OR A VICTIM OF ALLEGED CHILD SEXUAL ABUSE; AND

#### (III) MAY NOT INCLUDE IN ANY REQUEST TO OBTAIN PAYMENT UNDER THIS SUBSECTION A NARRATIVE DESCRIBING THE ALLEGED OFFENSE OF A VICTIM OR A PHOTOGRAPH OF THE VICTIM.

(c) This section applies to the following services:

(1) a physical AND SEXUAL ASSAULT FORENSIC examination to gather information and evidence as to an alleged crime WHEN THE EXAMINATION IS CONDUCTED WITHIN 15 DAYS OF THE ALLEGED CRIME OR A LONGER PERIOD AS PROVIDED BY REGULATION; (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;
- (iv) a mental health professional; or
- (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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 205

(Senate Bill 406)

AN ACT concerning

Criminal Procedure – Sexual Assault Evidence Kits – Privacy, Reimbursement, and Notification FOR the purpose of requiring a physician, qualified health care provider, or hospital to provide a certain notice to the Criminal Injuries Compensation Board regarding certain services rendered; prohibiting a physician, qualified health care provider, or hospital from including certain information in a request to obtain payment for certain services related to sexual assault forensic examinations for certain sexually related crimes under certain circumstances; altering the services for which the Board is required to pay certain claims and for which a physician or a qualified health care provider is immune from civil liability under certain circumstances; and generally relating to sexual assault evidence kits.

BY repealing and reenacting, with amendments,

Article – Criminal Procedure Section 11–1007 Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

#### **Article – Criminal Procedure**

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.

(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:

(I) 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;

(II) SHALL PROVIDE WRITTEN OR ELECTRONIC VERIFICATION SIGNED BY A PHYSICIAN OR QUALIFIED HEALTH CARE PROVIDER TO THE CRIMINAL INJURIES COMPENSATION BOARD THAT SERVICES <u>DESCRIBED IN SUBSECTION (C)</u> <u>OF THIS SECTION</u> WERE RENDERED TO A VICTIM OF AN ALLEGED RAPE OR SEXUAL OFFENSE OR A VICTIM OF ALLEGED CHILD SEXUAL ABUSE; AND

(III) MAY NOT INCLUDE IN ANY REQUEST TO OBTAIN PAYMENT UNDER THIS SUBSECTION A NARRATIVE DESCRIBING THE ALLEGED OFFENSE OF A VICTIM OR A PHOTOGRAPH OF THE VICTIM.

(c) This section applies to the following services:

(1) a physical AND SEXUAL ASSAULT FORENSIC examination to gather information and evidence as to an alleged crime WHEN THE EXAMINATION IS CONDUCTED WITHIN 15 DAYS OF THE ALLEGED CRIME OR A LONGER PERIOD AS PROVIDED BY REGULATION;

(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;
- (iv) a mental health professional; or
- (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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 206

# (House Bill 434)

AN ACT concerning

#### Prince George's County – Payment in Lieu of Taxes Agreements – Multiphase Economic Development Projects and Sunset Repeal

#### PG 408-20

FOR the purpose of authorizing the owner of an economic development project and the governing body of Prince George's County to enter into multiple payment in lieu of taxes agreements for different phases of an economic development project; providing that the term of an agreement may not exceed a certain number of years from the date a certificate of occupancy is first issued for any phase of a project that is covered by an agreement must construction of any phase of a project that is covered by an agreement; providing that construction of any phase of a the after entering into the agreement; providing that all conditions for the financing required for the construction of a phase of a project must be satisfied or waived within a certain

period of time after entering into the agreement; <u>requiring that a certain report be</u> <u>submitted to the Prince George's County House and Senate Delegations of the</u> <u>General Assembly in accordance with certain provisions of law</u>; repealing the termination provision for certain provisions of law authorizing Prince George's County to enter into payment in lieu of taxes agreements for certain economic development projects; and generally relating to payment in lieu of taxes agreements in Prince George's County.

BY repealing and reenacting, with amendments, Article – Tax – Property Section 7–516 Annotated Code of Maryland (2019 Replacement Volume)

BY repealing and reenacting, with amendments,

Chapter 402 of the Acts of the General Assembly of 2012, as amended by Chapter 147 of the Acts of the General Assembly of 2017 Section 3

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

# Article – Tax – Property

7 - 516.

- (a) (1) In this section the following words have the meanings indicated.
  - (2) "Designated focus area" means:

(i) a transit-oriented development, defined as a development or project within one-half mile of a Washington Metropolitan Area Transit Authority transit station or one-half mile of a Maryland Area Regional Commuter transit station, as measured from the main entrance of the building to the nearest entrance of the transit station;

(ii) a revitalization tax credit district, as defined in § 10–235.02 of the Prince George's County Code and designated by the governing body of Prince George's County; or

(iii) an urban renewal area, as designated by the governing body of Prince George's County.

(3) "Economic development project" means a real estate development project that consists of newly constructed or rehabilitated commercial property if the real estate development project:

#### Lawrence J. Hogan, Jr., Governor

(i) has a certificate of occupancy issued on or after October 1, 2012;

(ii) is located on one or more parcels of land, all of which are situated in a designated focus area; and

(iii) includes at least one of the following:

1. a hotel that:

A. provides at least 100 full-time equivalent job opportunities; and

B. has a private capital investment of equity and debt combined of at least \$20,000,000;

2. an office building that:

A. provides at least 100 full-time equivalent job opportunities; and

B. has a private capital investment of equity and debt combined of at least \$20,000,000;

3. a retail facility that:

A. provides at least 100 full-time equivalent job opportunities; and

B. has a private capital investment of equity and debt combined of at least \$10,000,000;

4. an off–street parking facility that:

A. contains at least 250 parking spaces; and

B. has a private capital investment of equity and debt combined of at least \$2,500,000; or

5. a mixed-use facility that contains one or more of the facilities described in items 1 through 4 of this item, at least one of which satisfies the minimum criteria set forth in item 1, 2, 3, or 4 of this item.

(b) The governing body of Prince George's County, by resolution, may exempt or partially exempt an economic development project from the county real property tax if:

(1) the owner or owners of the economic development project demonstrate to the satisfaction of the County Executive and County Council of Prince George's County:

(i) that the county or its designated agency has conducted an economic analysis of the project, including:

1. a detailed description of the project and the development budget, including the identification of all sources of debt and equity financing;

2. a multiyear cash flow pro forma of the project detailing all incoming and outgoing cash flow revenues, operating expenses, debt service, taxes, capital expenditures, and any other cash outlays;

3. the projected return on investment for the owner or owners;

4. a determination that the project is an economic development project that meets the requirements of this section; and

- 5. any other relevant analysis;
- (ii) the public benefit that the project will provide, including:

1. the number of jobs expected to be created, directly or indirectly, as a result of the project and the percentage of those jobs expected to be held by Prince George's County residents;

to be created;

2. the wage rates and benefit packages for the jobs expected

3. other Prince George's County tax revenues, exclusive of real property taxes, that the project is expected to generate during the term of the payment in lieu of taxes agreement, including income, admissions and amusement, personal property, hotel, parking, energy, and other taxes;

4. the encouragement of economic development;

5. the general promotion and improvement of Prince George's County and its facilities;

6. the participation of local minority business enterprises and local business enterprises in the economic development project; and

7. any other relevant benefits;

(iii) the financial necessity for an exemption authorized under this section; and

(iv) that the private capital being invested in the economic development project includes an equity investment that is:

1. commensurate with the overall undertaking; and

2. A. for a hotel or an office building, an amount greater than or equal to 10% of the combined equity and debt investment; or

B. for an off-street parking facility, an amount greater than or equal to \$250,000;

(2) the owner or owners of the economic development project and the governing body of Prince George's County enter into a payment in lieu of taxes agreement OR MULTIPLE PAYMENT IN LIEU OF TAXES AGREEMENTS FOR DIFFERENT PHASES OF THE ECONOMIC DEVELOPMENT PROJECT that [specifies] SPECIFY:

(i) an amount that the owner or owners shall pay to the county each year in lieu of the payment of county real property taxes during the term of the agreement that is not less than the sum of:

 $1. \qquad \mbox{the taxes on the property before the construction or rehabilitation of the project; and}$ 

2. 25% of the county real property taxes related to the economic development project that would have otherwise been due absent the agreement;

(ii) the term of the agreement, not to exceed 15 years from the date a certificate of occupancy IS FIRST ISSUED for the project [is issued] OR THE DATE A CERTIFICATE OF OCCUPANCY IS FIRST ISSUED FOR ANY PHASE OF THE PROJECT THAT IS COVERED BY THE AGREEMENT; and

(iii) that each year after the expiration of the agreement, full property taxes shall be payable on the property;

(3) prior to or no later than 18 months from the date of entering into the payment in lieu of taxes agreement, construction of the project OR ANY PHASE OF THE PROJECT THAT IS COVERED BY THE AGREEMENT has commenced and all conditions for the financing required for the construction of the project OR PHASE OF THE PROJECT THAT IS COVERED BY THE AGREEMENT have been satisfied or waived; and

(4) the authorizing resolution states that the project may not involve gambling activities.

(c) On or before January 1 of each year, the Prince George's County Executive or the County Executive's designated agency shall submit a report to the Prince George's County Council and, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT

**<u>ARTICLE</u>**, to the Prince George's County House and Senate Delegations of the General Assembly of Maryland that contains:

(1) a description of each project for which the county entered into a payment in lieu of taxes agreement under this section during the prior fiscal year, including a statement of:

(i) the basis on which each project met the requirements for the definition of an economic development project set forth in subsection (a) of this section; and

(ii) the analysis of the project described in subsection (b)(1) of this section; and

(2) for those projects that have a payment in lieu of taxes agreement and for which construction or rehabilitation has been completed:

(i) the number and types of jobs created during the preceding fiscal year and estimated to be created during the following fiscal year;

(ii) the total taxes that the project is estimated to have generated directly and indirectly for the county during the preceding fiscal year and estimated to be generated during the following fiscal year; and

(iii) any other economic benefits of the project.

# Chapter 402 of the Acts of 2012, as amended by Chapter 147 of the Acts of 2017

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2012. [It shall remain effective for a period of 9 years and, at the end of June 30, 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, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 207

(House Bill 436)

AN ACT concerning

Task Force on <del>Tax Policy, Reform, and Fairness</del> <u>the Economic Future of</u> <u>Western Maryland</u> FOR the purpose of establishing the Task Force on Tax Policy, Reform, and Fairness the Economic Future of Western Maryland; specifying the membership of the Task Force; providing for the appointment of a Senate cochair and House cochair of the Task Force; providing for the 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 study, consider, and make recommendations regarding certain matters; requiring the Task Force to report its findings and recommendations 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 Task Force on Tax Policy, Reform, and Fairness the Economic Future of Western Maryland.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) There is a Task Force on Tax Policy, Reform, and Fairness the Economic Future of Western Maryland.

(b) The Task Force consists of the following members:

(1) three members <u>one member</u> of the Senate of Maryland <u>who is a member</u> of the Western Maryland Delegation, appointed by the President of the Senate;

(2) three members <u>one member</u> of the House of Delegates <u>who is a member</u> of the Western Maryland Delegation, appointed by the Speaker of the House;

(3) the Comptroller, or the Comptroller's designee;

(4) the Secretary of Budget and Management, or the Secretary's designee;

- (5) a representative of the Maryland Association of Counties;
- (6) a representative of the Maryland Chamber of Commerce;
- (7) a representative of the Maryland Municipal League;

(8) a representative of the State Department of Assessments and Taxation, designated by the Director of Assessments and Taxation;

(9) one economist, appointed by the Governor;

(10) one member of the faculty of the University of Maryland School of Public Policy, appointed by the Governor;

(11) one member of the faculty of the University of Maryland Robert H. Smith School of Business, appointed by the Governor; and (12) two members of the public, each of whom shall be an attorney at law or an accountant knowledgeable about the State's tax structure, appointed by the Governor.

(3) the Secretary of Commerce, or the Secretary's designee;

(4) the Executive Director of the Maryland Technology Development Corporation, or the Executive Director's designee;

(5) <u>one county elected official serving in Allegany County, Garrett County,</u> <u>or Washington County, appointed by the Maryland Association of Counties;</u>

(6) <u>one municipal elected official serving in Allegany County, Garrett</u> <u>County, or Washington County, appointed by the Maryland Municipal League;</u>

(7) <u>a representative of Frostburg State University who has relevant</u> <u>experience in economics, economic development, or business, appointed by the President of</u> <u>Frostburg State University;</u>

(8) <u>a representative of the Tri-County Council for Western Maryland,</u> <u>appointed by the Board of Directors of the Council;</u>

(9) <u>one representative of the business community, appointed by the</u> <u>Allegany County Chamber of Commerce:</u>

(10) <u>one representative of the business community, appointed by the Garrett</u> <u>County Chamber of Commerce; and</u>

(11) <u>one representative of the business community, appointed by the</u> <u>Washington County Chamber of Commerce.</u>

(c) (1) The President of the Senate shall designate one of the members appointed from the Senate as cochair of the Task Force.

(2) The Speaker of the House shall designate one of the members appointed from the House of Delegates as cochair of the Task Force.

(d) The Office of the Comptroller and the Department of Budget and Management Department of Commerce 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) study the current revenue structure of the State, including income, sales, corporate, motor fuel, excise, and property taxes, tax exemptions and credits, and fees;

(2) review the academic and economic research on state and local tax policy to assist in the overall assessment of efficacy, fairness, and competitiveness of the current revenue structure of the State;

(3) review the revenue structure of neighboring jurisdictions for the purpose of evaluating the regional competitiveness of the State's tax structure;

(4) consider the nature of the State's economy and the importance of service and professional businesses to economic development;

(5) consider whether or not the current revenue structure of the State should be reformed, modified, and modernized, including by considering:

(i) reforms that would mitigate any adverse effects on State taxpayers that are the result of the federal Tax Cut and Jobs Act;

(ii) the imposition of a payroll tax, carried interest tax, or remote sales tax in order to offset reductions to the State's income tax and State and local property taxes; and

(iii) the encouragement of charitable contributions by taxpayers to State institutions; and

(6) make recommendations regarding changes to the State's revenue structure that:

- (i) promote job growth and economic development;
- (ii) ensure fairness, simplicity, and transparency;

(iii) provide a stable, balanced, and reliable revenue stream, while not reducing services; and

- (iv) create a business-friendly environment.
- (1) study the current economic conditions of Western Maryland; and

(2) <u>make recommendations regarding potential methods for the</u> <u>improvement of the economies of Allegany County, Garrett County, and Washington</u> <u>County, including:</u> (i) <u>opportunities to expand economic activity in technology–based</u> <u>industry, including biotechnology, cybersecurity, energy and energy storage, transportation</u> <u>and logistics, and advanced manufacturing;</u>

(ii) opportunities to strengthen tourism–related businesses in Western Maryland; and

(iii) strategies to overcome barriers to the creation and expansion of new small businesses in Western Maryland.

(g) On or before <u>December</u> <u>January</u> 1, 2021, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020. It shall remain effective for a period of  $\frac{2 \text{ years}}{2 \text{ years}}$  and, at the end of June 30,  $\frac{2022}{2021}$ , this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 208

(House Bill 440)

AN ACT concerning

# St. Mary's County Open Meetings Act – Public Agencies and Use of New Technology

FOR the purpose of altering the definition of "public agency" for purposes of the St. Mary's County Open Meetings Act to include the St. Mary's County Board of Library Trustees, the St. Mary's County Metropolitan Commission, and the St. Mary's County Housing Authority; encouraging certain public agencies to use new technology when available to aid in public accessibility and transparency; and generally relating to the St. Mary's County Open Meetings Act.

BY repealing and reenacting, with amendments,

Article – Local Government Section 9–501 and 9–509 Annotated Code of Maryland (2013 Volume and 2019 Supplement)

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

#### Article – Local Government

9-501.

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

(b) "Official action" means a phase of the process in which a public agency in St. Mary's County makes a decision or recommendation, including receipt of information and deliberation.

(c) (1) "Public agency" means:

(IV)

(i) a governmental unit of St. Mary's County, including an advisory or quasi–judicial agency, that is:

- 1. supported in any part by public money; or
- 2. authorized to spend public money; [and]
- (ii) the St. Mary's County Board of Education;
- (III) THE ST. MARY'S COUNTY BOARD OF LIBRARY TRUSTEES;

THE ST. MARY'S COUNTY METROPOLITAN COMMISSION;

AND

# (V) THE ST. MARY'S COUNTY HOUSING AUTHORITY.

(2) "Public agency" includes a subcommittee or other subordinate unit of a governmental unit listed in paragraph (1) of this subsection.

- (3) "Public agency" does not include:
  - (i) a grand jury;
  - (ii) a petit jury;
  - (iii) a law enforcement agency; or
  - (iv) the judicial branch.

(d) "Public agency meeting" means the convening of a quorum of the constituent membership of a public agency to deliberate or act on a matter under the supervision, control, jurisdiction, or advisory power of the public agency.

(e) "Quorum", unless otherwise defined by applicable law, means a simple majority of the constituent membership of a public agency.

(f) "Staff meeting" means a meeting of three or more staff members of one or more public agencies.

9-509.

(a) A public agency that conducts a meeting that is open to the public shall allow recorded or live radio and television broadcasting and the use of recording devices.

(b) A public agency may adopt rules and regulations regarding the recording and broadcasting of public agency meetings.

(C) PUBLIC AGENCIES ARE ENCOURAGED TO USE NEW TECHNOLOGY WHEN AVAILABLE TO AID IN PUBLIC ACCESSIBILITY AND TRANSPARENCY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 209

(House Bill 443)

AN ACT concerning

# Southern Maryland Code Counties – Collective Bargaining

FOR the purpose of authorizing a Southern Maryland code county to enact a local law that provides certain employees with certain collective bargaining rights; requiring a certain local law to provide definitions of and remedies for unfair labor practices and prohibit certain strikes or work stoppages by certain employees; prohibiting a certain local law from affecting certain rights and duties of a county and certain exclusive representatives under certain circumstances; defining a certain term; and generally relating to collective bargaining and Southern Maryland code counties.

#### BY adding to

Article – Local Government Section 11–601 to be under the new subtitle "Subtitle 6. Collective Bargaining" Annotated Code of Maryland (2013 Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

#### Article – Local Government

#### SUBTITLE 6. COLLECTIVE BARGAINING.

11-601.

(A) IN THIS SECTION, "REGULAR EMPLOYEE" DOES NOT INCLUDE:

(1) AN EMPLOYEE, AS DEFINED IN § 4–501 OF THE LABOR AND EMPLOYMENT ARTICLE;

- (2) AN APPOINTED OFFICIAL;
- (3) AN ELECTED OFFICIAL; OR

(4) A SUPERVISORY, MANAGERIAL, OR CONFIDENTIAL EMPLOYEE.

(B) THIS SECTION APPLIES ONLY IN CODE COUNTIES IN THE SOUTHERN MARYLAND CLASS, AS ESTABLISHED IN § 9–302 OF THIS ARTICLE.

(C) (1) A COUNTY MAY ENACT A LOCAL LAW TO PROVIDE REGULAR EMPLOYEES OF THE COUNTY THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY WITH BINDING ARBITRATION THROUGH REPRESENTATIVE EMPLOYEE ORGANIZATIONS CHOSEN BY THE REGULAR EMPLOYEES.

(2) A LOCAL LAW ENACTED IN ACCORDANCE WITH THIS SECTION SHALL:

(I) PROVIDE DEFINITIONS OF AND REMEDIES FOR UNFAIR LABOR PRACTICES; AND

(II) PROHIBIT STRIKES OR WORK STOPPAGES BY REPRESENTED REGULAR EMPLOYEES.

(D) A LOCAL LAW ENACTED IN ACCORDANCE WITH THIS SECTION MAY NOT AFFECT THE RIGHTS AND DUTIES OF A COUNTY AND ANY EXCLUSIVE REPRESENTATIVES UNDER A LOCAL LAW ENACTED IN ACCORDANCE WITH TITLE 4, SUBTITLE 5 OF THE LABOR AND EMPLOYMENT ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 210

(Senate Bill 430)

AN ACT concerning

# Southern Maryland Code Counties – Collective Bargaining

FOR the purpose of authorizing a Southern Maryland code county to enact a local law that provides certain employees with certain collective bargaining rights; requiring a certain local law to provide definitions of and remedies for unfair labor practices and prohibit certain strikes or work stoppages by certain employees; prohibiting a certain local law from affecting certain rights and duties of a county and certain exclusive representatives under certain circumstances; defining a certain term; and generally relating to collective bargaining and Southern Maryland code counties.

BY adding to

Article – Local Government Section 11–601 to be under the new subtitle "Subtitle 6. Collective Bargaining" Annotated Code of Maryland (2013 Volume and 2019 Supplement)

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

# **Article – Local Government**

#### SUBTITLE 6. COLLECTIVE BARGAINING.

11-601.

(A) IN THIS SECTION, "REGULAR EMPLOYEE" DOES NOT INCLUDE:

(1) AN EMPLOYEE, AS DEFINED IN § 4–501 OF THE LABOR AND EMPLOYMENT ARTICLE;

- (2) AN APPOINTED OFFICIAL;
- (3) AN ELECTED OFFICIAL; OR
- (4) A SUPERVISORY, MANAGERIAL, OR CONFIDENTIAL EMPLOYEE.

(B) THIS SECTION APPLIES ONLY IN CODE COUNTIES IN THE SOUTHERN MARYLAND CLASS, AS ESTABLISHED IN § 9–302 OF THIS ARTICLE.

(C) (1) A COUNTY MAY ENACT A LOCAL LAW TO PROVIDE REGULAR EMPLOYEES OF THE COUNTY THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY WITH BINDING ARBITRATION THROUGH REPRESENTATIVE EMPLOYEE ORGANIZATIONS CHOSEN BY THE REGULAR EMPLOYEES.

(2) A LOCAL LAW ENACTED IN ACCORDANCE WITH THIS SECTION SHALL:

(I) PROVIDE DEFINITIONS OF AND REMEDIES FOR UNFAIR LABOR PRACTICES; AND

(II) PROHIBIT STRIKES OR WORK STOPPAGES BY REPRESENTED REGULAR EMPLOYEES.

(D) A LOCAL LAW ENACTED IN ACCORDANCE WITH THIS SECTION MAY NOT AFFECT THE RIGHTS AND DUTIES OF A COUNTY AND ANY EXCLUSIVE REPRESENTATIVES UNDER A LOCAL LAW ENACTED IN ACCORDANCE WITH TITLE 4, SUBTITLE 5 OF THE LABOR AND EMPLOYMENT ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 211

(House Bill 455)

AN ACT concerning

#### Health Insurance – <del>Coverage for</del> Mental Health Benefits and Substance Use Disorder Benefits – <del>Treatment Criteria</del> <u>Reports on Nonquantitative Treatment</u> <u>Limitations and Data</u>

FOR the purpose of requiring certain carriers, on or before <del>a</del> certain <del>date each year</del> <u>dates</u>, to submit a report to the Maryland Insurance Commissioner to demonstrate the carrier's compliance with the federal Mental Health Parity and Addiction Equity Act; <u>requiring certain carriers to identify a certain number of health benefit plans that</u> <u>meet certain criteria and conduct a certain comparative analysis</u>; requiring certain

#### Chapter 211

carriers, on or before a certain <del>date each year</del> dates, to submit a report to the Commissioner on certain data for certain benefits by certain classification: requiring the reports to include certain information and be submitted in a certain manner; requiring the reports to be prepared in coordination with certain entities, contain a certain statement, and be made available to certain persons in a certain manner; requiring the reports to exclude certain identifiable information; authorizing certain carriers to submit a certain request to the Commissioner that the disclosure of certain information be denied under certain authority of the Public Information Act; requiring the Commissioner to review certain requests and notify a carrier if certain information will be disclosed; requiring a carrier to disclose certain information to certain members; requiring the Commissioner to review the reports, notify a carrier of noncompliance with certain federal law in a certain manner before issuing a certain order, and <del>require</del> allow the carrier to submit a certain plan or take certain actions under certain circumstances; requiring within a certain period of time; authorizing the Commissioner to impose certain penalties: requiring that certain funds be deposited by the Commissioner into a certain fund; requiring the Commissioner, on or before a certain date, to develop certain forms and, in consultation with certain persons, adopt certain regulations; establishing the Parity Enforcement and Education Fund as a special, nonlapsing fund; specifying the purposes of the Fund; requiring the Commissioner 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 the 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; requiring certain carriers to include a certain statement in a certain notice of an adverse decision or grievance by a carrier; requiring certain carriers to include a certain statement in a certain notice of a <del>coverage decision or an appeal decision by a carrier;</del> defining certain terms; <del>providing</del> for a delayed effective date for certain provisions of this Act; providing for the application of certain provisions of this Act; specifying that the form the Commissioner is required to develop is a certain tool; requiring the Commissioner to submit certain reports to certain committees of the General Assembly on or before certain dates; providing for the termination of this Act; and generally relating to coverage for mental health benefits and substance use disorder benefits.

#### BY adding to

Article – Insurance Section 15–144 <del>and 15–145</del> Annotated Code of Maryland (2017 Replacement Volume and 2019 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 2019 Supplement) BY repealing and reenacting, with amendments, Article – State Finance and Procurement Section 6–226(a)(2)(ii)121. and 122. Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

BY adding to

Article – State Finance and Procurement Section 6–226(a)(2)(ii)123. Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Insurance Section 15–10A–02 and 15–10D–02 Annotated Code of Maryland (2017 Replacement Volume and 2019 Supplement)

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

#### Article – Insurance

#### 15-144.

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

(2) "CARRIER" MEANS:

(I) AN INSURER THAT HOLDS A CERTIFICATE OF AUTHORITY IN THE STATE AND PROVIDES HEALTH INSURANCE IN THE STATE;

(II) A HEALTH MAINTENANCE ORGANIZATION THAT IS LICENSED TO OPERATE IN THE STATE;

(III) A NONPROFIT HEALTH SERVICE PLAN THAT IS LICENSED TO OPERATE IN THE STATE; OR

(IV) ANY OTHER PERSON OR ORGANIZATION THAT PROVIDES HEALTH BENEFIT PLANS SUBJECT TO STATE INSURANCE REGULATION.

(3) "HEALTH BENEFIT PLAN" MEANS:

(I) FOR A LARGE GROUP OR BLANKET PLAN, A HEALTH BENEFIT PLAN AS DEFINED IN § 15–1401 OF THIS TITLE;

(II) FOR A SMALL GROUP PLAN, A HEALTH BENEFIT PLAN AS DEFINED IN § 15–1201 OF THIS TITLE;

(III) FOR AN INDIVIDUAL PLAN:

1. A HEALTH BENEFIT PLAN AS DEFINED IN § 15–1301(L) OF THIS TITLE; OR

2. AN INDIVIDUAL HEALTH BENEFIT PLAN AS DEFINED IN § 15–1301(O) OF THIS TITLE;

(IV) SHORT–TERM LIMITED DURATION INSURANCE AS DEFINED IN § 15–1301(S) OF THIS TITLE; OR

(V) A STUDENT HEALTH PLAN AS DEFINED IN § 15–1318(A) OF THIS TITLE.

(4) "MEDICAL/SURGICAL BENEFITS" HAS THE MEANING STATED IN 45 C.F.R. § 146.136(A) AND 29 C.F.R. § 2590.712(A).

(5) "MENTAL HEALTH BENEFITS" HAS THE MEANING STATED IN 45 C.F.R. § 146.136(A) AND 29 C.F.R. § 2590.712(A).

(6) "NONQUANTITATIVE TREATMENT LIMITATION" MEANS TREATMENT LIMITATIONS AS DEFINED IN 45 C.F.R. § 146.136(A) AND 29 C.F.R. § 2590.712(A).

(7) "PARITY ACT" MEANS THE PAUL WELLSTONE AND PETE DOMENICI MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2008 AND 45 C.F.R. § 146.136 AND 29 C.F.R. § 2590.712.

(8) "PARITY ACT CLASSIFICATION" MEANS:

- (I) INPATIENT IN–NETWORK BENEFITS;
- (II) INPATIENT OUT–OF–NETWORK BENEFITS;
- (III) OUTPATIENT IN-NETWORK BENEFITS;
- (IV) OUTPATIENT OUT-OF-NETWORK BENEFITS;

(V) PRESCRIPTION DRUG BENEFITS; AND

(VI) EMERGENCY CARE BENEFITS.

(9) "SUBSTANCE USE DISORDER BENEFITS" HAS THE MEANING STATED IN 45 C.F.R. § 146.136(A) AND 29 C.F.R. § 2590.712(A).

(B) THIS SECTION APPLIES TO A CARRIER THAT DELIVERS OR ISSUES FOR DELIVERY A HEALTH BENEFIT PLAN IN THE STATE.

(C) (1) ON OR BEFORE MARCH 1 EACH YEAR, BEGINNING IN 2021, 2022, AND MARCH 1, 2024, EACH CARRIER SUBJECT TO THIS SECTION SHALL:

(I) IDENTIFY THE FIVE HEALTH BENEFIT PLANS WITH THE HIGHEST ENROLLMENT FOR EACH PRODUCT OFFERED BY THE CARRIER IN THE INDIVIDUAL, SMALL, AND LARGE GROUP MARKETS; AND

(II) SUBMIT A REPORT TO THE COMMISSIONER TO DEMONSTRATE THE CARRIER'S COMPLIANCE WITH THE PARITY ACT.

(2) THE REPORT SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL <u>INCLUDE THE FOLLOWING INFORMATION FOR THE HEALTH</u> <u>BENEFIT PLANS IDENTIFIED UNDER ITEM (1)(I) OF THIS SUBSECTION</u>:

(I) <u>A DESCRIPTION OF THE PROCESS USED TO DEVELOP OR</u> <u>SELECT THE MEDICAL NECESSITY CRITERIA FOR MENTAL HEALTH BENEFITS AND</u> <u>SUBSTANCE USE DISORDER BENEFITS AND THE PROCESS USED TO DEVELOP OR</u> <u>SELECT THE MEDICAL NECESSITY CRITERIA FOR MEDICAL AND SURGICAL</u> <u>BENEFITS;</u>

(II) FOR EACH PARITY ACT CLASSIFICATION, IDENTIFICATION OF NONQUANTITATIVE TREATMENT LIMITATIONS THAT ARE APPLIED TO MENTAL HEALTH BENEFITS AND SUBSTANCE USE DISORDER BENEFITS AND MEDICAL AND SURGICAL BENEFITS;

(III) IDENTIFICATION OF THE DESCRIPTION OF THE NONQUANTITATIVE TREATMENT LIMITATIONS IDENTIFIED UNDER ITEM (II) OF THIS PARAGRAPH IN DOCUMENTS AND INSTRUMENTS UNDER WHICH THE PLAN IS ESTABLISHED OR OPERATED; AND

(IV) THE RESULTS OF THE COMPARATIVE ANALYSIS AS DESCRIBED UNDER SUBSECTIONS (D) AND (E) OF THIS SECTION.

(D) (1) <u>A CARRIER SUBJECT TO THIS SECTION SHALL CONDUCT A</u> <u>COMPARATIVE ANALYSIS FOR THE NONQUANTITATIVE TREATMENT LIMITATIONS</u> <u>IDENTIFIED UNDER SUBSECTION (C)(2)(II) OF THIS SECTION AS NONQUANTITATIVE</u> <u>TREATMENT LIMITATIONS ARE:</u>

(I) WRITTEN; AND

#### (II) IN OPERATION.

(2) THE COMPARATIVE ANALYSIS OF THE NONQUANTITATIVE TREATMENT LIMITATIONS IDENTIFIED UNDER SUBSECTION (C)(2)(II) OF THIS SECTION SHALL DEMONSTRATE THAT THE PROCESSES, STRATEGIES, EVIDENTIARY STANDARDS, OR OTHER FACTORS USED IN APPLYING THE MEDICAL NECESSITY CRITERIA AND EACH NONQUANTITATIVE TREATMENT LIMITATION TO MENTAL HEALTH BENEFITS AND SUBSTANCE USE DISORDER BENEFITS IN EACH PARITY ACT CLASSIFICATION ARE COMPARABLE TO, AND ARE APPLIED NO MORE STRINGENTLY THAN, THE PROCESSES, STRATEGIES, EVIDENTIARY STANDARDS, OR OTHER FACTORS USED IN APPLYING THE MEDICAL NECESSITY CRITERIA AND EACH NONQUANTITATIVE TREATMENT LIMITATION TO MEDICAL AND SURGICAL BENEFITS WITHIN THE SAME PARITY ACT CLASSIFICATION.

(E) IN PROVIDING THE ANALYSIS REQUIRED UNDER SUBSECTION (D) OF THIS SECTION, A CARRIER SHALL:

(1) IDENTIFY THE FACTORS USED TO DETERMINE THAT A NONQUANTITATIVE TREATMENT LIMITATION WILL APPLY TO A BENEFIT, INCLUDING:

- (I) THE SOURCES FOR THE FACTORS;
- (II) THE FACTORS THAT WERE CONSIDERED BUT REJECTED;
- <u>AND</u>

(III) IF A FACTOR WAS GIVEN MORE WEIGHT THAN ANOTHER, THE REASON FOR THE DIFFERENCE IN WEIGHTING;

(2) IDENTIFY AND DEFINE THE SPECIFIC EVIDENTIARY STANDARDS USED TO DEFINE THE FACTORS AND ANY OTHER EVIDENCE RELIED ON IN DESIGNING EACH NONQUANTITATIVE TREATMENT LIMITATION;

(3) INCLUDE THE RESULTS OF THE AUDITS, REVIEWS, AND ANALYSES PERFORMED ON THE NONQUANTITATIVE TREATMENT LIMITATIONS IDENTIFIED UNDER SUBSECTION (C)(2)(II) OF THIS SECTION TO CONDUCT THE ANALYSIS <u>REQUIRED UNDER SUBSECTION (D)(2) OF THIS SECTION FOR THE PLANS AS</u> <u>WRITTEN;</u>

(4) INCLUDE THE RESULTS OF THE AUDITS, REVIEWS, AND ANALYSES PERFORMED ON THE NONQUANTITATIVE TREATMENT LIMITATIONS IDENTIFIED UNDER SUBSECTION (C)(2)(II) OF THIS SECTION TO CONDUCT THE ANALYSIS REQUIRED UNDER SUBSECTION (D)(2) OF THIS SECTION FOR THE PLANS AS IN OPERATION;

(5) IDENTIFY THE MEASURES USED TO ENSURE COMPARABLE DESIGN AND APPLICATION OF NONQUANTITATIVE TREATMENT LIMITATIONS THAT ARE IMPLEMENTED BY THE CARRIER AND ANY ENTITY DELEGATED BY THE CARRIER TO MANAGE MENTAL HEALTH BENEFITS, SUBSTANCE USE DISORDER BENEFITS, OR MEDICAL/SURGICAL BENEFITS ON BEHALF OF THE CARRIER;

(6) DISCLOSE THE SPECIFIC FINDINGS AND CONCLUSIONS REACHED BY THE CARRIER THAT INDICATE THAT THE HEALTH BENEFIT PLAN IS IN COMPLIANCE WITH THIS SECTION AND THE PARITY ACT AND ITS IMPLEMENTING REGULATIONS, INCLUDING 45 C.F.R. 146.136 AND 29 C.F.R. 2590.712 AND ANY OTHER RELATED FEDERAL REGULATIONS FOUND IN THE CODE OF FEDERAL REGULATIONS; AND

(I) LIST ALL MENTAL HEALTH BENEFITS, SUBSTANCE USE DISORDER BENEFITS, AND MEDICAL/SURGICAL BENEFITS OFFERED BY THE CARRIER AND THE PLACEMENT OF EACH BENEFIT IN THE APPLICABLE PARITY ACT CLASSIFICATION OR SUBCLASSIFICATION;

(II) LIST ALL MENTAL HEALTH BENEFITS AND SUBSTANCE USE DISORDER BENEFITS THAT ARE EXCLUDED FROM COVERAGE BY THE CARRIER AND A DETAILED EXPLANATION FOR THE EXCLUSION;

(III) LIST ALL NONQUANTITATIVE TREATMENT LIMITATIONS THAT APPLY TO MENTAL HEALTH BENEFITS, SUBSTANCE USE DISORDER BENEFITS, AND MEDICAL/SURGICAL BENEFITS OFFERED BY THE CARRIER BY CLASSIFICATION AND IDENTIFY THE DESCRIPTION OF THE NONQUANTITATIVE TREATMENT LIMITATIONS IN THE CARRIER'S PLAN DOCUMENTS;

(IV) LIST THE FACTORS CONSIDERED IN THE DESIGN OF EACH NONQUANTITATIVE TREATMENT LIMITATION LISTED UNDER ITEM (III) OF THIS PARAGRAPH, INCLUDING:

**1.** THE TITLE AND QUALIFICATIONS OF THE EMPLOYEE WHO MAKES THE DECISIONS RELATED TO THE ADOPTION AND IMPLEMENTATION OF THE FACTORS; 2. A DESCRIPTION OF HOW THE FACTORS WERE USED TO APPLY EACH NONQUANTITATIVE TREATMENT LIMITATION TO MENTAL HEALTH BENEFITS, SUBSTANCE USE DISORDER BENEFITS, AND MEDICAL/SURGICAL BENEFITS;

**3.** AN EXPLANATION ABOUT WHETHER ANY FACTOR WAS GIVEN MORE WEIGHT THAN ANOTHER FACTOR; AND

4. IF A FACTOR WAS GIVEN MORE WEIGHT THAN ANOTHER FACTOR, THE REASON FOR THE DIFFERENCE IN WEIGHTING;

(V) IDENTIFY THE SOURCES USED TO DEFINE OR ESTABLISH A THRESHOLD FOR APPLYING THE FACTORS LISTED UNDER ITEM (IV) OF THIS PARAGRAPH, INCLUDING:

1. AN IDENTIFICATION OF EACH PROCESS, STRATEGY, OR EVIDENTIARY STANDARD USED TO DESIGN THE NONQUANTITATIVE TREATMENT LIMITATION; AND

2. AN EXPLANATION OF THE PROCESS AND FACTORS RELIED ON FOR ESTABLISHING ANY VARIATION IN THE APPLICATION OF A GUIDELINE OR STANDARD FOR MENTAL HEALTH BENEFITS, SUBSTANCE USE DISORDER BENEFITS, AND MEDICAL/SURGICAL BENEFITS;

(VI) INCLUDE A COMPARATIVE ANALYSIS THAT DEMONSTRATES THAT, AS WRITTEN, THE PROCESSES, STRATEGIES, EVIDENTIARY STANDARDS, AND ANY OTHER FACTORS USED TO DESIGN AND APPLY EACH NONQUANTITATIVE TREATMENT LIMITATION ARE COMPARABLE TO AND APPLIED NO MORE STRINGENTLY TO MENTAL HEALTH BENEFITS AND SUBSTANCE USE DISORDER BENEFITS THAN MEDICAL/SURGICAL BENEFITS, INCLUDING:

1. THE ANALYSIS, AUDIT, OR METHOD USED TO ASSESS COMPARABILITY AND NO-MORE-STRINGENT APPLICATION IN THE DESIGN AND APPLICATION OF EACH NONQUANTITIATIVE TREATMENT LIMITATION; AND

2. THE IDENTIFICATION OF MEASURES THAT WERE USED TO ENSURE COMPARABLE DESIGN AND APPLICATION OF NONQUANTITATIVE TREATMENT LIMITATIONS THAT ARE IMPLEMENTED BY THE CARRIER AND ANY ENTITY DELEGATED TO MANAGE MENTAL HEALTH BENEFITS, SUBSTANCE USE DISORDER BENEFITS, OR MEDICAL/SURGICAL BENEFITS ON BEHALF OF THE CARRIER; (VII) INCLUDE A COMPARATIVE ANALYSIS THAT DEMONSTRATES, FOR THE PLAN IN OPERATION, THAT THE PROCESSES, STRATEGIES, AND EVIDENTIARY STANDARDS USED TO IMPLEMENT EACH NONQUANTITATIVE TREATMENT LIMITATION ARE COMPARABLE TO THE PROCESSES, STRATEGIES, AND EVIDENTIARY STANDARDS USED TO IMPLEMENT EACH NONQUANTITATIVE TREATMENT LIMITATION TO MEDICAL/SURGICAL BENEFITS AND ARE APPLIED NO MORE STRINGENTLY TO MENTAL HEALTH BENEFITS AND SUBSTANCE USE DISORDER BENEFITS THAN TO MEDICAL/SURGICAL BENEFITS, INCLUDING:

1. THE ANALYSIS, AUDIT, OR METHOD USED TO ASSESS COMPARABILITY AND NO-MORE-STRINGENT APPLICATION IN THE IMPLEMENTATION OF EACH NONQUANTITATIVE TREATMENT LIMITATION;

2. THE IDENTIFICATION OF MEASURES THAT WERE USED TO ENSURE COMPARABLE IMPLEMENTATION OF NONQUANTITATIVE TREATMENT LIMITATIONS BY THE CARRIER AND ANY ENTITY DELEGATED TO MANAGE MENTAL HEALTH BENEFITS, SUBSTANCE USE DISORDER BENEFITS, OR MEDICAL/SURGICAL BENEFITS ON BEHALF OF THE CARRIER; AND

3. THE NUMBER OF CLAIMS SUBMITTED IN THE IMMEDIATELY PRECEDING PLAN YEAR FOR MENTAL HEALTH BENEFITS, SUBSTANCE USE DISORDER BENEFITS, AND MEDICAL/SURGICAL BENEFITS BY CLASSIFICATION AND THE NUMBER AND RATE OF CLAIMS DENIED FOR EACH BENEFIT BY CLASSIFICATION; AND

(VIII) (7) IDENTIFY THE PROCESS USED TO COMPLY WITH THE PARITY ACT DISCLOSURE REQUIREMENTS FOR MENTAL HEALTH BENEFITS, SUBSTANCE USE DISORDER BENEFITS, AND MEDICAL/SURGICAL BENEFITS, INCLUDING:

 $\frac{1}{2}$  (I) THE CRITERIA FOR A MEDICAL NECESSITY DETERMINATION;

**2∓** <u>(II)</u> REASONS FOR A DENIAL OF BENEFITS; AND

3. (III) IN CONNECTION WITH A MEMBER'S REQUEST FOR GROUP PLAN INFORMATION AND FOR PURPOSES OF FILING AN INTERNAL COVERAGE OR GRIEVANCE MATTER AND APPEALS, PLAN DOCUMENTS THAT CONTAIN INFORMATION ABOUT PROCESSES, STRATEGIES, EVIDENTIARY STANDARDS, AND ANY OTHER FACTORS USED TO APPLY A NONQUANTITATIVE TREATMENT LIMITATION.

(D) (F) ON OR BEFORE MARCH 1 EACH YEAR, BEGINNING IN 2021, 2022, AND MARCH 1, 2024, EACH CARRIER SUBJECT TO THIS SECTION SHALL SUBMIT A REPORT FOR THE HEALTH BENEFIT PLANS IDENTIFIED UNDER SUBSECTION (C)(1)(I) OF THIS SECTION TO THE COMMISSIONER ON THE CARRIER'S FOLLOWING DATA FOR THE IMMEDIATELY PRECEDING CALENDAR YEAR FOR MENTAL HEALTH BENEFITS, SUBSTANCE USE DISORDER BENEFITS, AND MEDICAL/SURGICAL BENEFITS BY PARITY ACT CLASSIFICATION; INCLUDING:

(1) THE FREQUENCY, REPORTED BY NUMBER AND RATE, WITH WHICH THE HEALTH BENEFIT PLAN RECEIVED, APPROVED, AND DENIED PRIOR AUTHORIZATION REQUESTS FOR MENTAL HEALTH BENEFITS, SUBSTANCE USE DISORDER BENEFITS, AND MEDICAL AND SURGICAL BENEFITS IN EACH PARITY ACT CLASSIFICATION DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR; AND

(2) THE NUMBER OF CLAIMS SUBMITTED FOR MENTAL HEALTH BENEFITS, SUBSTANCE USE DISORDER BENEFITS, AND MEDICAL AND SURGICAL BENEFITS IN EACH PARITY ACT CLASSIFICATION DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR AND THE NUMBER AND RATES OF, AND REASONS FOR, DENIAL OF CLAIMS.

(1) THE DELIVERY OF MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES, INCLUDING THE TOTAL NUMBER OF MEMBERS WHO RECEIVED SERVICES FOR A COVERED BENEFIT UNDER §§ 15–802 AND 15–840 OF THIS TITLE, REPORTED SEPARATELY FOR A PRIMARY DIAGNOSIS OF MENTAL ILLNESS OR MENTAL DISORDER AND A PRIMARY DIAGNOSIS OF ALCOHOL OR DRUG MISUSE BASED ON THE FOLLOWING LEVELS OF CARE:

- (I) OUTPATIENT;
- (II) INTENSIVE OUTPATIENT;
- (III) OPIOID TREATMENT SERVICES;
- (IV) PARTIAL HOSPITALIZATION;
- (V) **RESIDENTIAL TREATMENT;**
- (VI) INPATIENT TREATMENT; AND
- (VII) RESIDENTIAL CRISIS SERVICES;

(2) THE TOTAL NUMBER OF MEMBERS RECEIVING SERVICES FOR WHICH DATA IS PROVIDED UNDER ITEM (1) OF THIS SUBSECTION CALCULATED PER 1,000 MEMBERS; (3) UTILIZATION MANAGEMENT REQUIREMENTS AND PLAN DECISIONS RELATED TO PRIOR AUTHORIZATION AND CONCURRENT OR CONTINUING REVIEW BY PARITY ACT CLASSIFICATION, INCLUDING:

(I) THE NUMBER AND PERCENTAGE OF COVERED SERVICES AND PRESCRIPTION DRUGS SUBJECT TO EACH LEVEL OF REVIEW;

(II) THE NUMBER AND PERCENTAGE OF REQUESTED SERVICES AND PRESCRIPTION DRUGS APPROVED AT EACH LEVEL OF REVIEW;

(III) THE NUMBER AND PERCENTAGE OF REQUESTED SERVICES AND PRESCRIPTION DRUGS DENIED AT EACH LEVEL OF REVIEW;

(IV) THE NUMBER AND PERCENTAGE OF REQUESTED SERVICES DENIED WITH AN APPROVAL FOR A LOWER LEVEL OF CARE OR A DIFFERENT PRESCRIPTION DRUG;

(V) THE NUMBER AND PERCENTAGE OF REQUESTED SERVICES DENIED BASED ON NONCOVERED SERVICE, MEDICAL NECESSITY CRITERIA, EXPERIMENTAL OR INVESTIGATIVE SERVICE, INCOMPLETE SUBMISSION, DUPLICATE SUBMISSION, OR ANY ADDITIONAL REASON; AND

(VI) FOR CONCURRENT OR CONTINUING REVIEW, THE AVERAGE NUMBER OF DAYS AUTHORIZED FOR EACH REVIEW PERIOD AND AVERAGE INTERVAL FOR REQUIRING REVIEW, EXPRESSED IN THE NUMBER OF DAYS;

(4) DENIALS AND APPEALS OF ADVERSE AND COVERAGE DECISIONS REPORTED SEPARATELY FOR MENTAL HEALTH BENEFITS, SUBSTANCE USE DISORDER BENEFITS, AND MEDICAL/SURGICAL BENEFITS BY PARITY ACT CLASSIFICATION, INCLUDING:

(I) THE NUMBER AND PERCENTAGE OF DENIALS OF A REQUESTED SERVICE;

(II) THE NUMBER AND PERCENTAGE OF DECISIONS FOR WHICH A PEER-TO-PEER REVIEW WAS REQUESTED;

(III) THE NUMBER AND PERCENTAGE OF DECISIONS THAT WERE APPEALED AND THE RESULT OF THE APPEALS; AND

(IV) THE NUMBER AND PERCENTAGE OF DECISIONS THAT WENT TO EXTERNAL REVIEW AT THE ADMINISTRATION AND THE RESULT OF THE APPEALS; (5) NETWORK UTILIZATION REPORTED SEPARATELY FOR MENTAL HEALTH BENEFITS, SUBSTANCE USE DISORDER BENEFITS, AND MEDICAL/SURGICAL BENEFITS, INCLUDING THE NUMBER AND PERCENTAGE OF CLAIMS PAID FOR IN NETWORK AND OUT OF NETWORK USE OF:

- (I) OUTPATIENT VISITS;
- (II) OUTPATIENT FACILITY SERVICES;
- (III) INPATIENT HOSPITALIZATION; AND
- (IV) NONHOSPITAL RESIDENTIAL FACILITIES; AND
- (6) DETAILS ON CLAIM REIMBURSEMENT, INCLUDING:

(I) ANNUAL CLAIM EXPENSES CALCULATED AS AN AVERAGE OF ALL MEMBER PAYMENTS FOR EACH MEMBER FOR EACH MONTH FOR MENTAL HEALTH BENEFITS, SUBSTANCE USE DISORDER BENEFITS, AND MEDICAL/SURGICAL BENEFITS;

(II) THE AVERAGE PAYMENT RATE FOR PSYCHIATRISTS AND NONPSYCHIATRIST PHYSICIANS FOR EACH EVALUATION AND MANAGEMENT COMMON PROCEDURAL TECHNOLOGY CODE AND THE PERCENTAGE REDUCTIONS OR INCREASES IN RELATION TO THE MEDICARE FEE SCHEDULE FOR PSYCHIATRISTS AND NONPSYCHIATRIST PHYSICIANS FOR EACH CODE;

(III) THE NETWORK PROVIDER REIMBURSEMENT RATE METHODOLOGY BY PARITY ACT CLASSIFICATION AND THE AUDITS CONDUCTED TO ASSESS PARITY ACT COMPLIANCE OF THE RATE METHODOLOGY; AND

(IV) THE METHODOLOGY FOR DETERMINING THE ALLOWABLE AMOUNT FOR OUT OF NETWORK MENTAL HEALTH BENEFITS, SUBSTANCE USE DISORDER BENEFITS, AND MEDICAL/SURGICAL BENEFITS, INCLUDING ANY REDUCTIONS MADE IN ALLOWABLE AMOUNTS FOR SPECIFIED PROVIDERS OR SERVICES AND THE AUDITS CONDUCTED TO ASSESS COMPLIANCE WITH METHODOLOGIES.

(E) (G) THE REPORTS REQUIRED UNDER SUBSECTIONS (C) AND (D) (F) OF THIS SECTION SHALL:

(1) BE SUBMITTED ON A STANDARD FORM DEVELOPED BY THE COMMISSIONER;

(2) BE SUBMITTED BY THE CARRIER THAT ISSUES OR DELIVERS THE HEALTH BENEFIT PLAN;

(3) BE PREPARED IN COORDINATION WITH ANY ENTITY THE CARRIER CONTRACTS WITH TO PROVIDE MENTAL HEALTH BENEFITS AND SUBSTANCE USE DISORDER BENEFITS;

(4) CONTAIN A STATEMENT, SIGNED BY THE CARRIER'S CHIEF EXECUTIVE <u>A CORPORATE</u> OFFICER, ATTESTING TO THE ACCURACY OF THE INFORMATION CONTAINED IN THE REPORT;

(5) **BE MADE AVAILABLE TO ALL PLAN MEMBERS AND BENEFICIARIES** ON THE CARRIER'S WEBSITE AND ON REQUEST;

(6) BE AVAILABLE TO PLAN MEMBERS AND THE PUBLIC ON THE CARRIER'S WEBSITE IN A SUMMARY FORM <u>THAT REMOVES CONFIDENTIAL OR</u> <u>PROPRIETARY INFORMATION AND IS</u> DEVELOPED BY THE COMMISSIONER <u>IN</u> <u>ACCORDANCE WITH SUBSECTION (M)(2) OF THIS SECTION;</u> AND

(7) (6) EXCLUDE ANY IDENTIFYING INFORMATION OF ANY PLAN MEMBER.

(H) (1) <u>A CARRIER SUBMITTING A REPORT UNDER SUBSECTIONS (C) AND</u> (F) OF THIS SECTION MAY SUBMIT A WRITTEN REQUEST TO THE COMMISSIONER THAT DISCLOSURE OF SPECIFIC INFORMATION INCLUDED IN THE REPORT BE DENIED UNDER THE PUBLIC INFORMATION ACT AND, IF SUBMITTING A REQUEST, SHALL:

(I) <u>IDENTIFY THE PARTICULAR INFORMATION THE</u> <u>DISCLOSURE OF WHICH THE CARRIER REQUESTS BE DENIED; AND</u>

(II) <u>CITE THE STATUTORY AUTHORITY UNDER THE PUBLIC</u> INFORMATION ACT THAT AUTHORIZES DENIAL OF ACCESS TO THE INFORMATION.

(2) <u>THE COMMISSIONER MAY REVIEW A REQUEST SUBMITTED UNDER</u> <u>PARAGRAPH (1) OF THIS SUBSECTION ON RECEIPT OF A REQUEST FOR ACCESS TO</u> <u>THE INFORMATION UNDER THE PUBLIC INFORMATION ACT.</u>

(3) <u>THE COMMISSIONER MAY NOTIFY THE CARRIER THAT SUBMITTED</u> <u>THE REQUEST UNDER PARAGRAPH (1) OF THIS SUBSECTION BEFORE GRANTING</u> <u>ACCESS TO INFORMATION THAT WAS THE SUBJECT OF THE REQUEST.</u> (4) <u>A CARRIER SHALL DISCLOSE TO A MEMBER ON REQUEST ANY</u> <u>PLAN INFORMATION CONTAINED IN A REPORT THAT IS REQUIRED TO BE DISCLOSED</u> <u>TO THAT MEMBER UNDER FEDERAL OR STATE LAW.</u>

(F) (I) THE COMMISSIONER SHALL:

(1) REVIEW EACH REPORT SUBMITTED IN ACCORDANCE WITH SUBSECTIONS (C) AND (D) (F) OF THIS SECTION TO ASSESS EACH CARRIER'S COMPLIANCE WITH THE PARITY ACT;

(2) NOTIFY A CARRIER <u>IN WRITING</u> OF ANY NONCOMPLIANCE WITH THE PARITY <u>ACT; ACT BEFORE ISSUING AN ADMINISTRATIVE ORDER; AND</u>

(3) REQUIRE THE CARRIER TO ADDRESS ANY NONCOMPLIANCE WITH THE PARITY ACT WITHIN 90 DAYS AFTER THE CARRIER IS NOTIFIED UNDER ITEM (2) OF THIS SUBSECTION;

(4) REQUIRE THE CARRIER TO SEND NOTIFICATION TO MEMBERS AND BENEFICIARIES OF THE CARRIER'S NONCOMPLIANCE;

(5) REQUIRE REIMBURSEMENT TO MEMBERS AND BENEFICIARIES FOR COSTS INCURRED AS A RESULT OF ANY NONCOMPLIANCE WITH THE PARITY ACT; AND

(6) AS APPROPRIATE, IMPOSE A PENALTY FOR EACH VIOLATION.

(3) WITHIN 90 DAYS AFTER THE NOTICE OF NONCOMPLIANCE IS ISSUED, ALLOW THE CARRIER TO:

(I) <u>SUBMIT A COMPLIANCE PLAN TO THE ADMINISTRATION TO</u> <u>COMPLY WITH THE PARITY ACT; AND</u>

(II) <u>REPROCESS ANY CLAIMS THAT WERE IMPROPERLY DENIED</u>, IN WHOLE OR IN PART, BECAUSE OF THE NONCOMPLIANCE.

(J) IF THE COMMISSIONER FINDS THAT THE CARRIER FAILED TO SUBMIT A COMPLETE REPORT REQUIRED UNDER SUBSECTION (C) OR (F) OF THIS SECTION, THE COMMISSIONER MAY IMPOSE ANY PENALTY OR TAKE ANY ACTION AS AUTHORIZED:

(1) FOR AN INSURER, NONPROFIT HEALTH SERVICE PLAN, OR ANY OTHER PERSON SUBJECT TO THIS SECTION, UNDER THIS ARTICLE; OR (2) FOR A HEALTH MAINTENANCE ORGANIZATION, UNDER THIS ARTICLE OR THE HEALTH GENERAL ARTICLE.

(K) IF, AS A RESULT OF THE REVIEW REQUIRED UNDER PARAGRAPH (I)(1) OF THIS SECTION, THE COMMISSIONER FINDS THAT THE CARRIER FAILED TO COMPLY WITH THE PROVISIONS OF THE PARITY ACT, AND DID NOT SUBMIT A COMPLIANCE PLAN TO ADEQUATELY CORRECT THE NONCOMPLIANCE, THE COMMISSIONER MAY:

# (1) ISSUE AN ADMINISTRATIVE ORDER THAT REQUIRES:

(I) <u>THE CARRIER OR AN ENTITY DELEGATED BY THE CARRIER</u> TO CEASE THE NONCOMPLIANT CONDUCT OR PRACTICE;

(II) THE CARRIER TO PROVIDE A PAYMENT THAT HAS BEEN DENIED IMPROPERLY BECAUSE OF THE NONCOMPLIANCE; OR

(2) IMPOSE ANY PENALTY OR TAKE ANY ACTION AS AUTHORIZED:

(I) FOR AN INSURER, NONPROFIT HEALTH SERVICE PLAN, OR ANY OTHER PERSON SUBJECT TO THIS SECTION, UNDER THIS ARTICLE; OR

(II) FOR A HEALTH MAINTENANCE ORGANIZATION, UNDER THIS ARTICLE OR THE HEALTH – GENERAL ARTICLE.

(L) IN DETERMINING AN APPROPRIATE PENALTY UNDER SUBSECTION (J) OR (K) OF THIS SECTION, THE COMMISSIONER SHALL CONSIDER THE LATE FILING OF A REPORT REQUIRED UNDER SUBSECTION (C) OR (F) OF THIS SECTION AND ANY PARITY VIOLATION TO BE A SERIOUS VIOLATION WITH A SIGNIFICANTLY DELETERIOUS EFFECT ON THE PUBLIC.

(G) (1) THE COMMISSIONER SHALL IMPOSE A PENALTY OF:

(I) AT LEAST \$100 FOR EACH DAY FOR EACH MEMBER AND BENEFICIARY TO WHICH THE FAILURE TO COMPLY APPLIES AND FOR THE DURATION OF THE NONCOMPLIANCE PERIOD BEGINNING ON THE DATE THE PLAN IS ISSUED; AND

(II) \$5,000 FOR EACH DAY FOR WHICH A CARRIER FAILS TO SUBMIT A COMPLETE REPORT REQUIRED UNDER SUBSECTION (C) OR (D) OF THIS SECTION.

(2) The penalties collected under paragraph (1) of this subsection shall be deposited by the Commissioner into the Parity

**ENFORCEMENT AND EDUCATION FUND ESTABLISHED UNDER § 15–145 OF THIS** SUBTITLE.

ON OR BEFORE DECEMBER 31, <del>2020</del> 2021, THE COMMISSIONER <del>(III)</del> (M) SHALL CREATE:

A STANDARD FORM FOR ENTITIES TO SUBMIT THE REPORTS IN (1) ACCORDANCE WITH SUBSECTION (E)(1) (G)(1) OF THIS SECTION; AND

(2) A SUMMARY FORM FOR ENTITIES TO POST WITH TO THEIR **REPORTS** WEBSITES IN ACCORDANCE WITH SUBSECTION (E)(G) (G)(5) OF THIS SECTION.

ON OR BEFORE DECEMBER 31, 2020 2021, THE COMMISSIONER <del>(I)</del> (N) CONSULTATION WITH INTERESTED STAKEHOLDERS, ADOPT SHALL, IN **REGULATIONS TO IMPLEMENT THIS SECTION, INCLUDING TO ENSURE UNIFORM** DEFINITIONS AND METHODOLOGY FOR DATA CALCULATIONS REQUIRED IN SUBSECTION (D) OF THIS SECTION AND OTHER REPORTING THE REPORTING **REQUIREMENTS ESTABLISHED UNDER THIS SECTION.** 

 $\frac{15-145}{15-145}$ 

(A) IN THIS SECTION, "FUND" MEANS THE PARITY ENFORCEMENT AND EDUCATION FUND.

(B) THERE IS A PARITY ENFORCEMENT AND EDUCATION FUND.

THE PURPOSES OF THE FUND ARE TO PROVIDE FUNDING FOR THE <del>(C)</del> **ADMINISTRATION TO:** 

(1) SUPPORT ADMINISTRATIVE ACTIVITIES TO ENFORCE THE PAUL WELLSTONE AND PETE DOMENICI MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT AND STATE PARITY LAWS; AND

<del>(2)</del> **CONDUCT OUTREACH AND EDUCATION ACTIVITIES TO INFORM** CONSUMERS OF THEIR RIGHTS UNDER THE FEDERAL MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT AND STATE PARITY LAWS.

(D) THE COMMISSIONER 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 DEPOSITED INTO THE FUND UNDER § 15–144 OF THIS SUBTITLE;

(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(3) INTEREST EARNINGS; AND

(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(G) THE FUND MAY BE USED ONLY FOR:

(1) ADMINISTRATIVE ACTIVITIES TO ENFORCE THE PAUL Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act and State parity laws; and

(2) CONDUCTING OUTREACH AND EDUCATION ACTIVITIES RELATED TO THE FEDERAL MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT AND STATE PARITY LAWS.

(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.

(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

(J) THE FUND IS SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE AUDITS AS PROVIDED IN § 2–1220 OF THE STATE GOVERNMENT ARTICLE.

(K) THE MONEY IN THE FUND SHALL BE USED TO SUPPLEMENT, AND MAY NOT SUPPLANT, MONEY APPROPRIATED FOR THE PURPOSES DESCRIBED IN SUBSECTION (C) OF THIS SECTION.

**Article - State Finance and Procurement** 

(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:

121. the Markell Hendricks Youth Crime Prevention and Diversion Parole Fund; [and]

122. the Federal Government Shutdown Employee Assistance

Loan Fund; AND

**123.** THE PARITY ENFORCEMENT AND EDUCATION FUND.

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

## Article - Insurance

15-10A-02.

this paragraph;

(a) Each carrier shall establish an internal grievance process for its members.

(b) (1) An internal grievance process shall meet the same requirements established under Subtitle 10B of this title.

(2) In addition to the requirements of Subtitle 10B of this title, an internal grievance process established by a carrier under this section shall:

(i) include an expedited procedure for use in an emergency case for purposes of rendering a grievance decision within 24 hours of the date a grievance is filed with the carrier;

(ii) provide that a carrier render a final decision in writing on a grievance within 30 working days after the date on which the grievance is filed unless:

1. the grievance involves an emergency case under item (i) of

2. the member, the member's representative, or a health care provider filing a grievance on behalf of a member agrees in writing to an extension for a period of no longer than 30 working days; or (iv) of this paragraph;

3.

the grievance involves a retrospective denial under item

(iii) allow a grievance to be filed on behalf of a member by a health care provider or the member's representative;

(iv) provide that a carrier render a final decision in writing on a grievance within 45 working days after the date on which the grievance is filed when the grievance involves a retrospective denial; and

(v) for a retrospective denial, allow a member, the member's representative, or a health care provider on behalf of a member to file a grievance for at least 180 days after the member receives an adverse decision.

(3) For purposes of using the expedited procedure for an emergency case that a carrier is required to include under paragraph (2)(i) of this subsection, the Commissioner shall define by regulation the standards required for a grievance to be considered an emergency case.

(c) Except as provided in subsection (d) of this section, the carrier's internal grievance process shall be exhausted prior to filing a complaint with the Commissioner under this subtitle.

(d) (1) (i) A member, the member's representative, or a health care provider filing a complaint on behalf of a member may file a complaint with the Commissioner without first filing a grievance with a carrier and receiving a final decision on the grievance if:

1. the carrier waives the requirement that the carrier's internal grievance process be exhausted before filing a complaint with the Commissioner;

2. the carrier has failed to comply with any of the requirements of the internal grievance process as described in this section; or

3. the member, the member's representative, or the health care provider provides sufficient information and supporting documentation in the complaint that demonstrates a compelling reason to do so.

(ii) The Commissioner shall define by regulation the standards that the Commissioner shall use to decide what demonstrates a compelling reason under subparagraph (i) of this paragraph.

(2) Subject to subsections (b)(2)(ii) and (h) of this section, a member, a member's representative, or a health care provider may file a complaint with the Commissioner if the member, the member's representative, or the health care provider does not receive a grievance decision from the carrier on or before the 30th working day on which the grievance is filed.

(3) Whenever the Commissioner receives a complaint under paragraph (1) or (2) of this subsection, the Commissioner shall notify the carrier that is the subject of the complaint within 5 working days after the date the complaint is filed with the Commissioner.

(e) Each carrier shall:

(1) file for review with the Commissioner and submit to the Health Advocacy Unit a copy of its internal grievance process established under this subtitle; and

(2) file any revision to the internal grievance process with the Commissioner and the Health Advocacy Unit at least 30 days before its intended use.

(f) For nonemergency cases, when a carrier renders an adverse decision, the carrier shall:

(1) document the adverse decision in writing after the carrier has provided oral communication of the decision to the member, the member's representative, or the health care provider acting on behalf of the member; and

(2) send, within 5 working days after the adverse decision has been made, a written notice to the member, the member's representative, and a health care provider acting on behalf of the member that:

(i) states in detail in clear, understandable language the specific factual bases for the carrier's decision;

(ii) references the specific criteria and standards, including interpretive guidelines, on which the decision was based, and may not solely use generalized terms such as "experimental procedure not covered", "cosmetic procedure not covered", "service included under another procedure", or "not medically necessary";

(iii) states the name, business address, and business telephone number of:

1. the medical director or associate medical director, as appropriate, who made the decision if the carrier is a health maintenance organization; or

2. the designated employee or representative of the carrier who has responsibility for the carrier's internal grievance process if the carrier is not a health maintenance organization;

(iv) gives written details of the carrier's internal grievance process and procedures under this subtitle; and

(v) includes the following information:

1. that the member, the member's representative, or a health care provider on behalf of the member has a right to file a complaint with the Commissioner within 4 months after receipt of a carrier's grievance decision;

2. that a complaint may be filed without first filing a grievance if the member, the member's representative, or a health care provider filing a grievance on behalf of the member can demonstrate a compelling reason to do so as determined by the Commissioner;

3. the Commissioner's address, telephone number, and

<del>facsimile number;</del>

4. a statement that the Health Advocacy Unit is available to assist the member or the member's representative in both mediating and filing a grievance under the carrier's internal grievance process; [and]

5. the address, telephone number, facsimile number, and electronic mail address of the Health Advocacy Unit; AND

6. FOR A COVERAGE DECISION FOR MENTAL HEALTH BENEFITS OR SUBSTANCE USE DISORDER BENEFITS, THE FOLLOWING STATEMENT: "FEDERAL AND STATE PARITY LAWS GIVE YOU THE RIGHT TO RECEIVE MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS AT THE SAME LEVEL AS PHYSICAL HEALTH BENEFITS. IF YOU THINK YOUR PLAN IS NOT COVERING MENTAL HEALTH OR SUBSTANCE USE DISORDER BENEFITS AT THE SAME LEVEL, YOU MAY FILE A COMPLAINT WITH THE MARYLAND INSURANCE ADMINISTRATION AND THE HEALTH ADVOCACY UNIT.".

(g) If within 5 working days after a member, the member's representative, or a health care provider, who has filed a grievance on behalf of a member, files a grievance with the carrier, and if the carrier does not have sufficient information to complete its internal grievance process, the carrier shall:

(1) notify the member, the member's representative, or the health care provider that it cannot proceed with reviewing the grievance unless additional information is provided; and

(2) assist the member, the member's representative, or the health care provider in gathering the necessary information without further delay.

(h) A carrier may extend the 30-day or 45-day period required for making a final grievance decision under subsection (b)(2)(ii) of this section with the written consent of the member, the member's representative, or the health care provider who filed the grievance on behalf of the member.

(i) (1) For nonemergency cases, when a carrier renders a grievance decision, the carrier shall:

(i) document the grievance decision in writing after the carrier has provided oral communication of the decision to the member, the member's representative, or the health care provider acting on behalf of the member; and

(ii) send, within 5 working days after the grievance decision has been made, a written notice to the member, the member's representative, and a health care provider acting on behalf of the member that:

1. states in detail in clear, understandable language the specific factual bases for the carrier's decision;

2. references the specific criteria and standards, including interpretive guidelines, on which the grievance decision was based;

3. states the name, business address, and business telephone number of:

A. the medical director or associate medical director, as appropriate, who made the grievance decision if the carrier is a health maintenance organization; or

B. the designated employee or representative of the carrier who has responsibility for the carrier's internal grievance process if the carrier is not a health maintenance organization; and

4. includes the following information:

A. that the member or the member's representative has a right to file a complaint with the Commissioner within 4 months after receipt of a carrier's grievance decision;

B. the Commissioner's address, telephone number, and facsimile number;

C. a statement that the Health Advocacy Unit is available to assist the member or the member's representative in filing a complaint with the Commissioner; [and]

D. the address, telephone number, facsimile number, and electronic mail address of the Health Advocacy Unit; AND

E. FOR A GRIEVANCE DECISION FOR MENTAL HEALTH BENEFITS OR SUBSTANCE USE DISORDER BENEFITS, THE FOLLOWING STATEMENT: "FEDERAL AND STATE PARITY LAWS GIVE YOU THE RIGHT TO RECEIVE MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS AT THE SAME LEVEL AS PHYSICAL HEALTH BENEFITS. IF YOU THINK YOUR PLAN IS NOT COVERING MENTAL HEALTH OR SUBSTANCE USE DISORDER BENEFITS AT THE SAME LEVEL, YOU MAY FILE A COMPLAINT WITH THE MARYLAND INSURANCE ADMINISTRATION AND THE HEALTH ADVOCACY UNIT.".

(2) A carrier may not use solely in a notice sent under paragraph (1) of this subsection generalized terms such as "experimental procedure not covered", "cosmetic procedure not covered", "service included under another procedure", or "not medically necessary" to satisfy the requirements of this subsection.

(j) (1) For an emergency case under subsection (b)(2)(i) of this section, within 1 day after a decision has been orally communicated to the member, the member's representative, or the health care provider, the carrier shall send notice in writing of any adverse decision or grievance decision to:

(i) the member and the member's representative, if any; and

(ii) if the grievance was filed on behalf of the member under subsection (b)(2)(iii) of this section, the health care provider.

(2) A notice required to be sent under paragraph (1) of this subsection shall include the following:

(i) for an adverse decision, the information required under subsection (f) of this section; and

(ii) for a grievance decision, the information required under subsection (i) of this section.

(k) (1) Each carrier shall include the information required by subsection (f)(2)(iii), (iv), and (v) of this section in the policy, plan, certificate, enrollment materials, or other evidence of coverage that the carrier provides to a member at the time of the member's initial coverage or renewal of coverage.

(2) Each carrier shall include as part of the information required by paragraph (1) of this subsection a statement indicating that, when filing a complaint with the Commissioner, the member or the member's representative will be required to authorize the release of any medical records of the member that may be required to be reviewed for the purpose of reaching a decision on the complaint.

(l) (1) Nothing in this subtitle prohibits a carrier from delegating its internal grievance process to a private review agent that has a certificate issued under Subtitle 10B of this title and is acting on behalf of the carrier.

(2) If a carrier delegates its internal grievance process to a private review agent, the carrier shall be:

(i) bound by the grievance decision made by the private review agent acting on behalf of the carrier; and

(ii) responsible for a violation of any provision of this subtitle regardless of the delegation made by the carrier under paragraph (1) of this subsection.

## <del>15-10D-02.</del>

(a) (1) Each carrier shall establish an internal appeal process for use by its members, its members' representatives, and health care providers to dispute coverage decisions made by the carrier.

(2) The carrier may use the internal grievance process established under Subtitle 10A of this title to comply with the requirement of paragraph (1) of this subsection.

(b) A carrier under this section shall render a final decision in writing to a member, a member's representative, and a health care provider acting on behalf of the member within 60 working days after the date on which the appeal is filed.

(c) Except as provided in subsection (d) of this section, the carrier's internal appeal process shall be exhausted prior to filing a complaint with the Commissioner under this subtitle.

(d) A member, a member's representative, or a health care provider filing a complaint on behalf of a member may file a complaint with the Commissioner without first filing an appeal with a carrier only if the coverage decision involves an urgent medical condition, as defined by regulation adopted by the Commissioner, for which care has not been rendered.

(e) (1) Within 30 calendar days after a coverage decision has been made, a carrier shall send a written notice of the coverage decision to the member and the member's representative, if any, and, in the case of a health maintenance organization, the treating health care provider.

(2) Notice of the coverage decision required to be sent under paragraph (1) of this subsection shall:

(i) state in detail in clear, understandable language, the specific factual bases for the carrier's decision; and

(ii) include the following information:

1. that the member, the member's representative, or a health care provider acting on behalf of the member has a right to file an appeal with the carrier;

2. that the member, the member's representative, or a health care provider acting on behalf of the member may file a complaint with the Commissioner without first filing an appeal, if the coverage decision involves an urgent medical condition for which care has not been rendered;

3. the Commissioner's address, telephone number, and facsimile number;

4. that the Health Advocacy Unit is available to assist the member or the member's representative in both mediating and filing an appeal under the carrier's internal appeal process; [and]

5. the address, telephone number, facsimile number, and electronic mail address of the Health Advocacy Unit; AND

6. FOR A COVERAGE DECISION FOR MENTAL HEALTH BENEFITS OR SUBSTANCE USE DISORDER BENEFITS, THE FOLLOWING STATEMENT: "FEDERAL AND STATE PARITY LAWS GIVE YOU THE RIGHT TO RECEIVE MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS AT THE SAME LEVEL AS PHYSICAL HEALTH BENEFITS. IF YOU THINK YOUR PLAN IS NOT COVERING MENTAL HEALTH OR SUBSTANCE USE DISORDER BENEFITS AT THE SAME LEVEL, YOU MAY FILE A COMPLAINT WITH THE MARYLAND INSURANCE ADMINISTRATION AND THE HEALTH ADVOCACY UNIT.".

(f) (1) Within 30 calendar days after the appeal decision has been made, each carrier shall send to the member, the member's representative, and the health care provider acting on behalf of the member a written notice of the appeal decision.

(2) Notice of the appeal decision required to be sent under paragraph (1) of this subsection shall:

(i) state in detail in clear, understandable language the specific factual bases for the carrier's decision; and

(ii) include the following information:

1. that the member, the member's representative, or a health care provider acting on behalf of the member has a right to file a complaint with the Commissioner within 4 months after receipt of a carrier's appeal decision;

2. the Commissioner's address, telephone number, and facsimile number;

3. a statement that the Health Advocacy Unit is available to assist the member in filing a complaint with the Commissioner; [and]

4. the address, telephone number, facsimile number, and electronic mail address of the Health Advocacy Unit; AND

5. FOR AN APPEAL DECISION FOR MENTAL HEALTH BENEFITS OR SUBSTANCE USE DISORDER BENEFITS, THE FOLLOWING STATEMENT: "FEDERAL AND STATE PARITY LAWS GIVE YOU THE RIGHT TO RECEIVE MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS AT THE SAME LEVEL AS PHYSICAL HEALTH BENEFITS. IF YOU THINK YOUR PLAN IS NOT COVERING MENTAL HEALTH OR SUBSTANCE USE DISORDER BENEFITS AT THE SAME LEVEL, YOU MAY FILE A COMPLAINT WITH THE MARYLAND INSURANCE ADMINISTRATION AND THE HEALTH ADVOCACY UNIT.".

(g) The Commissioner may request the member that filed the complaint or a legally authorized designee of the member to sign a consent form authorizing the release of the member's medical records to the Commissioner or the Commissioner's designee that are needed in order for the Commissioner to make a final decision on the complaint.

(h) (1) A carrier shall have the burden of persuasion that its coverage decision or appeal decision, as applicable, is correct:

(i) during the review of a complaint by the Commissioner or a designee of the Commissioner; and

(ii) in any hearing held in accordance with Title 10, Subtitle 2 of the State Government Article to contest a final decision of the Commissioner made and issued under this subtitle.

(2) As part of the review of a complaint, the Commissioner or a designee of the Commissioner may consider all of the facts of the case and any other evidence that the Commissioner or designee of the Commissioner considers appropriate.

(i) The Commissioner shall:

(1) make and issue in writing a final decision on all complaints filed with the Commissioner under this subtitle that are within the Commissioner's jurisdiction; and

(2) provide notice in writing to all parties to a complaint of the opportunity and time period for requesting a hearing to be held in accordance with Title 10, Subtitle 2 of the State Government Article to contest a final decision of the Commissioner made and issued under this subtitle.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect January 1, 2021, and shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after January 1, 2021. SECTION 2. AND BE IT FURTHER ENACTED, That the standard form the Maryland Insurance Commissioner is required to develop under § 15–144(m)(1) of the Insurance Article, as enacted by Section 1 of this Act, for the report required under § 15–144(c) of the Insurance Article, as enacted by Section 1 of this Act, shall be the National Association of Insurance Commissioners' Data Collection Tool for Mental Health Parity Analysis, Nonquantitative Treatment Limitations and any amendments by the Commissioner to the tool necessary to incorporate the requirements of § 15–144(c), (d), and (e) of the Insurance Article, as enacted by Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That the Maryland Insurance Commissioner shall submit to the General Assembly an interim report on or before December 1, 2023, and a final report on or before December 1, 2025, in accordance with § 2–1257 of the State Government Article, that:

(1) summarize the findings of the Commissioner after reviewing the reports required under Section 1 of this Act; and

- (2) <u>make specific recommendations regarding:</u>
  - (i) the information gained from the reports;
  - (ii) the value of and need for ongoing compliance and data reporting;

(iii) the frequency of reporting in subsequent years and whether to report on an annual or biennial basis; and

(iv) based on the carrier reports and other guidance from federal regulators and other states, any changes in the reporting and data requirements that should be implemented in subsequent years, including frequency and content and whether additional nonquantitative treatment limitations should be included in the reporting and data requirements.

SECTION 4. AND BE IT FURTHER ENACTED, That<del>, except as provided in Section 3 of this Act,</del> this Act shall take effect October 1, 2020. <u>It shall remain in effect for a period of 6 years and, at the end of September 30, 2026, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.</u>

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 212

(Senate Bill 334)

# Health Insurance – <del>Coverage for</del> Mental Health Benefits and Substance Use Disorder Benefits – <del>Treatment Criteria</del> <u>Reports on Nonquantitative Treatment</u> <u>Limitations and Data</u>

FOR the purpose of requiring certain carriers, on or before a certain date each year dates, to submit a report to the Maryland Insurance Commissioner to demonstrate the carrier's compliance with the federal Mental Health Parity and Addiction Equity Act; requiring certain carriers to identify a certain number of health benefit plans that meet certain criteria and conduct a certain comparative analysis; requiring certain carriers, on or before a certain <del>date each year</del> dates, to submit a report to the Commissioner on certain data for certain benefits by certain classification; requiring the reports to include certain information and be submitted in a certain manner; requiring the reports to be prepared in coordination with certain entities, contain a certain statement, and be <del>made</del> available to certain persons in a certain manner; requiring the reports to exclude certain identifiable information; authorizing certain carriers to submit a certain request to the Commissioner that the disclosure of certain information be denied under certain authority of the Public Information Act; requiring the Commissioner to review certain requests and notify a carrier if certain information will be disclosed; requiring a carrier to disclose certain information to certain members; requiring the Commissioner to review the reports, notify a carrier of noncompliance with certain federal law in a certain manner before issuing a certain order, and <del>require</del> allow the carrier to submit a certain plan or take certain actions under certain circumstances; requiring within a certain period of time; authorizing the Commissioner to impose certain penalties; requiring that certain funds be deposited by the Commissioner into a certain fund; requiring the Commissioner, on or before a certain date, to develop certain forms and, in consultation with certain persons, adopt certain regulations; establishing the Parity Enforcement and Education Fund as a special, nonlapsing fund: specifying the purposes of the Fund; requiring the Commissioner 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 the 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; requiring certain carriers to include a certain statement in a certain notice of an adverse decision or grievance by a carrier; requiring certain carriers to include a certain statement in a certain notice of a <del>coverage decision or an appeal decision by a carrier;</del> defining certain terms; <del>providing</del> for a delayed effective date for certain provisions of this Act; providing for the application of certain provisions of this Act; specifying that the form the Commissioner is required to develop is a certain tool; requiring the Commissioner to submit certain reports to certain committees of the General Assembly on or before certain dates; providing for the termination of this Act; and generally relating to coverage for mental health benefits and substance use disorder benefits.

# BY adding to

Article – Insurance

Section 15–144 <del>and 15–145</del>
Annotated Code of Maryland
(2017 Replacement Volume and 2019 Supplement)
BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
<del>Section 6–226(a)(2)(i)</del>
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)
BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
<del>Section 6–226(a)(2)(ii)121. and 122.</del>
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)
BY adding to
Article – State Finance and Procurement
<del>Section 6–226(a)(2)(ii)123.</del>
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)
BY repealing and reenacting, with amendments,
Article – Insurance
<del>Section 15–10A–02 and 15–10D–02</del>
Annotated Code of Maryland
(2017 Replacement Volume and 2019 Supplement)
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
Article – Insurance

# 15-144.

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

(2) "CARRIER" MEANS:

# (I) AN INSURER THAT HOLDS A CERTIFICATE OF AUTHORITY IN THE STATE AND PROVIDES HEALTH INSURANCE IN THE STATE;

(II) A HEALTH MAINTENANCE ORGANIZATION THAT IS LICENSED TO OPERATE IN THE STATE;

(III) A NONPROFIT HEALTH SERVICE PLAN THAT IS LICENSED TO OPERATE IN THE STATE; OR

(IV) ANY OTHER PERSON OR ORGANIZATION THAT PROVIDES HEALTH BENEFIT PLANS SUBJECT TO STATE INSURANCE REGULATION.

(3) "HEALTH BENEFIT PLAN" MEANS:

(I) FOR A LARGE GROUP OR BLANKET PLAN, A HEALTH BENEFIT PLAN AS DEFINED IN § 15–1401 OF THIS TITLE;

(II) FOR A SMALL GROUP PLAN, A HEALTH BENEFIT PLAN AS DEFINED IN § 15–1201 OF THIS TITLE;

(III) FOR AN INDIVIDUAL PLAN:

1. A HEALTH BENEFIT PLAN AS DEFINED IN § 15–1301(L) OF THIS TITLE; OR

2. AN INDIVIDUAL HEALTH BENEFIT PLAN AS DEFINED IN § 15–1301(O) OF THIS TITLE;

(IV) SHORT–TERM LIMITED DURATION INSURANCE AS DEFINED IN § 15–1301(S) OF THIS TITLE; OR

(V) A STUDENT HEALTH PLAN AS DEFINED IN § 15–1318(A) OF THIS TITLE.

(4) "MEDICAL/SURGICAL BENEFITS" HAS THE MEANING STATED IN 45 C.F.R. § 146.136(A) AND 29 C.F.R. § 2590.712(A).

(5) "MENTAL HEALTH BENEFITS" HAS THE MEANING STATED IN 45 C.F.R. § 146.136(A) AND 29 C.F.R. § 2590.712(A).

(6) "NONQUANTITATIVE TREATMENT LIMITATION" MEANS TREATMENT LIMITATIONS AS DEFINED IN 45 C.F.R. § 146.136(A) AND 29 C.F.R. § 2590.712(A).

(7) "PARITY ACT" MEANS THE PAUL WELLSTONE AND PETE DOMENICI MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2008 AND 45 C.F.R. § 146.136 AND 29 C.F.R. § 2590.712.

(8) "PARITY ACT CLASSIFICATION" MEANS:

- (I) INPATIENT IN–NETWORK BENEFITS;
- (II) INPATIENT OUT-OF-NETWORK BENEFITS;
- (III) OUTPATIENT IN-NETWORK BENEFITS;
- (IV) OUTPATIENT OUT-OF-NETWORK BENEFITS;
- (V) PRESCRIPTION DRUG BENEFITS; AND
- (VI) EMERGENCY CARE BENEFITS.

(9) "SUBSTANCE USE DISORDER BENEFITS" HAS THE MEANING STATED IN 45 C.F.R. § 146.136(A) AND 29 C.F.R. § 2590.712(A).

(B) THIS SECTION APPLIES TO A CARRIER THAT DELIVERS OR ISSUES FOR DELIVERY A HEALTH BENEFIT PLAN IN THE STATE.

(C) (1) ON OR BEFORE MARCH 1 EACH YEAR, BEGINNING IN 2021, 2022, AND MARCH 1, 2024, EACH CARRIER SUBJECT TO THIS SECTION SHALL:

(I) IDENTIFY THE FIVE HEALTH BENEFIT PLANS WITH THE HIGHEST ENROLLMENT FOR EACH PRODUCT OFFERED BY THE CARRIER IN THE INDIVIDUAL, SMALL, AND LARGE GROUP MARKETS; AND

(II) SUBMIT A REPORT TO THE COMMISSIONER TO DEMONSTRATE THE CARRIER'S COMPLIANCE WITH THE PARITY ACT.

(2) THE REPORT SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL <u>INCLUDE THE FOLLOWING INFORMATION FOR THE HEALTH</u> <u>BENEFIT PLANS IDENTIFIED UNDER ITEM (1)(I) OF THIS SUBSECTION</u>:

(I) <u>A DESCRIPTION OF THE PROCESS USED TO DEVELOP OR</u> <u>SELECT THE MEDICAL NECESSITY CRITERIA FOR MENTAL HEALTH BENEFITS AND</u> <u>SUBSTANCE USE DISORDER BENEFITS AND THE PROCESS USED TO DEVELOP OR</u> <u>SELECT THE MEDICAL NECESSITY CRITERIA FOR MEDICAL AND SURGICAL</u> <u>BENEFITS;</u>

(II) FOR EACH PARITY ACT CLASSIFICATION, IDENTIFICATION OF NONQUANTITATIVE TREATMENT LIMITATIONS THAT ARE APPLIED TO MENTAL HEALTH BENEFITS AND SUBSTANCE USE DISORDER BENEFITS AND MEDICAL AND SURGICAL BENEFITS; (III) IDENTIFICATION OF THE DESCRIPTION OF THE NONQUANTITATIVE TREATMENT LIMITATIONS IDENTIFIED UNDER ITEM (II) OF THIS PARAGRAPH IN DOCUMENTS AND INSTRUMENTS UNDER WHICH THE PLAN IS ESTABLISHED OR OPERATED; AND

(IV) THE RESULTS OF THE COMPARATIVE ANALYSIS AS DESCRIBED UNDER SUBSECTIONS (D) AND (E) OF THIS SECTION.

(D) (1) <u>A CARRIER SUBJECT TO THIS SECTION SHALL CONDUCT A</u> <u>COMPARATIVE ANALYSIS FOR THE NONQUANTITATIVE TREATMENT LIMITATIONS</u> <u>IDENTIFIED UNDER SUBSECTION (C)(2)(II) OF THIS SECTION AS NONQUANTITATIVE</u> <u>TREATMENT LIMITATIONS ARE:</u>

- (I) WRITTEN; AND
- (II) IN OPERATION.

(2) THE COMPARATIVE ANALYSIS OF THE NONQUANTITATIVE TREATMENT LIMITATIONS IDENTIFIED UNDER SUBSECTION (C)(2)(II) OF THIS SECTION SHALL DEMONSTRATE THAT THE PROCESSES, STRATEGIES, EVIDENTIARY STANDARDS, OR OTHER FACTORS USED IN APPLYING THE MEDICAL NECESSITY CRITERIA AND EACH NONQUANTITATIVE TREATMENT LIMITATION TO MENTAL HEALTH BENEFITS AND SUBSTANCE USE DISORDER BENEFITS IN EACH PARITY ACT CLASSIFICATION ARE COMPARABLE TO, AND ARE APPLIED NO MORE STRINGENTLY THAN, THE PROCESSES, STRATEGIES, EVIDENTIARY STANDARDS, OR OTHER FACTORS USED IN APPLYING THE MEDICAL NECESSITY CRITERIA AND EACH NONQUANTITATIVE TREATMENT LIMITATION TO MEDICAL AND SURGICAL BENEFITS WITHIN THE SAME PARITY ACT CLASSIFICATION.

(E) IN PROVIDING THE ANALYSIS REQUIRED UNDER SUBSECTION (D) OF THIS SECTION, A CARRIER SHALL:

(1) IDENTIFY THE FACTORS USED TO DETERMINE THAT A NONQUANTITATIVE TREATMENT LIMITATION WILL APPLY TO A BENEFIT, INCLUDING:

- (I) <u>THE SOURCES FOR THE FACTORS;</u>
- (II) THE FACTORS THAT WERE CONSIDERED BUT REJECTED;

AND

(III) IF A FACTOR WAS GIVEN MORE WEIGHT THAN ANOTHER, THE REASON FOR THE DIFFERENCE IN WEIGHTING; (2) IDENTIFY AND DEFINE THE SPECIFIC EVIDENTIARY STANDARDS USED TO DEFINE THE FACTORS AND ANY OTHER EVIDENCE RELIED ON IN DESIGNING EACH NONQUANTITATIVE TREATMENT LIMITATION;

(3) INCLUDE THE RESULTS OF THE AUDITS, REVIEWS, AND ANALYSES PERFORMED ON THE NONQUANTITATIVE TREATMENT LIMITATIONS IDENTIFIED UNDER SUBSECTION (C)(2)(II) OF THIS SECTION TO CONDUCT THE ANALYSIS REQUIRED UNDER SUBSECTION (D)(2) OF THIS SECTION FOR THE PLANS AS WRITTEN;

(4) INCLUDE THE RESULTS OF THE AUDITS, REVIEWS, AND ANALYSES PERFORMED ON THE NONQUANTITATIVE TREATMENT LIMITATIONS IDENTIFIED UNDER SUBSECTION (C)(2)(II) OF THIS SECTION TO CONDUCT THE ANALYSIS REQUIRED UNDER SUBSECTION (D)(2) OF THIS SECTION FOR THE PLANS AS IN OPERATION;

(5) IDENTIFY THE MEASURES USED TO ENSURE COMPARABLE DESIGN AND APPLICATION OF NONQUANTITATIVE TREATMENT LIMITATIONS THAT ARE IMPLEMENTED BY THE CARRIER AND ANY ENTITY DELEGATED BY THE CARRIER TO MANAGE MENTAL HEALTH BENEFITS, SUBSTANCE USE DISORDER BENEFITS, OR MEDICAL/SURGICAL BENEFITS ON BEHALF OF THE CARRIER;

(6) DISCLOSE THE SPECIFIC FINDINGS AND CONCLUSIONS REACHED BY THE CARRIER THAT INDICATE THAT THE HEALTH BENEFIT PLAN IS IN COMPLIANCE WITH THIS SECTION AND THE PARITY ACT AND ITS IMPLEMENTING REGULATIONS, INCLUDING 45 C.F.R. 146.136 AND 29 C.F.R. 2590.712 AND ANY OTHER RELATED FEDERAL REGULATIONS FOUND IN THE CODE OF FEDERAL REGULATIONS; AND

(I) LIST ALL MENTAL HEALTH BENEFITS, SUBSTANCE USE DISORDER BENEFITS, AND MEDICAL/SURGICAL BENEFITS OFFERED BY THE CARRIER AND THE PLACEMENT OF EACH BENEFIT IN THE APPLICABLE PARITY ACT CLASSIFICATION OR SUBCLASSIFICATION;

(II) LIST ALL MENTAL HEALTH BENEFITS AND SUBSTANCE USE DISORDER BENEFITS THAT ARE EXCLUDED FROM COVERAGE BY THE CARRIER AND A DETAILED EXPLANATION FOR THE EXCLUSION;

(III) LIST ALL NONQUANTITATIVE TREATMENT LIMITATIONS THAT APPLY TO MENTAL HEALTH BENEFITS, SUBSTANCE USE DISORDER BENEFITS, AND MEDICAL/SURGICAL BENEFITS OFFERED BY THE CARRIER BY CLASSIFICATION AND IDENTIFY THE DESCRIPTION OF THE NONQUANTITATIVE TREATMENT LIMITATIONS IN THE CARRIER'S PLAN DOCUMENTS; (IV) LIST THE FACTORS CONSIDERED IN THE DESIGN OF EACH NONQUANTITATIVE TREATMENT LIMITATION LISTED UNDER ITEM (III) OF THIS PARAGRAPH, INCLUDING:

1. THE TITLE AND QUALIFICATIONS OF THE EMPLOYEE WHO MAKES THE DECISIONS RELATED TO THE ADOPTION AND IMPLEMENTATION OF THE FACTORS;

2. A DESCRIPTION OF HOW THE FACTORS WERE USED TO APPLY EACH NONQUANTITATIVE TREATMENT LIMITATION TO MENTAL HEALTH BENEFITS, SUBSTANCE USE DISORDER BENEFITS, AND MEDICAL/SURGICAL BENEFITS;

**3.** AN EXPLANATION ABOUT WHETHER ANY FACTOR WAS GIVEN MORE WEIGHT THAN ANOTHER FACTOR; AND

4. IF A FACTOR WAS GIVEN MORE WEIGHT THAN ANOTHER FACTOR, THE REASON FOR THE DIFFERENCE IN WEIGHTING;

(V) IDENTIFY THE SOURCES USED TO DEFINE OR ESTABLISH A THRESHOLD FOR APPLYING THE FACTORS LISTED UNDER ITEM (IV) OF THIS PARAGRAPH, INCLUDING:

**1.** AN IDENTIFICATION OF EACH PROCESS, STRATEGY, OR EVIDENTIARY STANDARD USED TO DESIGN THE NONQUANTITATIVE TREATMENT LIMITATION; AND

2. AN EXPLANATION OF THE PROCESS AND FACTORS RELIED ON FOR ESTABLISHING ANY VARIATION IN THE APPLICATION OF A GUIDELINE OR STANDARD FOR MENTAL HEALTH BENEFITS, SUBSTANCE USE DISORDER BENEFITS, AND MEDICAL/SURGICAL BENEFITS;

(VI) INCLUDE A COMPARATIVE ANALYSIS THAT DEMONSTRATES THAT, AS WRITTEN, THE PROCESSES, STRATEGIES, EVIDENTIARY STANDARDS, AND ANY OTHER FACTORS USED TO DESIGN AND APPLY EACH NONQUANTITATIVE TREATMENT LIMITATION ARE COMPARABLE TO AND APPLIED NO MORE STRINGENTLY TO MENTAL HEALTH BENEFITS AND SUBSTANCE USE DISORDER BENEFITS THAN MEDICAL/SURGICAL BENEFITS, INCLUDING:

1. THE ANALYSIS, AUDIT, OR METHOD USED TO ASSESS COMPARABILITY AND NO-MORE-STRINGENT APPLICATION IN THE DESIGN AND APPLICATION OF EACH NONQUANTITIATIVE TREATMENT LIMITATION; AND 2. THE IDENTIFICATION OF MEASURES THAT WERE USED TO ENSURE COMPARABLE DESIGN AND APPLICATION OF NONQUANTITATIVE TREATMENT LIMITATIONS THAT ARE IMPLEMENTED BY THE CARRIER AND ANY ENTITY DELEGATED TO MANAGE MENTAL HEALTH BENEFITS, SUBSTANCE USE DISORDER BENEFITS, OR MEDICAL/SURGICAL BENEFITS ON BEHALF OF THE CARRIER;

(VII) INCLUDE A COMPARATIVE ANALYSIS THAT DEMONSTRATES, FOR THE PLAN IN OPERATION, THAT THE PROCESSES, STRATEGIES, AND EVIDENTIARY STANDARDS USED TO IMPLEMENT EACH NONQUANTITATIVE TREATMENT LIMITATION ARE COMPARABLE TO THE PROCESSES, STRATEGIES, AND EVIDENTIARY STANDARDS USED TO IMPLEMENT EACH NONQUANTITATIVE TREATMENT LIMITATION TO MEDICAL/SURGICAL BENEFITS AND ARE APPLIED NO MORE STRINGENTLY TO MENTAL HEALTH BENEFITS AND SUBSTANCE USE DISORDER BENEFITS THAN TO MEDICAL/SURGICAL BENEFITS, INCLUDINC:

1. THE ANALYSIS, AUDIT, OR METHOD USED TO ASSESS COMPARABILITY AND NO-MORE STRINGENT APPLICATION IN THE IMPLEMENTATION OF EACH NONQUANTITATIVE TREATMENT LIMITATION;

2. THE IDENTIFICATION OF MEASURES THAT WERE USED TO ENSURE COMPARABLE IMPLEMENTATION OF NONQUANTITATIVE TREATMENT LIMITATIONS BY THE CARRIER AND ANY ENTITY DELEGATED TO MANAGE MENTAL HEALTH BENEFITS, SUBSTANCE USE DISORDER BENEFITS, OR MEDICAL/SURGICAL BENEFITS ON BEHALF OF THE CARRIER; AND

3. THE NUMBER OF CLAIMS SUBMITTED IN THE IMMEDIATELY PRECEDING PLAN YEAR FOR MENTAL HEALTH BENEFITS, SUBSTANCE USE DISORDER BENEFITS, AND MEDICAL/SURGICAL BENEFITS BY CLASSIFICATION AND THE NUMBER AND RATE OF CLAIMS DENIED FOR EACH BENEFIT BY CLASSIFICATION; AND

(VIII) (7) IDENTIFY THE PROCESS USED TO COMPLY WITH THE PARITY ACT DISCLOSURE REQUIREMENTS FOR MENTAL HEALTH BENEFITS, SUBSTANCE USE DISORDER BENEFITS, AND MEDICAL/SURGICAL BENEFITS, INCLUDING:

 $\frac{1}{2}$  (I) THE CRITERIA FOR A MEDICAL NECESSITY DETERMINATION;

<u>₽. (II)</u> REASONS FOR A DENIAL OF BENEFITS; AND

**3.** (III) IN CONNECTION WITH A MEMBER'S REQUEST FOR GROUP PLAN INFORMATION AND FOR PURPOSES OF FILING AN INTERNAL COVERAGE OR GRIEVANCE MATTER AND APPEALS, PLAN DOCUMENTS THAT PROCESSES, STRATEGIES, CONTAIN INFORMATION ABOUT **EVIDENTIARY** STANDARDS, AND ANY OTHER FACTORS USED TO APPLY A NONQUANTITATIVE TREATMENT LIMITATION.

(D) (F) ON OR BEFORE MARCH 1 EACH YEAR, BEGINNING IN 2021, 2022, AND MARCH 1, 2024, EACH CARRIER SUBJECT TO THIS SECTION SHALL SUBMIT A REPORT FOR THE HEALTH BENEFIT PLANS IDENTIFIED UNDER SUBSECTION (C)(1)(I) OF THIS SECTION TO THE COMMISSIONER ON THE CARRIER'S FOLLOWING DATA FOR THE IMMEDIATELY PRECEDING CALENDAR YEAR FOR MENTAL HEALTH BENEFITS, SUBSTANCE USE DISORDER BENEFITS, AND MEDICAL/SURGICAL BENEFITS BY PARITY ACT CLASSIFICATION, INCLUDING:

(1) THE FREQUENCY, REPORTED BY NUMBER AND RATE, WITH WHICH THE HEALTH BENEFIT PLAN RECEIVED, APPROVED, AND DENIED PRIOR AUTHORIZATION REQUESTS FOR MENTAL HEALTH BENEFITS, SUBSTANCE USE DISORDER BENEFITS, AND MEDICAL AND SURGICAL BENEFITS IN EACH PARITY ACT CLASSIFICATION DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR; AND

(2) THE NUMBER OF CLAIMS SUBMITTED FOR MENTAL HEALTH BENEFITS, SUBSTANCE USE DISORDER BENEFITS, AND MEDICAL AND SURGICAL BENEFITS IN EACH PARITY ACT CLASSIFICATION DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR AND THE NUMBER AND RATES OF, AND REASONS FOR, DENIAL OF CLAIMS.

THE DELIVERY OF MENTAL HEALTH AND SUBSTANCE USE <del>(1)</del> DISORDER SERVICES, INCLUDING THE TOTAL NUMBER OF MEMBERS WHO RECEIVED SERVICES FOR A COVERED BENEFIT UNDER §§ 15-802 AND 15-840 OF THIS TITLE, REPORTED SEPARATELY FOR A PRIMARY DIAGNOSIS OF MENTAL ILLNESS OR MENTAL DISORDER AND A PRIMARY DIAGNOSIS OF ALCOHOL OR DRUG MISUSE **BASED ON THE FOLLOWING LEVELS OF CARE:** 

- <del>(I)</del> **OUTPATIENT:**
- (II) INTENSIVE OUTPATIENT;
- (III) OPIOID TREATMENT SERVICES;
- (IV) PARTIAL HOSPITALIZATION;
- (V) RESIDENTIAL TREATMENT;
- (VI) INPATIENT TREATMENT; AND

(VII) RESIDENTIAL CRISIS SERVICES;

(2) THE TOTAL NUMBER OF MEMBERS RECEIVING SERVICES FOR WHICH DATA IS PROVIDED UNDER ITEM (1) OF THIS SUBSECTION CALCULATED PER 1,000 members;

(3) UTILIZATION MANAGEMENT REQUIREMENTS AND PLAN DECISIONS RELATED TO PRIOR AUTHORIZATION AND CONCURRENT OR CONTINUING REVIEW BY PARITY ACT CLASSIFICATION, INCLUDING:

(I) THE NUMBER AND PERCENTAGE OF COVERED SERVICES AND PRESCRIPTION DRUGS SUBJECT TO EACH LEVEL OF REVIEW;

(II) THE NUMBER AND PERCENTAGE OF REQUESTED SERVICES AND PRESCRIPTION DRUGS APPROVED AT EACH LEVEL OF REVIEW;

(III) THE NUMBER AND PERCENTAGE OF REQUESTED SERVICES AND PRESCRIPTION DRUGS DENIED AT EACH LEVEL OF REVIEW;

(IV) THE NUMBER AND PERCENTAGE OF REQUESTED SERVICES DENIED WITH AN APPROVAL FOR A LOWER LEVEL OF CARE OR A DIFFERENT PRESCRIPTION DRUG;

(V) THE NUMBER AND PERCENTAGE OF REQUESTED SERVICES DENIED BASED ON NONCOVERED SERVICE, MEDICAL NECESSITY CRITERIA, EXPERIMENTAL OR INVESTIGATIVE SERVICE, INCOMPLETE SUBMISSION, DUPLICATE SUBMISSION, OR ANY ADDITIONAL REASON; AND

(VI) FOR CONCURRENT OR CONTINUING REVIEW, THE AVERAGE NUMBER OF DAYS AUTHORIZED FOR EACH REVIEW PERIOD AND AVERAGE INTERVAL FOR REQUIRING REVIEW, EXPRESSED IN THE NUMBER OF DAYS;

(4) DENIALS AND APPEALS OF ADVERSE AND COVERAGE DECISIONS REPORTED SEPARATELY FOR MENTAL HEALTH BENEFITS, SUBSTANCE USE DISORDER BENEFITS, AND MEDICAL/SURGICAL BENEFITS BY PARITY ACT CLASSIFICATION, INCLUDING:

(I) THE NUMBER AND PERCENTAGE OF DENIALS OF A REQUESTED SERVICE;

(II) THE NUMBER AND PERCENTAGE OF DECISIONS FOR WHICH A PEER-TO-PEER REVIEW WAS REQUESTED; (III) THE NUMBER AND PERCENTAGE OF DECISIONS THAT WERE APPEALED AND THE RESULT OF THE APPEALS; AND

(IV) THE NUMBER AND PERCENTAGE OF DECISIONS THAT WENT TO EXTERNAL REVIEW AT THE ADMINISTRATION AND THE RESULT OF THE APPEALS;

(5) NETWORK UTILIZATION REPORTED SEPARATELY FOR MENTAL HEALTH BENEFITS, SUBSTANCE USE DISORDER BENEFITS, AND MEDICAL/SURGICAL BENEFITS, INCLUDING THE NUMBER AND PERCENTAGE OF CLAIMS PAID FOR IN-NETWORK AND OUT-OF-NETWORK USE OF:

- (I) OUTPATIENT VISITS;
- (II) OUTPATIENT FACILITY SERVICES;
- (III) INPATIENT HOSPITALIZATION; AND
- (IV) NONHOSPITAL RESIDENTIAL FACILITIES; AND
- (6) DETAILS ON CLAIM REIMBURSEMENT, INCLUDING:

(I) ANNUAL CLAIM EXPENSES CALCULATED AS AN AVERAGE OF ALL MEMBER PAYMENTS FOR EACH MEMBER FOR EACH MONTH FOR MENTAL HEALTH BENEFITS, SUBSTANCE USE DISORDER BENEFITS, AND MEDICAL/SURGICAL BENEFITS;

(II) THE AVERAGE PAYMENT RATE FOR PSYCHIATRISTS AND NONPSYCHIATRIST PHYSICIANS FOR EACH EVALUATION AND MANAGEMENT COMMON PROCEDURAL TECHNOLOGY CODE AND THE PERCENTAGE REDUCTIONS OR INCREASES IN RELATION TO THE MEDICARE FEE SCHEDULE FOR PSYCHIATRISTS AND NONPSYCHIATRIST PHYSICIANS FOR EACH CODE;

(III) THE NETWORK PROVIDER REIMBURSEMENT RATE METHODOLOGY BY PARITY ACT CLASSIFICATION AND THE AUDITS CONDUCTED TO ASSESS PARITY ACT COMPLIANCE OF THE RATE METHODOLOGY; AND

(IV) THE METHODOLOGY FOR DETERMINING THE ALLOWABLE AMOUNT FOR OUT-OF-NETWORK MENTAL HEALTH BENEFITS, SUBSTANCE USE DISORDER BENEFITS, AND MEDICAL/SURGICAL BENEFITS, INCLUDING ANY REDUCTIONS MADE IN ALLOWABLE AMOUNTS FOR SPECIFIED PROVIDERS OR SERVICES AND THE AUDITS CONDUCTED TO ASSESS COMPLIANCE WITH METHODOLOGIES. (E) (G) THE REPORTS REQUIRED UNDER SUBSECTIONS (C) AND (D) (F) OF THIS SECTION SHALL:

(1) BE SUBMITTED ON A STANDARD FORM DEVELOPED BY THE COMMISSIONER;

(2) BE SUBMITTED BY THE CARRIER THAT ISSUES OR DELIVERS THE HEALTH BENEFIT PLAN;

(3) BE PREPARED IN COORDINATION WITH ANY ENTITY THE CARRIER CONTRACTS WITH TO PROVIDE MENTAL HEALTH BENEFITS AND SUBSTANCE USE DISORDER BENEFITS;

(4) CONTAIN A STATEMENT, SIGNED BY <del>THE CARRIER'S CHIEF</del> EXECUTIVE <u>A CORPORATE</u> OFFICER, ATTESTING TO THE ACCURACY OF THE INFORMATION CONTAINED IN THE REPORT;

(5) **BE MADE AVAILABLE TO ALL PLAN MEMBERS AND BENEFICIARIES** ON THE CARRIER'S WEBSITE AND ON REQUEST;

(6) BE AVAILABLE TO PLAN MEMBERS AND THE PUBLIC ON THE CARRIER'S WEBSITE IN A SUMMARY FORM <u>THAT REMOVES CONFIDENTIAL OR</u> <u>PROPRIETARY INFORMATION AND IS</u> DEVELOPED BY THE COMMISSIONER <u>IN</u> <u>ACCORDANCE WITH SUBSECTION (M)(2) OF THIS SECTION;</u> AND

 $\frac{(7) (6)}{(6)} \qquad \text{EXCLUDE ANY IDENTIFYING INFORMATION OF ANY PLAN}$  MEMBER.

(H) (1) <u>A CARRIER SUBMITTING A REPORT UNDER SUBSECTIONS (C) AND</u> (F) OF THIS SECTION MAY SUBMIT A WRITTEN REQUEST TO THE COMMISSIONER THAT DISCLOSURE OF SPECIFIC INFORMATION INCLUDED IN THE REPORT BE DENIED UNDER THE PUBLIC INFORMATION ACT AND, IF SUBMITTING A REQUEST, SHALL:

(I) IDENTIFY THE PARTICULAR INFORMATION THE DISCLOSURE OF WHICH THE CARRIER REQUESTS BE DENIED; AND

(II) <u>CITE THE STATUTORY AUTHORITY UNDER THE PUBLIC</u> INFORMATION ACT THAT AUTHORIZES DENIAL OF ACCESS TO THE INFORMATION.

(2) <u>THE COMMISSIONER MAY REVIEW A REQUEST SUBMITTED UNDER</u> PARAGRAPH (1) OF THIS SUBSECTION ON RECEIPT OF A REQUEST FOR ACCESS TO THE INFORMATION UNDER THE PUBLIC INFORMATION ACT.

#### THE COMMISSIONER MAY NOTIFY THE CARRIER THAT SUBMITTED (3) THE REQUEST UNDER PARAGRAPH (1) OF THIS SUBSECTION BEFORE GRANTING ACCESS TO INFORMATION THAT WAS THE SUBJECT OF THE REQUEST.

(4) A CARRIER SHALL DISCLOSE TO A MEMBER ON REQUEST ANY PLAN INFORMATION CONTAINED IN A REPORT THAT IS REQUIRED TO BE DISCLOSED TO THAT MEMBER UNDER FEDERAL OR STATE LAW.

<del>(F)</del> (I) THE COMMISSIONER SHALL:

**REVIEW EACH REPORT SUBMITTED IN ACCORDANCE WITH** (1) SUBSECTIONS (C) AND (D) (F) OF THIS SECTION TO ASSESS EACH CARRIER'S **COMPLIANCE WITH THE PARITY ACT:** 

NOTIFY A CARRIER IN WRITING OF ANY NONCOMPLIANCE WITH (2) THE PARITY ACT; ACT BEFORE ISSUING AN ADMINISTRATIVE ORDER; AND

<del>(3)</del> **REQUIRE THE CARRIER TO ADDRESS ANY NONCOMPLIANCE WITH** THE PARITY ACT WITHIN 90 DAYS AFTER THE CARRIER IS NOTIFIED UNDER ITEM (2) OF THIS SUBSECTION:

<del>(4)</del> **REQUIRE THE CARRIER TO SEND NOTIFICATION TO MEMBERS AND BENEFICIARIES OF THE CARRIER'S NONCOMPLIANCE;** 

**REQUIRE REIMBURSEMENT TO MEMBERS AND BENEFICIARIES** <del>(5)</del> FOR COSTS INCURRED AS A RESULT OF ANY NONCOMPLIANCE WITH THE PARITY ACT; AND

(6) AS APPROPRIATE, IMPOSE A PENALTY FOR EACH VIOLATION.

WITHIN 90 DAYS AFTER THE NOTICE OF NONCOMPLIANCE IS (3) **ISSUED, ALLOW THE CARRIER TO:** 

SUBMIT A COMPLIANCE PLAN TO THE ADMINISTRATION TO **(I)** COMPLY WITH THE PARITY ACT; AND

(II) REPROCESS ANY CLAIMS THAT WERE IMPROPERLY DENIED, IN WHOLE OR IN PART, BECAUSE OF THE NONCOMPLIANCE.

(J) IF THE COMMISSIONER FINDS THAT THE CARRIER FAILED TO SUBMIT A COMPLETE REPORT REQUIRED UNDER SUBSECTION (C) OR (F) OF THIS SECTION, THE COMMISSIONER MAY IMPOSE ANY PENALTY OR TAKE ANY ACTION AS **AUTHORIZED:** 

(1) FOR AN INSURER, NONPROFIT HEALTH SERVICE PLAN, OR ANY OTHER PERSON SUBJECT TO THIS SECTION, UNDER THIS ARTICLE; OR

(2) FOR A HEALTH MAINTENANCE ORGANIZATION, UNDER THIS ARTICLE OR THE HEALTH – GENERAL ARTICLE.

(K) IF, AS A RESULT OF THE REVIEW REQUIRED UNDER PARAGRAPH (I)(1) OF THIS SECTION, THE COMMISSIONER FINDS THAT THE CARRIER FAILED TO COMPLY WITH THE PROVISIONS OF THE PARITY ACT, AND DID NOT SUBMIT A COMPLIANCE PLAN TO ADEQUATELY CORRECT THE NONCOMPLIANCE, THE COMMISSIONER MAY:

(1) ISSUE AN ADMINISTRATIVE ORDER THAT REQUIRES:

(I) <u>THE CARRIER OR AN ENTITY DELEGATED BY THE CARRIER</u> TO CEASE THE NONCOMPLIANT CONDUCT OR PRACTICE;

(II) THE CARRIER TO PROVIDE A PAYMENT THAT HAS BEEN DENIED IMPROPERLY BECAUSE OF THE NONCOMPLIANCE; OR

(2) IMPOSE ANY PENALTY OR TAKE ANY ACTION AS AUTHORIZED:

(I) FOR AN INSURER, NONPROFIT HEALTH SERVICE PLAN, OR ANY OTHER PERSON SUBJECT TO THIS SECTION, UNDER THIS ARTICLE; OR

(II) FOR A HEALTH MAINTENANCE ORGANIZATION, UNDER THIS ARTICLE OR THE HEALTH – GENERAL ARTICLE.

(L) IN DETERMINING AN APPROPRIATE PENALTY UNDER SUBSECTION (J) OR (K) OF THIS SECTION, THE COMMISSIONER SHALL CONSIDER THE LATE FILING OF A REPORT REQUIRED UNDER SUBSECTION (C) OR (F) OF THIS SECTION AND ANY PARITY VIOLATION TO BE A SERIOUS VIOLATION WITH A SIGNIFICANTLY DELETERIOUS EFFECT ON THE PUBLIC.

(G) (1) THE COMMISSIONER SHALL IMPOSE A PENALTY OF:

(I) AT LEAST \$100 FOR EACH DAY FOR EACH MEMBER AND BENEFICIARY TO WHICH THE FAILURE TO COMPLY APPLIES AND FOR THE DURATION OF THE NONCOMPLIANCE PERIOD BEGINNING ON THE DATE THE PLAN IS ISSUED; AND

(II) \$5,000 FOR EACH DAY FOR WHICH A CARRIER FAILS TO SUBMIT A COMPLETE REPORT REQUIRED UNDER SUBSECTION (C) OR (D) OF THIS SECTION. (2) The penalties collected under paragraph (1) of this subsection shall be deposited by the Commissioner into the Parity Enforcement and Education Fund established under § 15–145 of this subtitle.

(H) (M) ON OR BEFORE DECEMBER 31, <del>2020</del> 2021, THE COMMISSIONER SHALL CREATE:

(1) A STANDARD FORM FOR ENTITIES TO SUBMIT THE REPORTS IN ACCORDANCE WITH SUBSECTION (E)(1) (G)(1) OF THIS SECTION; AND

(2) A SUMMARY FORM FOR ENTITIES TO POST WITH TO THEIR REPORTS WEBSITES IN ACCORDANCE WITH SUBSECTION (E)(G) (G)(5) OF THIS SECTION.

(1) (N) ON OR BEFORE DECEMBER 31, <del>2020</del> 2021, THE COMMISSIONER SHALL, IN CONSULTATION WITH INTERESTED STAKEHOLDERS, ADOPT REGULATIONS TO IMPLEMENT THIS SECTION, <u>INCLUDING</u> TO ENSURE UNIFORM DEFINITIONS AND METHODOLOGY FOR <del>DATA CALCULATIONS REQUIRED IN</del> SUBSECTION (D) OF THIS SECTION AND OTHER REPORTING THE REPORTING REQUIREMENTS ESTABLISHED UNDER THIS SECTION.

<del>15\_145.</del>

(A) IN THIS SECTION, "FUND" MEANS THE PARITY ENFORCEMENT AND EDUCATION FUND.

(B) THERE IS A PARITY ENFORCEMENT AND EDUCATION FUND.

(C) THE PURPOSES OF THE FUND ARE TO PROVIDE FUNDING FOR THE ADMINISTRATION TO:

(1) SUPPORT ADMINISTRATIVE ACTIVITIES TO ENFORCE THE PAUL Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act and State parity laws; and

(2) CONDUCT OUTREACH AND EDUCATION ACTIVITIES TO INFORM CONSUMERS OF THEIR RIGHTS UNDER THE FEDERAL MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT AND STATE PARITY LAWS.

(D) THE COMMISSIONER 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 DEPOSITED INTO THE FUND UNDER § 15–144 OF THIS SUBTITLE;

(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(3) INTEREST EARNINGS; AND

(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(G) THE FUND MAY BE USED ONLY FOR:

(1) ADMINISTRATIVE ACTIVITIES TO ENFORCE THE PAUL Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act and State parity Laws; and

(2) CONDUCTING OUTREACH AND EDUCATION ACTIVITIES RELATED TO THE FEDERAL MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT AND STATE PARITY LAWS.

(II) (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.

(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

(J) THE FUND IS SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE AUDITS AS PROVIDED IN § 2–1220 OF THE STATE GOVERNMENT ARTICLE.

(K) THE MONEY IN THE FUND SHALL BE USED TO SUPPLEMENT, AND MAY NOT SUPPLANT, MONEY APPROPRIATED FOR THE PURPOSES DESCRIBED IN SUBSECTION (C) OF THIS SECTION.

## **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:

121. the Markell Hendricks Youth Crime Prevention and Diversion Parole Fund; [and]

122. the Federal Government Shutdown Employee Assistance

Loan Fund; AND

## **123.** THE PARITY ENFORCEMENT AND EDUCATION FUND,

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

#### Article - Insurance

#### 15-10A-02.

(a) Each carrier shall establish an internal grievance process for its members.

(b) (1) An internal grievance process shall meet the same requirements established under Subtitle 10B of this title.

(2) In addition to the requirements of Subtitle 10B of this title, an internal grievance process established by a carrier under this section shall:

(i) include an expedited procedure for use in an emergency case for purposes of rendering a grievance decision within 24 hours of the date a grievance is filed with the carrier;

(ii) provide that a carrier render a final decision in writing on a grievance within 30 working days after the date on which the grievance is filed unless:

1. the grievance involves an emergency case under item (i) of

## this paragraph;

2. the member, the member's representative, or a health care provider filing a grievance on behalf of a member agrees in writing to an extension for a period of no longer than 30 working days; or

3. the grievance involves a retrospective denial under item (iv) of this paragraph;

(iii) allow a grievance to be filed on behalf of a member by a health care provider or the member's representative;

(iv) provide that a carrier render a final decision in writing on a grievance within 45 working days after the date on which the grievance is filed when the grievance involves a retrospective denial; and

(v) for a retrospective denial, allow a member, the member's representative, or a health care provider on behalf of a member to file a grievance for at least 180 days after the member receives an adverse decision.

(3) For purposes of using the expedited procedure for an emergency case that a carrier is required to include under paragraph (2)(i) of this subsection, the Commissioner shall define by regulation the standards required for a grievance to be considered an emergency case.

(c) Except as provided in subsection (d) of this section, the carrier's internal grievance process shall be exhausted prior to filing a complaint with the Commissioner under this subtitle.

(d) (1) (i) A member, the member's representative, or a health care provider filing a complaint on behalf of a member may file a complaint with the Commissioner without first filing a grievance with a carrier and receiving a final decision on the grievance if:

1. the carrier waives the requirement that the carrier's internal grievance process be exhausted before filing a complaint with the Commissioner;

2. the carrier has failed to comply with any of the requirements of the internal grievance process as described in this section; or

3. the member, the member's representative, or the health care provider provides sufficient information and supporting documentation in the complaint that demonstrates a compelling reason to do so.

(ii) The Commissioner shall define by regulation the standards that the Commissioner shall use to decide what demonstrates a compelling reason under subparagraph (i) of this paragraph. (2) Subject to subsections (b)(2)(ii) and (h) of this section, a member, a member's representative, or a health care provider may file a complaint with the Commissioner if the member, the member's representative, or the health care provider does not receive a grievance decision from the carrier on or before the 30th working day on which the grievance is filed.

(3) Whenever the Commissioner receives a complaint under paragraph (1) or (2) of this subsection, the Commissioner shall notify the carrier that is the subject of the complaint within 5 working days after the date the complaint is filed with the Commissioner.

(e) Each carrier shall:

(1) file for review with the Commissioner and submit to the Health Advocacy Unit a copy of its internal grievance process established under this subtitle; and

(2) file any revision to the internal grievance process with the Commissioner and the Health Advocacy Unit at least 30 days before its intended use.

(f) For nonemergency cases, when a carrier renders an adverse decision, the carrier shall:

(1) document the adverse decision in writing after the carrier has provided oral communication of the decision to the member, the member's representative, or the health care provider acting on behalf of the member; and

(2) send, within 5 working days after the adverse decision has been made, a written notice to the member, the member's representative, and a health care provider acting on behalf of the member that:

(i) states in detail in clear, understandable language the specific factual bases for the carrier's decision;

(ii) references the specific criteria and standards, including interpretive guidelines, on which the decision was based, and may not solely use generalized terms such as "experimental procedure not covered", "cosmetic procedure not covered", "service included under another procedure", or "not medically necessary";

(iii) states the name, business address, and business telephone number of:

1. the medical director or associate medical director, as appropriate, who made the decision if the carrier is a health maintenance organization; or

2. the designated employee or representative of the carrier who has responsibility for the carrier's internal grievance process if the carrier is not a health maintenance organization;

(iv) gives written details of the carrier's internal grievance process and procedures under this subtitle; and

(v) includes the following information:

1. that the member, the member's representative, or a health care provider on behalf of the member has a right to file a complaint with the Commissioner within 4 months after receipt of a carrier's grievance decision;

2. that a complaint may be filed without first filing a grievance if the member, the member's representative, or a health care provider filing a grievance on behalf of the member can demonstrate a compelling reason to do so as determined by the Commissioner;

3. the Commissioner's address, telephone number, and facsimile number;

4. a statement that the Health Advocacy Unit is available to assist the member or the member's representative in both mediating and filing a grievance under the carrier's internal grievance process; [and]

5. the address, telephone number, facsimile number, and electronic mail address of the Health Advocacy Unit; AND

6. FOR A COVERAGE DECISION FOR MENTAL HEALTH BENEFITS OR SUBSTANCE USE DISORDER BENEFITS, THE FOLLOWING STATEMENT: "FEDERAL AND STATE PARITY LAWS GIVE YOU THE RIGHT TO RECEIVE MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS AT THE SAME LEVEL AS PHYSICAL HEALTH BENEFITS. IF YOU THINK YOUR PLAN IS NOT COVERING MENTAL HEALTH OR SUBSTANCE USE DISORDER BENEFITS AT THE SAME LEVEL, YOU MAY FILE A COMPLAINT WITH THE MARYLAND INSURANCE ADMINISTRATION AND THE HEALTH ADVOCACY UNIT.".

(g) If within 5 working days after a member, the member's representative, or a health care provider, who has filed a grievance on behalf of a member, files a grievance with the carrier, and if the carrier does not have sufficient information to complete its internal grievance process, the carrier shall:

(1) notify the member, the member's representative, or the health care provider that it cannot proceed with reviewing the grievance unless additional information is provided; and

(2) assist the member, the member's representative, or the health care provider in gathering the necessary information without further delay.

(h) A carrier may extend the 30-day or 45-day period required for making a final grievance decision under subsection (b)(2)(ii) of this section with the written consent of the member, the member's representative, or the health care provider who filed the grievance on behalf of the member.

(i) (1) For nonemergency cases, when a carrier renders a grievance decision, the carrier shall:

(i) document the grievance decision in writing after the carrier has provided oral communication of the decision to the member, the member's representative, or the health care provider acting on behalf of the member; and

(ii) send, within 5 working days after the grievance decision has been made, a written notice to the member, the member's representative, and a health care provider acting on behalf of the member that:

1. states in detail in clear, understandable language the specific factual bases for the carrier's decision;

2. references the specific criteria and standards, including interpretive guidelines, on which the grievance decision was based;

3. states the name, business address, and business telephone number of:

A. the medical director or associate medical director, as appropriate, who made the grievance decision if the carrier is a health maintenance organization; or

B. the designated employee or representative of the carrier who has responsibility for the carrier's internal grievance process if the carrier is not a health maintenance organization; and

4. includes the following information:

A. that the member or the member's representative has a right to file a complaint with the Commissioner within 4 months after receipt of a carrier's grievance decision;

B. the Commissioner's address, telephone number, and facsimile number;

C. a statement that the Health Advocacy Unit is available to assist the member or the member's representative in filing a complaint with the Commissioner; [and] D. the address, telephone number, facsimile number, and electronic mail address of the Health Advocacy Unit; AND

E. FOR A GRIEVANCE DECISION FOR MENTAL HEALTH BENEFITS OR SUBSTANCE USE DISORDER BENEFITS, THE FOLLOWING STATEMENT: "FEDERAL AND STATE PARITY LAWS GIVE YOU THE RIGHT TO RECEIVE MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS AT THE SAME LEVEL AS PHYSICAL HEALTH BENEFITS. IF YOU THINK YOUR PLAN IS NOT COVERING MENTAL HEALTH OR SUBSTANCE USE DISORDER BENEFITS AT THE SAME LEVEL, YOU MAY FILE A COMPLAINT WITH THE MARYLAND INSURANCE ADMINISTRATION AND THE HEALTH ADVOCACY UNIT.".

(2) A carrier may not use solely in a notice sent under paragraph (1) of this subsection generalized terms such as "experimental procedure not covered", "cosmetic procedure not covered", "service included under another procedure", or "not medically necessary" to satisfy the requirements of this subsection.

(j) (1) For an emergency case under subsection (b)(2)(i) of this section, within 1 day after a decision has been orally communicated to the member, the member's representative, or the health care provider, the carrier shall send notice in writing of any adverse decision or grievance decision to:

(i) the member and the member's representative, if any; and

(ii) if the grievance was filed on behalf of the member under subsection (b)(2)(iii) of this section, the health care provider.

(2) A notice required to be sent under paragraph (1) of this subsection shall include the following:

(i) for an adverse decision, the information required under subsection (f) of this section; and

(ii) for a grievance decision, the information required under subsection (i) of this section.

(k) (1) Each carrier shall include the information required by subsection (f)(2)(iii), (iv), and (v) of this section in the policy, plan, certificate, enrollment materials, or other evidence of coverage that the carrier provides to a member at the time of the member's initial coverage or renewal of coverage.

(2) Each carrier shall include as part of the information required by paragraph (1) of this subsection a statement indicating that, when filing a complaint with the Commissioner, the member or the member's representative will be required to authorize the release of any medical records of the member that may be required to be reviewed for the purpose of reaching a decision on the complaint. (l) (1) Nothing in this subtitle prohibits a carrier from delegating its internal grievance process to a private review agent that has a certificate issued under Subtitle 10B of this title and is acting on behalf of the carrier.

(2) If a carrier delegates its internal grievance process to a private review agent, the carrier shall be:

(i) bound by the grievance decision made by the private review agent acting on behalf of the carrier; and

(ii) responsible for a violation of any provision of this subtitle regardless of the delegation made by the carrier under paragraph (1) of this subsection.

15-10D-02.

(a) (1) Each carrier shall establish an internal appeal process for use by its members, its members' representatives, and health care providers to dispute coverage decisions made by the carrier.

(2) The carrier may use the internal grievance process established under Subtitle 10A of this title to comply with the requirement of paragraph (1) of this subsection.

(b) A carrier under this section shall render a final decision in writing to a member, a member's representative, and a health care provider acting on behalf of the member within 60 working days after the date on which the appeal is filed.

(c) Except as provided in subsection (d) of this section, the carrier's internal appeal process shall be exhausted prior to filing a complaint with the Commissioner under this subtitle.

(d) A member, a member's representative, or a health care provider filing a complaint on behalf of a member may file a complaint with the Commissioner without first filing an appeal with a carrier only if the coverage decision involves an urgent medical condition, as defined by regulation adopted by the Commissioner, for which care has not been rendered.

(e) (1) Within 30 calendar days after a coverage decision has been made, a carrier shall send a written notice of the coverage decision to the member and the member's representative, if any, and, in the case of a health maintenance organization, the treating health care provider.

(2) Notice of the coverage decision required to be sent under paragraph (1) of this subsection shall:

(i) state in detail in clear, understandable language, the specific factual bases for the carrier's decision; and

facsimile number:

#### (ii) include the following information:

1. that the member, the member's representative, or a health care provider acting on behalf of the member has a right to file an appeal with the carrier;

2. that the member, the member's representative, or a health care provider acting on behalf of the member may file a complaint with the Commissioner without first filing an appeal, if the coverage decision involves an urgent medical condition for which care has not been rendered;

3. the Commissioner's address, telephone number, and

4. that the Health Advocacy Unit is available to assist the member or the member's representative in both mediating and filing an appeal under the carrier's internal appeal process; [and]

5. the address, telephone number, facsimile number, and electronic mail address of the Health Advocacy Unit; AND

6. FOR A COVERAGE DECISION FOR MENTAL HEALTH BENEFITS OR SUBSTANCE USE DISORDER BENEFITS, THE FOLLOWING STATEMENT: "FEDERAL AND STATE PARITY LAWS GIVE YOU THE RIGHT TO RECEIVE MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS AT THE SAME LEVEL AS PHYSICAL HEALTH BENEFITS. IF YOU THINK YOUR PLAN IS NOT COVERING MENTAL HEALTH OR SUBSTANCE USE DISORDER BENEFITS AT THE SAME LEVEL, YOU MAY FILE A COMPLAINT WITH THE MARYLAND INSURANCE ADMINISTRATION AND THE HEALTH ADVOCACY UNIT.".

(f) (1) Within 30 calendar days after the appeal decision has been made, each carrier shall send to the member, the member's representative, and the health care provider acting on behalf of the member a written notice of the appeal decision.

(2) Notice of the appeal decision required to be sent under paragraph (1) of this subsection shall:

(i) state in detail in clear, understandable language the specific factual bases for the carrier's decision; and

(ii) include the following information:

1. that the member, the member's representative, or a health care provider acting on behalf of the member has a right to file a complaint with the Commissioner within 4 months after receipt of a carrier's appeal decision; facsimile number;

2

3. a statement that the Health Advocacy Unit is available to assist the member in filing a complaint with the Commissioner: [and]

the Commissioner's address, telephone number, and

4. the address, telephone number, facsimile number, and electronic mail address of the Health Advocacy Unit; AND

5. FOR AN APPEAL DECISION FOR MENTAL HEALTH BENEFITS OR SUBSTANCE USE DISORDER BENEFITS, THE FOLLOWING STATEMENT: "FEDERAL AND STATE PARITY LAWS GIVE YOU THE RIGHT TO RECEIVE MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS AT THE SAME LEVEL AS PHYSICAL HEALTH BENEFITS. IF YOU THINK YOUR PLAN IS NOT COVERING MENTAL HEALTH OR SUBSTANCE USE DISORDER BENEFITS AT THE SAME LEVEL, YOU MAY FILE A COMPLAINT WITH THE MARYLAND INSURANCE ADMINISTRATION AND THE HEALTH ADVOCACY UNIT.".

(g) The Commissioner may request the member that filed the complaint or a legally authorized designee of the member to sign a consent form authorizing the release of the member's medical records to the Commissioner or the Commissioner's designee that are needed in order for the Commissioner to make a final decision on the complaint.

(h) (1) A carrier shall have the burden of persuasion that its coverage decision or appeal decision, as applicable, is correct:

(i) during the review of a complaint by the Commissioner or a designee of the Commissioner; and

(ii) in any hearing held in accordance with Title 10, Subtitle 2 of the State Government Article to contest a final decision of the Commissioner made and issued under this subtitle.

(2) As part of the review of a complaint, the Commissioner or a designee of the Commissioner may consider all of the facts of the case and any other evidence that the Commissioner or designee of the Commissioner considers appropriate.

(i) The Commissioner shall:

(1) make and issue in writing a final decision on all complaints filed with the Commissioner under this subtitle that are within the Commissioner's jurisdiction; and

(2) provide notice in writing to all parties to a complaint of the opportunity and time period for requesting a hearing to be held in accordance with Title 10, Subtitle 2 of the State Government Article to contest a final decision of the Commissioner made and issued under this subtitle. SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect January 1, 2021, and shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after January 1, 2021.

SECTION 2. AND BE IT FURTHER ENACTED, That the standard form the Maryland Insurance Commissioner is required to develop under § 15–144(m)(1) of the Insurance Article, as enacted by Section 1 of this Act, for the report required under § 15–144(c) of the Insurance Article, as enacted by Section 1 of this Act, shall be the National Association of Insurance Commissioners' Data Collection Tool for Mental Health Parity Analysis, Nonquantitative Treatment Limitations and any amendments by the Commissioner to the tool necessary to incorporate the requirements of § 15–144(c), (d), and (e) of the Insurance Article, as enacted by Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That the Maryland Insurance Commissioner shall submit to the General Assembly an interim report on or before December 1, 2023, and a final report on or before December 1, 2025, in accordance with § 2–1257 of the State Government Article, that:

(1) summarize the findings of the Commissioner after reviewing the reports required under Section 1 of this Act; and

- (2) <u>make specific recommendations regarding:</u>
  - (i) the information gained from the reports;
  - (ii) the value of and need for ongoing compliance and data reporting;

(iii) the frequency of reporting in subsequent years and whether to report on an annual or biennial basis; and

(iv) based on the carrier reports and other guidance from federal regulators and other states, any changes in the reporting and data requirements that should be implemented in subsequent years, including frequency and content and whether additional nonquantitative treatment limitations should be included in the reporting and data requirements.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect October 1, 2020. It shall remain in effect for a period of 6 years and, at the end of September 30, 2026, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 213

#### (House Bill 461)

AN ACT concerning

#### Anne Arundel County – Alcoholic Beverages – Salaries of Inspectors

FOR the purpose of raising the salaries of the chief inspector, deputy chief inspector, and other inspectors employed by the Board of License Commissioners for Anne Arundel County; and generally relating to alcoholic beverages in Anne Arundel County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages Section 11–102 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Alcoholic Beverages Section 11–206(a) Annotated Code of Maryland (2016 Volume and 2019 Supplement)

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

#### Article – Alcoholic Beverages

#### 11 - 102.

This title applies only in Anne Arundel County.

11-206.

- (a) (1) The Board may employ:
  - (i) one part-time chief inspector at an annual salary of [\$10,000]

#### **\$11,000**;

(ii) one part-time deputy chief inspector at an annual salary of [\$8,000] **\$9,000**; and

(iii) 18 part-time inspectors at an annual salary of [\$6,000] \$7,000

each.

(2) Each inspector shall receive a monthly expense allowance of \$300, subject to the approval of the Comptroller.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

#### Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 214

#### (Senate Bill 141)

AN ACT concerning

#### Anne Arundel County - Alcoholic Beverages - Salaries of Inspectors

FOR the purpose of raising the salaries of the chief inspector, deputy chief inspector, and other inspectors employed by the Board of License Commissioners for Anne Arundel County; and generally relating to alcoholic beverages in Anne Arundel County.

BY repealing and reenacting, without amendments, Article – Alcoholic Beverages Section 11–102 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Alcoholic Beverages Section 11–206(a) Annotated Code of Maryland (2016 Volume and 2019 Supplement)

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

#### Article – Alcoholic Beverages

#### 11 - 102.

This title applies only in Anne Arundel County.

#### 11 - 206.

(a) (1) The Board may employ:

(i)

**\$11,000**;

(ii) one part-time deputy chief inspector at an annual salary of [\$8,000] **\$9,000**; and

each.

(iii) 18 part-time inspectors at an annual salary of **[**\$6,000**] \$7,000** 

one part-time chief inspector at an annual salary of [\$10,000]

(2) Each inspector shall receive a monthly expense allowance of \$300, subject to the approval of the Comptroller.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 215

# (House Bill 463)

AN ACT concerning

# Queen Anne's County - Alcoholic Beverages - Financial Interest

- FOR the purpose of defining the <del>phrase</del> <u>phrases</u> "controlling interest" and "financial interest" as <del>it applies</del> <u>they apply</u> to applications for alcoholic beverages licenses in Queen Anne's County; and generally relating to alcoholic beverages licenses in Queen Anne's County.
- BY repealing and reenacting, without amendments, Article – Alcoholic Beverages Section 4–109(a)(11), (13), and (16), 27–102, and 27–1401(c)(4) Annotated Code of Maryland (2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Alcoholic Beverages Section 27–1404 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

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

#### Article – Alcoholic Beverages

4 - 109.

(a) A license application shall state:

(11) whether the applicant has a financial interest in the business to be conducted under the license;

(13) that the applicant or a person on behalf of whom the application is filed does not have a financial interest in any other place of business in the jurisdiction for which an alcoholic beverage license has been applied for or issued;

(16) that during the term of the license, a person other than the applicant will not have a financial interest in the license or in the business to be conducted under the license;

#### 27 - 102.

This title applies only in Queen Anne's County.

#### 27 - 1401.

(c) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county:

(4) § 4–109 ("Required information on application — In general"), subject to § 27–1404 of this subtitle.

#### 27 - 1404.

#### (A) IN THIS SECTION, "CONTROLLING INTEREST" MEANS THE OWNERSHIP OR CONTROL OF SUFFICIENT SHARES OR INTEREST IN A BUSINESS TO ALLOW FOR AN EXERCISE OF CONTROL OVER THAT BUSINESS.

(A) (B) An applicant for a license shall:

(1) include a statement in the application that the applicant is at least 21 years old; and

(2) submit an affidavit verifying the application.

 $(\oplus)$  (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A LICENSE HOLDER SHALL MEET ALL REQUIREMENTS OF THE RESPECTIVE LICENSES.

# (2) THE TERM "FINANCIAL INTEREST" AS USED IN § 4–109(A)(11), (13), AND (16) OF THIS ARTICLE REFERS TO AN APPLICANT WHO IS THE OWNER OF A CONTROLLING INTEREST IN A PLACE OF BUSINESS <del>WHERE OR</del> FOR WHICH A LICENSE HAS BEEN APPLIED FOR OR ISSUED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 216

(House Bill 465)

AN ACT concerning

#### Election Law - Campaign Material - Disclosure of the Use of Bots

FOR the purpose of requiring certain persons that use a bot to publish, distribute, or disseminate campaign material online to another person in the State for a certain purpose to disclose in a certain manner on the campaign material that the person is using a bot to publish, distribute, or disseminate the campaign material; authorizing the State Board of Elections to seek to remove a bot under certain circumstances; providing that certain provisions of this Act do not impose a duty on service providers of online platforms; prohibiting a person from publishing, distributing, or disseminating, or causing to be published, distributed, or disseminated, campaign material in violation of certain provisions of this Act; authorizing the State Board to impose a certain civil penalty for a violation of a certain provision of this Act; defining certain terms; and generally relating to disclosure of the use of bots to publish, distribute, or disseminate campaign material.

BY adding to

Article – Election Law Section 13–401.1 Annotated Code of Maryland (2017 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Election Law Section 13–602(a)(9) and 13–604.1(b) Annotated Code of Maryland (2017 Replacement Volume and 2019 Supplement) BY repealing and reenacting, without amendments, Article – Election Law Section 13–602(b) Annotated Code of Maryland (2017 Replacement Volume and 2019 Supplement)

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

#### Article – Election Law

13-401.1.

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

(2) "BOT" MEANS AN AUTOMATED ONLINE ACCOUNT WHERE ALL OR SUBSTANTIALLY ALL OF THE ACTIONS OR POSTS OF THAT ACCOUNT ARE NOT THE RESULT OF A PERSON.

(3) "ONLINE" MEANS APPEARING ON ANY PUBLIC–FACING INTERNET WEBSITE, WEB APPLICATION, OR DIGITAL APPLICATION, INCLUDING A SOCIAL NETWORK OR PUBLICATION.

(B) (1) THIS SECTION APPLIES TO ANY CANDIDATE, CAMPAIGN FINANCE ENTITY, PERSON REQUIRED TO REGISTER UNDER § 13–306, § 13–307, OR § 13–309.2 OF THIS TITLE, OR AN AGENT OF A CANDIDATE, CAMPAIGN FINANCE ENTITY, OR PERSON REQUIRED TO REGISTER UNDER § 13–306, § 13–307, OR § 13–309.2 OF THIS TITLE.

(2) IN ADDITION TO THE REQUIREMENTS UNDER §§ 13–401 AND 13–403 OF THIS SUBTITLE, A PERSON SUBJECT TO THIS SECTION THAT USES A BOT TO PUBLISH, DISTRIBUTE, OR DISSEMINATE CAMPAIGN MATERIAL ONLINE TO ANOTHER PERSON IN THE STATE FOR THE PURPOSE OF INFLUENCING AN ELECTION SHALL DISCLOSE IN A CLEAR AND CONSPICUOUS MANNER ON THE CAMPAIGN MATERIAL THAT THE PERSON IS USING A BOT TO PUBLISH, DISTRIBUTE, OR DISSEMINATE THE CAMPAIGN MATERIAL.

(3) IF A PERSON SUBJECT TO THIS SECTION VIOLATES THE REQUIREMENT UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE STATE BOARD MAY SEEK TO REMOVE THE BOT.

(C) THIS SECTION DOES NOT IMPOSE A DUTY ON SERVICE PROVIDERS OF ONLINE PLATFORMS, INCLUDING WEB HOSTING AND INTERNET SERVICE

#### Chapter 216

#### **PROVIDERS.**

13-602.

(a) (9) A person may not:

(I) publish or distribute, or cause to be published or distributed, campaign material that violates § 13–401 of this title; OR

(II) PUBLISH, DISTRIBUTE, OR DISSEMINATE, OR CAUSE TO BE PUBLISHED, DISTRIBUTED, OR DISSEMINATED, CAMPAIGN MATERIAL THAT VIOLATES § 13–401.1 OF THIS TITLE.

(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.

13-604.1.

(b) The State Board may impose a civil penalty in accordance with this section for the following violations:

(1) making a disbursement in a manner not authorized in § 13–218(b)(2), (c), and (d) of this title;

(2) failure to maintain a campaign bank account as required in § 13–220(a) of this title;

(3) making a disbursement by a method not authorized in § 13–220(d) of this title;

(4) failure to maintain detailed and accurate account books and records as required in § 13–221 of this title;

(5) fund-raising during the General Assembly session in a manner not authorized in § 13–235 of this title;

(6) failure to report all contributions received and expenditures made as required in § 13–304(b) of this title;

(7) failure to include an authority line on campaign material as required in

§ 13–401 of this title; [or]

(8) failure to retain a copy of campaign material as required in § 13–403 of this title; **OR** 

# (9) FAILURE TO INCLUDE A DISCLOSURE ON ONLINE CAMPAIGN MATERIAL AS REQUIRED IN § 13-401.1(B) OF THIS TITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 217

# (House Bill 467)

AN ACT concerning

## Queen Anne's County - Alcoholic Beverages - Petition of Support

FOR the purpose of repealing, in Queen Anne's County, the requirement that certain applicants for certain local alcoholic beverages licenses include a petition of support with the license application; and generally relating to alcoholic beverages in Queen Anne's County.

BY repealing and reenacting, without amendments, Article – Alcoholic Beverages Section 4–110 and 27–102 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Alcoholic Beverages Section 27–1401(a) and (b) Annotated Code of Maryland (2016 Volume and 2019 Supplement)

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

#### Article – Alcoholic Beverages

The application shall also include a petition of support signed by at least 10 residents who are owners of real estate and registered voters of the precinct in which the business is to be conducted stating:

(1) the length of time each of the residents has been acquainted with the applicant or, if the applicant is a corporation, acquainted with the individuals making the application;

(2) that they have examined the application, have good reason to believe that the statements contained in the application are true, and in their judgment the applicant is a suitable person to obtain the license; and

(3) that they are familiar with the premises on which the proposed business is to be conducted and that they believe the premises are suitable for the conduct of business as a retail dealer.

27 - 102.

This title applies only in Queen Anne's County.

27-1401.

(a) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) § 4–102 ("Applications to be filed with local licensing board");
- (2) § 4–106 ("Payment of notice expenses");
- (3) § 4–108 ("Application form required by Comptroller");
- (4) [§ 4–110 ("Required information on application Petition of support");
- (5)] § 4–111 ("Payment of license fees");
- [(6)] (5) § 4–112 ("Disposition of license fees"); and
- [(7)] (6)  $\S 4-114$  ("Fees for licenses issued for less than 1 year").

(b) The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article do not apply in the county:

- (1) § 4–107 ("Criminal history records check"); [and]
- (2) § 4-110 ("REQUIRED INFORMATION ON APPLICATION ----

#### **PETITION OF SUPPORT"); AND**

(3) § 4-113 ("Refund of license fees"), which is superseded by § 27-1406 of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 218

#### (House Bill 482)

AN ACT concerning

#### Southern Maryland – Homeowners Association Commission – Alternative Dispute Resolution Authority

FOR the purpose of expanding the authority of certain homeowners association commissions in Calvert County, Charles County, and St. Mary's County the code <u>home rule counties of the Southern Maryland class</u> to hear and resolve through alternative dispute resolution certain issues between a homeowners association and a homeowner regarding certain documents; defining a certain term; and generally relating to homeowners associations in Southern Maryland.

BY repealing and reenacting, with amendments,

Article – Real Property Section 11B–104(c) Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments, Article – Real Property Section 11B–116(a) Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

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

#### **Article - Real Property**

11B–104.

# (c) (1) IN THIS SUBSECTION, "GOVERNING DOCUMENT" HAS THE MEANING STATED IN § 11B-116(A) of this subtitle.

(2) Subject to the provisions of this title, a code home rule county located in the Southern Maryland class, as identified in § 9–302 of the Local Government Article, may establish a homeowners association commission with the authority to hear and resolve disputes between a homeowners association and a homeowner regarding the enforcement of the [recorded covenants or restrictions] GOVERNING DOCUMENTS of the homeowners association by providing alternative dispute resolution services, including binding arbitration.

11B–116.

- (a) (1) In this section the following words have the meanings indicated.
  - (2) "Governing document" includes:
    - (i) A declaration;
    - (ii) Bylaws;
    - (iii) A deed and agreement; and
    - (iv) Recorded covenants and restrictions.

(3) "In good standing" means not being more than 90 days in arrears in the payment of any assessment or charge due to the homeowners association.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 219

#### (Senate Bill 428)

AN ACT concerning

#### Southern Maryland – Homeowners Association Commission – Alternative Dispute Resolution Authority

FOR the purpose of expanding the authority of certain homeowners association commissions in <del>Calvert County, Charles County, and St. Mary's County the code</del>

<u>home rule counties of the Southern Maryland class</u> to hear and resolve through alternative dispute resolution certain issues between a homeowners association and a homeowner regarding certain documents; defining a certain term; and generally relating to homeowners associations in Southern Maryland.

BY repealing and reenacting, with amendments, Article – Real Property Section 11B–104(c) Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments, Article – Real Property Section 11B–116(a) Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

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

#### **Article – Real Property**

11B–104.

# (c) (1) IN THIS SUBSECTION, "GOVERNING DOCUMENT" HAS THE MEANING STATED IN § 11B-116(A) of this subtitle.

(2) Subject to the provisions of this title, a code home rule county located in the Southern Maryland class, as identified in § 9–302 of the Local Government Article, may establish a homeowners association commission with the authority to hear and resolve disputes between a homeowners association and a homeowner regarding the enforcement of the [recorded covenants or restrictions] GOVERNING DOCUMENTS of the homeowners association by providing alternative dispute resolution services, including binding arbitration.

11B–116.

- (a) (1) In this section the following words have the meanings indicated.
  - (2) "Governing document" includes:
    - (i) A declaration;
    - (ii) Bylaws;
    - (iii) A deed and agreement; and

(iv) Recorded covenants and restrictions.

(3) "In good standing" means not being more than 90 days in arrears in the payment of any assessment or charge due to the homeowners association.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 220

#### (House Bill 490)

AN ACT concerning

# **Baltimore City – Orphans' Court Judges – Compensation**

FOR the purpose of authorizing the Mayor and City Council of Baltimore City to determine the salary of the judges of the Orphans' Court for Baltimore City; authorizing the Mayor and City Council of Baltimore City to determine the pension of the judges of the Orphans' Court for Baltimore City; providing for the application of this Act; and generally relating to compensation for judges of the Orphans' Court.

BY repealing and reenacting, with amendments, Article – Estates and Trusts Section 2–108(d) Annotated Code of Maryland (2017 Replacement Volume and 2019 Supplement)

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

#### **Article – Estates and Trusts**

2 - 108.

(d) (1) (i) Each [associate] judge of the Court of Baltimore City shall receive an annual compensation [of \$74,000, and the Chief Judge shall receive an annual compensation of \$84,500] AS DETERMINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY.

(ii) Each [associate] judge who was in active service on or after January 1, 1984 shall be paid after the termination of active service, if the [associate] judge

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is then at least 60 years of age or when the [associate] judge shall attain 60 years of age, a pension or salary [calculated at the rate of \$3,725 annually for each year, or a part of a year, of active service; but the maximum pension or salary for the service by an associate judge may not exceed \$37,250 annually] AS DETERMINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY.

[(iii) 1. Each Chief Judge who was in active service on or after January 1, 1984, shall be paid, after the termination of active service, if the Chief Judge is then at least 60 years of age or when the Chief Judge shall attain 60 years of age, a pension or salary calculated at the rate of \$4,225 annually for each year, or a part of a year of active service; but the maximum pension or salary for the service by a Chief Judge may not exceed \$42,250 annually.

2. The pension or salary shall be paid by the City of Baltimore in the same manner as the salaries of the judges of the Court for the City are paid.]

(2) (i) The surviving spouse of every elected judge of the Court of Baltimore City shall be paid one-half of the pension to which the judge's spouse was entitled at the time of the judge's death, or would have become entitled to by reason of attaining 60 years of age.

(ii) In each instance, the pension shall be paid to the spouse until remarriage or death.

(iii) The provisions of this subsection shall not apply in the case of a spouse who was married to a sitting judge for a period of less than 3 years before the judge's death, and to a retired judge for a period less than 3 years before the judge's retirement.

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, the City Council of Baltimore City may not extend or apply changes to the salary or compensation of a judge while serving in a term of office beginning before the effective date of this Act, but may implement changes concerning the salary or compensation of a judge to take effect at the beginning of the next following term of office. This limitation does not apply to an individual appointed or elected after the effective date of this Act to fill out an unexpired term.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 221

#### (Senate Bill 714)

AN ACT concerning

## **Baltimore City – Orphans' Court Judges – Compensation**

FOR the purpose of authorizing the Mayor and City Council of Baltimore City to determine the salary of the judges of the Orphans' Court for Baltimore City; authorizing the Mayor and City Council of Baltimore City to determine the pension of the judges of the Orphans' Court for Baltimore City; providing for the application of this Act; and generally relating to compensation for judges of the orphans' court.

BY repealing and reenacting, with amendments,

Article – Estates and Trusts Section 2–108(d) Annotated Code of Maryland (2017 Replacement Volume and 2019 Supplement)

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

#### **Article – Estates and Trusts**

2 - 108.

(d) (1) (i) Each [associate] judge of the Court of Baltimore City shall receive an annual compensation [of \$74,000, and the Chief Judge shall receive an annual compensation of \$84,500] AS DETERMINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY.

(ii) Each [associate] judge who was in active service on or after January 1, 1984 shall be paid after the termination of active service, if the [associate] judge is then at least 60 years of age or when the [associate] judge shall attain 60 years of age, a pension or salary [calculated at the rate of \$3,725 annually for each year, or a part of a year, of active service; but the maximum pension or salary for the service by an associate judge may not exceed \$37,250 annually] AS DETERMINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY.

[(iii) 1. Each Chief Judge who was in active service on or after January 1, 1984, shall be paid, after the termination of active service, if the Chief Judge is then at least 60 years of age or when the Chief Judge shall attain 60 years of age, a pension or salary calculated at the rate of \$4,225 annually for each year, or a part of a year of active service; but the maximum pension or salary for the service by a Chief Judge may not exceed \$42,250 annually.

2. The pension or salary shall be paid by the City of

Baltimore in the same manner as the salaries of the judges of the Court for the City are paid.]

(2) (i) The surviving spouse of every elected judge of the Court of Baltimore City shall be paid one-half of the pension to which the judge's spouse was entitled at the time of the judge's death, or would have become entitled to by reason of attaining 60 years of age.

(ii) In each instance, the pension shall be paid to the spouse until remarriage or death.

(iii) The provisions of this subsection shall not apply in the case of a spouse who was married to a sitting judge for a period of less than 3 years before the judge's death, and to a retired judge for a period less than 3 years before the judge's retirement.

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, the City Council of Baltimore City may not extend or apply changes to the salary or compensation of a judge while serving in a term of office beginning before the effective date of this Act, but may implement changes concerning the salary or compensation of a judge to take effect at the beginning of the next following term of office. This limitation does not apply to an individual appointed or elected after the effective date of this Act to fill out an unexpired term.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 222

(House Bill 499)

AN ACT concerning

#### **Criminal Procedure - Cell Site Simulator**

FOR the purpose of authorizing a court to issue an order authorizing or directing a law enforcement officer to use a certain cell site simulator after making a certain determination; requiring a certain order to contain certain information; requiring a law enforcement agency authorized to use a cell site simulator in accordance with this Act to take certain actions; limiting the period of time during which certain information may be obtained under a certain court order; requiring that cell site simulator use begin by a certain law enforcement officer at a certain time, or that a certain order be delivered to a certain service provider at a certain time; providing that a certain order is void at a certain time under certain circumstances; providing that the authority to obtain certain information under a certain order may be extended beyond a certain time under certain circumstances; requiring a certain notice to be delivered to a certain user and subscriber under certain circumstances; requiring a certain notice to contain certain information; requiring a certain notice to be delivered at a certain time; authorizing the court to order that a certain application, affidavit, and order be sealed and that certain notification be delayed under certain circumstances; providing that a certain finding of good cause may be established by certain evidence; providing that certain discovery is subject to certain court rules; providing that evidence obtained in violation of this Act is subject to a certain rule; providing that certain evidence is not admissible in a certain proceeding; authorizing a certain law enforcement officer to use a cell site simulator for a certain time period under certain circumstances; providing that a certain person may not be held civilly liable for providing certain information in compliance with this Act; requiring each law enforcement agency to post on its website and report to the Governor and the General Assembly certain information on or before a certain date each year; providing for the termination of a certain provision of this Act; defining a certain term; making a stylistic change; and generally relating to cell site simulator technology.

BY repealing and reenacting, with amendments,

Article – Criminal Procedure Section 1–203.1 Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

#### **Article – Criminal Procedure**

1 - 203.1.

(a) (1) In this section the following words have the meanings indicated.

#### (2) "CELL SITE SIMULATOR" MEANS A DEVICE THAT MIMICS A CELL TOWER AND CAPTURES IDENTIFYING INFORMATION OF ELECTRONIC DEVICES IN THE RANGE OF THE DEVICE.

[(2)] (3) "Court" means the District Court or a circuit court having jurisdiction over the crime being investigated, regardless of the location of the electronic device from which location information is sought.

[(3)] (4) (i) "Electronic device" means a device that enables access to or use of an electronic communication service, as defined in § 10-401 of the Courts Article, a remote computing service, as defined in § 10-4A-01(c) of the Courts Article, or a geographic location information service.

(ii) "Electronic device" does not include:

1. an automatic identification system installed on a vessel in accordance with Title 33, Part 164.46 of the Code of Federal Regulations; or

2. a vessel monitoring system (VMS) or a VMS unit installed on board a vessel for vessel monitoring in accordance with Title 50, Part 648 of the Code of Federal Regulations.

[(4)] (5) "Exigent circumstances" means an emergency or other judicially recognized exception to constitutional warrant requirements.

[(5)] (6) "Location information" means real-time or present information concerning the geographic location of an electronic device that is generated by or derived from the operation of that device.

[(6)] (7) "Location information service" means a global positioning service or other mapping, locational, or directional information service.

[(7)] (8) "Owner" means a person or an entity having the legal title, claim, or right to an electronic device.

[(8)] (9) "Service provider" means the provider of an electronic communication service, a remote computing service, or any location information service.

[(9)] (10) "User" means a person that uses or possesses an electronic device.

(b) (1) A court may issue an order authorizing or directing a law enforcement officer to USE A CELL SITE SIMULATOR OR obtain location information from an electronic device after determining from an application described in paragraph (2) of this subsection that there is probable cause to believe that:

(i) a misdemeanor or felony has been, is being, or will be committed by the owner or user of the electronic device or by the individual about whom location information is being sought; and

(ii) the INFORMATION SOUGHT BY THE CELL SITE SIMULATOR OR THE location information being sought:

1. is evidence of, or will lead to evidence of, the misdemeanor or felony being investigated; or

2. will lead to the apprehension of an individual for whom an arrest warrant has been previously issued.

(2) An application for an order under this section shall be:

- (i) in writing;
- (ii) signed and sworn to by the applicant; and
- (iii) accompanied by an affidavit that:

1. sets forth the basis for probable cause as described in paragraph (1) of this subsection; and

2. contains facts within the personal knowledge of the affiant.

(3) An order **TO OBTAIN LOCATION INFORMATION** issued under this section shall:

(i) name or describe with reasonable particularity:

1. the type of electronic device associated with the location information being sought;

2. the user of the electronic device, if known, or the identifying number of the electronic device about which location information is sought;

3. the owner, if known and if the owner is a person or an entity other than the user, of the electronic device;

4. the grounds for obtaining the location information; and

5. the name of the applicant on whose application the order

was issued;

(ii) authorize the executing law enforcement officer to obtain the location information without giving notice to the owner or user of the electronic device or to the individual about whom the location information is being sought for the duration of the order;

 $(\mathrm{iii})$  specify the period of time for which location information is authorized to be obtained; and

(iv) if applicable, order the service provider to:

1. disclose to the executing law enforcement officer the location information associated with the electronic device for the period of time authorized; and

2. refrain from notifying the user, owner, or any other person of the disclosure of location information for as long as the notice under subsection (d) of this section is delayed.

(4) AN ORDER AUTHORIZING USE OF A CELL SITE SIMULATOR ISSUED UNDER THIS SECTION SHALL:

(I) NAME OR DESCRIBE WITH REASONABLE PARTICULARITY:

**1.** THE TYPE OF ELECTRONIC DEVICE ASSOCIATED WITH THE USE OF THE CELL SITE SIMULATOR;

2. THE USER OF THE ELECTRONIC DEVICE, IF KNOWN, OR THE IDENTIFYING NUMBER OF THE ELECTRONIC DEVICE;

**3.** THE OWNER OF THE ELECTRONIC DEVICE, IF KNOWN, AND WHETHER THE OWNER IS A PERSON OR AN ENTITY OTHER THAN THE USER;

4. THE GROUNDS FOR USING THE CELL SITE SIMULATOR; AND

5. THE NAME OF THE APPLICANT ON WHOSE APPLICATION THE ORDER WAS ISSUED;

(II) AUTHORIZE THE EXECUTING LAW ENFORCEMENT OFFICER TO USE A CELL SITE SIMULATOR WITHOUT GIVING NOTICE TO THE OWNER OR USER OF THE ELECTRONIC DEVICE OR TO THE INDIVIDUAL ABOUT WHOM INFORMATION IS BEING SOUGHT FOR THE DURATION OF THE ORDER;

(III) SPECIFY THE PERIOD OF TIME FOR WHICH USE OF A CELL SITE SIMULATOR IS AUTHORIZED;

(IV) REQUIRE THAT ANY THIRD–PARTY OR NONTARGET DATA BE RETAINED FOR NOT MORE THAN 10 DAYS AND BE PERMANENTLY DESTROYED AFTER THE 10-DAY PERIOD ON THE EXPIRATION OF THE ORDER;

(V) REQUIRE THAT NO CONTENT DATA BE OBTAINED;

(VI) RESTRICT THE INVESTIGATIVE USE OF ANY THIRD–PARTY OR NONTARGET DATA WITHOUT FURTHER COURT ORDER; AND

(VII) REQUIRE THAT A COPY OF THE APPLICATION AND ORDER BE PROVIDED IN DISCOVERY.

(c) (1) (i) The period of time during which A CELL SITE SIMULATOR MAY **BE USED OR** location information may be obtained under the authority of an order under subsection (b) of this section may not exceed 30 days unless extended as provided in paragraph (3) of this subsection.

(ii) [Location] CELL SITE SIMULATOR USE SHALL BEGIN OR LOCATION information shall begin to be obtained by the executing law enforcement officer within 10 calendar days after the order is issued or, if applicable, the order shall be delivered to the service provider within 10 calendar days after the order is issued.

(2) If [neither] NONE of the events described in paragraph (1)(ii) of this subsection occurs within 10 calendar days of the issuance of the order, the order is void.

(3) (i) The authority to **USE A CELL SITE SIMULATOR OR** obtain location information under the order may be extended beyond 30 calendar days on a finding of continuing probable cause.

(ii) An extension under this paragraph may not exceed an additional 30 calendar days, unless the court finds continuing probable cause and determines that good cause exists for a longer extension.

(d) (1) Notice of the [location information] **COURT'S** order shall be delivered to the user and, if known and if the owner is a person or an entity other than the user, the subscriber of the electronic device [from which the location information is sought] **AT ISSUE**.

- (2) The notice shall:
  - (i) state the general nature of the law enforcement inquiry; and
  - (ii) inform the user or owner:

1. if applicable, that A CELL SITE SIMULATOR WAS USED OR THAT location information maintained by the service provider was supplied to a law enforcement officer;

2. if applicable, of the identifying number associated with the electronic device;

3. of the dates **DURING WHICH THE CELL SITE SIMULATOR WAS USED OR** for which the location information was supplied;

- 4. whether notification was delayed; and
- 5. which court authorized the order.

(3) Subject to paragraph (4) of this subsection, notice must be delivered within 10 calendar days after the expiration of the order.

(4) Notwithstanding any provision of the Maryland Rules or this subtitle, the court, on a finding of good cause, may order that the application, affidavit, and order be sealed and that the notification required under this section be delayed for a period of 30 calendar days.

(5) A finding of good cause under paragraph (4) of this subsection may be established by evidence that:

(i) the criminal investigation to which the affidavit is related is of a continuing nature and likely to yield further information that could be of use in prosecuting alleged criminal activities; and

(ii) the failure to maintain the confidentiality of the investigation would:

1. jeopardize the use of information already obtained in the

investigation;

- 2. impair the continuation of the investigation; or
- 3. jeopardize the safety of a source of information.

(6) A court may order that notification under this section be delayed beyond 30 calendar days if:

(i) a law enforcement officer provides continued evidence of a circumstance described in paragraph (5) of this subsection; and

(ii) the court makes a finding of good cause based on evidence that notice should be further delayed to preserve the continuation of the investigation.

(e) (1) Discovery of the [location information] application, affidavit, order, and related documents, if any, [are] IS subject to the provisions of Maryland Rules 4–262 and 4–263.

(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, EVIDENCE OBTAINED IN VIOLATION OF THIS SECTION IS SUBJECT TO THE EXCLUSIONARY RULE AS JUDICIALLY DETERMINED.

(3) UNDER NO CIRCUMSTANCES IS INFORMATION COLLECTED ON A NONTARGET DEVICE ADMISSIBLE IN A CRIMINAL, CIVIL, ADMINISTRATIVE, OR OTHER PROCEEDING.

(f) Notwithstanding any other provision of this section, a law enforcement officer may USE A CELL SITE SIMULATOR OR obtain location information for a period not to exceed 48 hours:

(1) in exigent circumstances; or

(2) with the express consent of the user or owner of the electronic device.

(g) A person may not be held civilly liable for complying with this section by providing location information.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before February 1 each year, each law enforcement agency shall post on its website and report to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly the number of times a cell site simulator was used by the agency during the previous calendar year, including the number of times the technology was deployed in exigent circumstances.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020. Section 2 of this Act shall remain effective for a period of 5 years and, at the end of September 30, 2025, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 223

#### (Senate Bill 246)

AN ACT concerning

#### **Criminal Procedure – Cell Site Simulator**

FOR the purpose of authorizing a court to issue an order authorizing or directing a law enforcement officer to use a certain cell site simulator after making a certain determination; requiring a certain order to contain certain information; requiring a law enforcement agency authorized to use a cell site simulator in accordance with this Act to take certain actions; limiting the period of time during which certain information may be obtained under a certain court order; requiring that cell site simulator use begin by a certain law enforcement officer at a certain time, or that a certain order be delivered to a certain service provider at a certain time; providing that a certain order is void at a certain time under certain circumstances; providing that the authority to obtain certain information under a certain order may be extended beyond a certain time under certain circumstances; requiring a certain notice to be delivered to a certain user and subscriber under certain circumstances; requiring a certain notice to contain certain information; requiring a certain notice to be delivered at a certain time; authorizing the court to order that a certain application, affidavit, and order be sealed and that certain notification be delayed under certain circumstances; providing that a certain finding of good cause may be established by certain evidence; providing that certain discovery is subject to certain court rules; providing that evidence obtained in violation of this Act is subject to a certain rule; providing that certain evidence is not admissible in a certain proceeding; authorizing a certain law enforcement officer to use a cell site simulator for a certain time period under certain circumstances; providing that a certain person may not be held civilly liable for providing certain information in compliance with this Act; requiring each law enforcement agency to post on its website and report to the Governor and the General Assembly certain information on or before a certain date each year; providing for the termination of a certain provision of this Act; defining a certain term; making a stylistic change; and generally relating to cell site simulator technology.

BY repealing and reenacting, with amendments,

Article – Criminal Procedure Section 1–203.1 Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

#### **Article – Criminal Procedure**

1 - 203.1.

(a) (1) In this section the following words have the meanings indicated.

#### (2) "CELL SITE SIMULATOR" MEANS A DEVICE THAT MIMICS A CELL TOWER AND CAPTURES IDENTIFYING INFORMATION OF ELECTRONIC DEVICES IN THE RANGE OF THE DEVICE.

[(2)] (3) "Court" means the District Court or a circuit court having jurisdiction over the crime being investigated, regardless of the location of the electronic device from which location information is sought.

[(3)] (4) (i) "Electronic device" means a device that enables access to or use of an electronic communication service, as defined in § 10-401 of the Courts Article, a remote computing service, as defined in § 10-4A-01(c) of the Courts Article, or a geographic location information service.

(ii) "Electronic device" does not include:

1. an automatic identification system installed on a vessel in accordance with Title 33, Part 164.46 of the Code of Federal Regulations; or

2. a vessel monitoring system (VMS) or a VMS unit installed on board a vessel for vessel monitoring in accordance with Title 50, Part 648 of the Code of Federal Regulations.

[(4)] (5) "Exigent circumstances" means an emergency or other judicially recognized exception to constitutional warrant requirements.

[(5)] (6) "Location information" means real-time or present information concerning the geographic location of an electronic device that is generated by or derived from the operation of that device.

[(6)] (7) "Location information service" means a global positioning service or other mapping, locational, or directional information service.

[(7)] (8) "Owner" means a person or an entity having the legal title, claim, or right to an electronic device.

[(8)] (9) "Service provider" means the provider of an electronic communication service, a remote computing service, or any location information service.

[(9)] (10) "User" means a person that uses or possesses an electronic device.

(b) (1) A court may issue an order authorizing or directing a law enforcement officer to **USE A CELL SITE SIMULATOR OR** obtain location information from an electronic device after determining from an application described in paragraph (2) of this subsection that there is probable cause to believe that:

(i) a misdemeanor or felony has been, is being, or will be committed by the owner or user of the electronic device or by the individual about whom location information is being sought; and

(ii) the INFORMATION SOUGHT BY THE CELL SITE SIMULATOR OR THE location information being sought:

1. is evidence of, or will lead to evidence of, the misdemeanor or felony being investigated; or

2. will lead to the apprehension of an individual for whom an arrest warrant has been previously issued.

(2) An application for an order under this section shall be:

- (i) in writing;
- (ii) signed and sworn to by the applicant; and
- (iii) accompanied by an affidavit that:

1. sets forth the basis for probable cause as described in paragraph (1) of this subsection; and

2. contains facts within the personal knowledge of the affiant.

(3) An order **TO OBTAIN LOCATION INFORMATION** issued under this section shall:

(i) name or describe with reasonable particularity:

1. the type of electronic device associated with the location information being sought;

2. the user of the electronic device, if known, or the identifying number of the electronic device about which location information is sought;

3. the owner, if known and if the owner is a person or an entity other than the user, of the electronic device;

- 4. the grounds for obtaining the location information; and
- 5. the name of the applicant on whose application the order

was issued;

(ii) authorize the executing law enforcement officer to obtain the location information without giving notice to the owner or user of the electronic device or to the individual about whom the location information is being sought for the duration of the order;

 $(\mathrm{iii})$  specify the period of time for which location information is authorized to be obtained; and

(iv) if applicable, order the service provider to:

1. disclose to the executing law enforcement officer the location information associated with the electronic device for the period of time authorized; and

2. refrain from notifying the user, owner, or any other person of the disclosure of location information for as long as the notice under subsection (d) of this section is delayed.

(4) AN ORDER AUTHORIZING USE OF A CELL SITE SIMULATOR ISSUED UNDER THIS SECTION SHALL:

(I) NAME OR DESCRIBE WITH REASONABLE PARTICULARITY:

**1.** THE TYPE OF ELECTRONIC DEVICE ASSOCIATED WITH THE USE OF THE CELL SITE SIMULATOR;

2. THE USER OF THE ELECTRONIC DEVICE, IF KNOWN, OR THE IDENTIFYING NUMBER OF THE ELECTRONIC DEVICE;

**3.** THE OWNER OF THE ELECTRONIC DEVICE, IF KNOWN, AND WHETHER THE OWNER IS A PERSON OR AN ENTITY OTHER THAN THE USER;

4. THE GROUNDS FOR USING THE CELL SITE SIMULATOR; AND

5. THE NAME OF THE APPLICANT ON WHOSE APPLICATION THE ORDER WAS ISSUED;

(II) AUTHORIZE THE EXECUTING LAW ENFORCEMENT OFFICER TO USE A CELL SITE SIMULATOR WITHOUT GIVING NOTICE TO THE OWNER OR USER OF THE ELECTRONIC DEVICE OR TO THE INDIVIDUAL ABOUT WHOM INFORMATION IS BEING SOUGHT FOR THE DURATION OF THE ORDER;

(III) SPECIFY THE PERIOD OF TIME FOR WHICH USE OF A CELL SITE SIMULATOR IS AUTHORIZED;

(IV) REQUIRE THAT ANY THIRD–PARTY OR NONTARGET DATA BE RETAINED FOR NOT MORE THAN 10 DAYS AND BE PERMANENTLY DESTROYED AFTER THE 10-DAY PERIOD ON THE EXPIRATION OF THE ORDER;

(V) REQUIRE THAT NO CONTENT DATA BE OBTAINED;

(VI) RESTRICT THE INVESTIGATIVE USE OF ANY THIRD–PARTY OR NONTARGET DATA WITHOUT FURTHER COURT ORDER; AND

(VII) REQUIRE THAT A COPY OF THE APPLICATION AND ORDER BE PROVIDED IN DISCOVERY.

(c) (1) (i) The period of time during which A CELL SITE SIMULATOR MAY **BE USED OR** location information may be obtained under the authority of an order under subsection (b) of this section may not exceed 30 days unless extended as provided in paragraph (3) of this subsection.

(ii) [Location] CELL SITE SIMULATOR USE SHALL BEGIN OR LOCATION information shall begin to be obtained by the executing law enforcement officer within 10 calendar days after the order is issued or, if applicable, the order shall be delivered to the service provider within 10 calendar days after the order is issued.

(2) If [neither] NONE of the events described in paragraph (1)(ii) of this subsection occurs within 10 calendar days of the issuance of the order, the order is void.

(3) (i) The authority to **USE A CELL SITE SIMULATOR OR** obtain location information under the order may be extended beyond 30 calendar days on a finding of continuing probable cause.

(ii) An extension under this paragraph may not exceed an additional 30 calendar days, unless the court finds continuing probable cause and determines that good cause exists for a longer extension.

(d) (1) Notice of the [location information] **COURT'S** order shall be delivered to the user and, if known and if the owner is a person or an entity other than the user, the subscriber of the electronic device [from which the location information is sought] **AT ISSUE**.

- (2) The notice shall:
  - (i) state the general nature of the law enforcement inquiry; and
  - (ii) inform the user or owner:

1. if applicable, that A CELL SITE SIMULATOR WAS USED OR THAT location information maintained by the service provider was supplied to a law enforcement officer;

2. if applicable, of the identifying number associated with the electronic device;

3. of the dates **DURING WHICH THE CELL SITE SIMULATOR WAS USED OR** for which the location information was supplied;

- 4. whether notification was delayed; and
- 5. which court authorized the order.

(3) Subject to paragraph (4) of this subsection, notice must be delivered within 10 calendar days after the expiration of the order.

(4) Notwithstanding any provision of the Maryland Rules or this subtitle, the court, on a finding of good cause, may order that the application, affidavit, and order be sealed and that the notification required under this section be delayed for a period of 30 calendar days.

(5) A finding of good cause under paragraph (4) of this subsection may be established by evidence that:

(i) the criminal investigation to which the affidavit is related is of a continuing nature and likely to yield further information that could be of use in prosecuting alleged criminal activities; and

(ii) the failure to maintain the confidentiality of the investigation would:

1. jeopardize the use of information already obtained in the

investigation;

- 2. impair the continuation of the investigation; or
- 3. jeopardize the safety of a source of information.

(6) A court may order that notification under this section be delayed beyond 30 calendar days if:

(i) a law enforcement officer provides continued evidence of a circumstance described in paragraph (5) of this subsection; and

(ii) the court makes a finding of good cause based on evidence that notice should be further delayed to preserve the continuation of the investigation.

(e) (1) Discovery of the [location information] application, affidavit, order, and related documents, if any, [are] IS subject to the provisions of Maryland Rules 4–262 and 4–263.

(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, EVIDENCE OBTAINED IN VIOLATION OF THIS SECTION IS SUBJECT TO THE EXCLUSIONARY RULE AS JUDICIALLY DETERMINED.

(3) UNDER NO CIRCUMSTANCES IS INFORMATION COLLECTED ON A NONTARGET DEVICE ADMISSIBLE IN A CRIMINAL, CIVIL, ADMINISTRATIVE, OR OTHER PROCEEDING.

(f) Notwithstanding any other provision of this section, a law enforcement officer may USE A CELL SITE SIMULATOR OR obtain location information for a period not to exceed 48 hours:

(1) in exigent circumstances; or

(2) with the express consent of the user or owner of the electronic device.

(g) A person may not be held civilly liable for complying with this section by providing location information.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before February 1 each year, each law enforcement agency shall post on its website and report to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly the number of times a cell site simulator was used by the agency during the previous calendar year, including the number of times the technology was deployed in exigent circumstances.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020. Section 2 of this Act shall remain effective for a period of 5 years and, at the end of September 30, 2025, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

#### Chapter 224

#### (House Bill 503)

AN ACT concerning

#### Primary and Secondary Schools – Dependent Children of Service Members – Enrollment and Documentation Requirements

- FOR the purpose of requiring a county superintendent of schools to allow a dependent child of a certain service member to enroll in a school in the county in accordance with certain provisions of law; requiring a county superintendent to allow a dependent child of a certain service member to apply for enrollment in a certain public school in the same manner and at the same time as certain other individuals; requiring a certain service member to provide to a school certain documentation within a certain period of time; authorizing a certain service member to use the address of certain types of facilities as proof of residence; defining certain terms; and generally relating to school enrollment of dependent children of service members.
- BY repealing and reenacting, without amendments, Article – Education

Section 7–101(b)(1) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Education Section 7–101(b)(2)(i) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

BY adding to

Article – Education Section 7–115.1 Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

#### Article – Education

7-101.

(b) (1) Except as provided in § 7–301 of this title and in paragraph (2) of this subsection, each child shall attend a public school in the county where the child is domiciled with the child's parent, guardian, or relative providing informal kinship care, as defined in subsection (c) of this section.

(2) (i) Upon request and in accordance with a county board's policies concerning residency, a county superintendent [may]:

**1. MAY** allow a child to attend school in the county even if the child is not domiciled in that county with the child's parent or guardian; **AND** 

#### 2. SHALL ALLOW A DEPENDENT CHILD OF A SERVICE MEMBER WHO IS RELOCATING TO THE STATE ON MILITARY ORDERS TO ENROLL IN SCHOOL IN THE COUNTY IN ACCORDANCE WITH § 7–115.1 OF THIS SUBTITLE.

#### 7-115.1.

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

(2) "DEPENDENT CHILD" MEANS AN INDIVIDUAL OF SCHOOL AGE WHO IS A NATURAL CHILD, A STEPCHILD, AN ADOPTED CHILD, OR A FINANCIALLY DEPENDENT CHILD OF A SERVICE MEMBER. (3) "ENROLLMENT" INCLUDES COURSE REGISTRATION AND CHARTER SCHOOL LOTTERIES.

(4) (I) "SERVICE MEMBER" MEANS AN ACTIVE DUTY MEMBER OF THE UNITED STATES ARMED FORCES.

(II) "SERVICE MEMBER" INCLUDES A MEMBER OF THE NATIONAL GUARD ON ACTIVE DUTY ORDERS.

(B) A COUNTY SUPERINTENDENT SHALL ALLOW A DEPENDENT CHILD OF A SERVICE MEMBER WHO IS RELOCATING TO THE STATE ON MILITARY ORDERS AND IS NOT DOMICILED IN THAT COUNTY DURING THE ENROLLMENT PERIOD TO APPLY FOR ENROLLMENT IN A PUBLIC SCHOOL IN THE COUNTY, IN THE SAME MANNER AND AT THE SAME TIME AS INDIVIDUALS DOMICILED IN THE COUNTY.

(C) (1) WITHIN 10 DAYS OF THE PUBLISHED ARRIVAL DATE ON THE SERVICE MEMBER'S MILITARY ORDERS, THE SERVICE MEMBER SHALL PROVIDE THE SCHOOL WITH:

(I) SATISFACTORY EVIDENCE OF THE DEPENDENT CHILD'S STATUS AS A DEPENDENT CHILD OF THE SERVICE MEMBER;

(II) A COPY OF THE SERVICE MEMBER'S MILITARY ORDERS TO RELOCATE; AND

(III) **PROOF OF RESIDENCE IN THE COUNTY.** 

(2) THE SERVICE MEMBER MAY USE THE ADDRESS OF ANY OF THE FOLLOWING AS PROOF OF RESIDENCE:

(I) A TEMPORARY ON–BASE LODGING FACILITY;

(II) A PURCHASED OR LEASED HOME OR APARTMENT; OR

(III) ANY FEDERAL GOVERNMENT HOUSING UNIT OR OFF-BASE MILITARY HOUSING UNIT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 225

## (Senate Bill 391)

AN ACT concerning

## Primary and Secondary Schools – Dependent Children of Service Members – Enrollment and Documentation Requirements

FOR the purpose of requiring a county superintendent of schools to allow a dependent child of a certain service member to enroll in a school in the county in accordance with certain provisions of law; requiring a county superintendent to allow a dependent child of a certain service member to apply for enrollment in a certain public school in the same manner and at the same time as certain other individuals; requiring a certain service member to provide to a school certain documentation within a certain period of time; authorizing a certain service member to use the address of certain types of facilities as proof of residence; defining certain terms; and generally relating to school enrollment of dependent children of service members.

BY repealing and reenacting, without amendments,

Article – Education Section 7–101(b)(1) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Education Section 7–101(b)(2)(i) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

BY adding to

Article – Education Section 7–115.1 Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

## Article – Education

7 - 101.

(b) (1) Except as provided in § 7–301 of this title and in paragraph (2) of this subsection, each child shall attend a public school in the county where the child is domiciled

with the child's parent, guardian, or relative providing informal kinship care, as defined in subsection (c) of this section.

(2) (i) Upon request and in accordance with a county board's policies concerning residency, a county superintendent [may]:

**1. MAY** allow a child to attend school in the county even if the child is not domiciled in that county with the child's parent or guardian; **AND** 

2. SHALL ALLOW A DEPENDENT CHILD OF A SERVICE MEMBER WHO IS RELOCATING TO THE STATE ON MILITARY ORDERS TO ENROLL IN SCHOOL IN THE COUNTY IN ACCORDANCE WITH § 7–115.1 OF THIS SUBTITLE.

### 7-115.1.

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

(2) "DEPENDENT CHILD" MEANS AN INDIVIDUAL OF SCHOOL AGE WHO IS A NATURAL CHILD, A STEPCHILD, AN ADOPTED CHILD, OR A FINANCIALLY DEPENDENT CHILD OF A SERVICE MEMBER.

(3) "ENROLLMENT" INCLUDES COURSE REGISTRATION AND CHARTER SCHOOL LOTTERIES.

(4) (I) "SERVICE MEMBER" MEANS AN ACTIVE DUTY MEMBER OF THE UNITED STATES ARMED FORCES.

(II) "SERVICE MEMBER" INCLUDES A MEMBER OF THE NATIONAL GUARD ON ACTIVE DUTY ORDERS.

(B) A COUNTY SUPERINTENDENT SHALL ALLOW A DEPENDENT CHILD OF A SERVICE MEMBER WHO IS RELOCATING TO THE STATE ON MILITARY ORDERS AND IS NOT DOMICILED IN THAT COUNTY DURING THE ENROLLMENT PERIOD TO APPLY FOR ENROLLMENT IN A PUBLIC SCHOOL IN THE COUNTY, IN THE SAME MANNER AND AT THE SAME TIME AS INDIVIDUALS DOMICILED IN THE COUNTY.

(C) (1) WITHIN 10 DAYS OF THE PUBLISHED ARRIVAL DATE ON THE SERVICE MEMBER'S MILITARY ORDERS, THE SERVICE MEMBER SHALL PROVIDE THE SCHOOL WITH:

(I) SATISFACTORY EVIDENCE OF THE DEPENDENT CHILD'S STATUS AS A DEPENDENT CHILD OF THE SERVICE MEMBER;

(II) A COPY OF THE SERVICE MEMBER'S MILITARY ORDERS TO RELOCATE; AND

(III) **PROOF OF RESIDENCE IN THE COUNTY.** 

(2) THE SERVICE MEMBER MAY USE THE ADDRESS OF ANY OF THE FOLLOWING AS PROOF OF RESIDENCE:

- (I) A TEMPORARY ON–BASE LODGING FACILITY;
- (II) A PURCHASED OR LEASED HOME OR APARTMENT; OR

(III) ANY FEDERAL GOVERNMENT HOUSING UNIT OR OFF-BASE MILITARY HOUSING UNIT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 226

(House Bill 505)

AN ACT concerning

## Baltimore County – Property Tax – Credit for Seniors to Offset Property Tax Rate Increase

FOR the purpose of authorizing the governing body of Baltimore County to grant, by law, a certain property tax credit against the county property tax imposed on a dwelling owned by an individual who is at least a meets certain age, income, and residency requirements; requiring the credit to equal a certain percentage of any increase in the property tax imposed on the dwelling attributable to a certain property tax rate; authorizing the governing body of Baltimore County to provide, by law, for certain matters relating to the credit; defining a certain term; providing for the application of this Act; and generally relating to a property tax credit for senior citizen homeowners in Baltimore County.

BY adding to

Article – Tax – Property Section 9–305(g) Annotated Code of Maryland (2019 Replacement Volume) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

### Article – Tax – Property

9-305.

(G) (1) IN THIS SUBSECTION, "DWELLING" HAS THE MEANING STATED IN 9-105 of this title.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE GOVERNING BODY OF BALTIMORE COUNTY MAY GRANT, BY LAW, A PROPERTY TAX CREDIT AGAINST THE COUNTY PROPERTY TAX IMPOSED ON A DWELLING THAT IS OWNED BY AN INDIVIDUAL:

1.WHO HAS RESIDED IN THE DWELLING FOR AT LEAST30 CONSECUTIVE YEARS;

<u>2.</u> <u>WHOSE COMBINED INCOME, AS DEFINED IN § 9–104</u> OF THIS TITLE, DOES NOT EXCEED \$60,000; AND

**<u>3.</u>** WHO IS AT LEAST **65** YEARS OLD.

(II) THE AMOUNT OF THE TAX CREDIT GRANTED UNDER THIS SUBSECTION SHALL EQUAL 100% OF ANY INCREASE IN THE PROPERTY TAX IMPOSED ON THE DWELLING THAT IS ATTRIBUTABLE TO A COUNTY PROPERTY TAX RATE THAT EXCEEDS \$1.10 FOR EACH \$100 OF ASSESSMENT.

(3) THE GOVERNING BODY OF BALTIMORE COUNTY MAY ESTABLISH,

BY LAW:

(I) THE DURATION OF THE TAX CREDIT;

(II) ADDITIONAL ELIGIBILITY CRITERIA FOR THE TAX CREDIT;

(III) REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE TAX CREDIT; AND

(IV) ANY OTHER PROVISION NECESSARY TO CARRY OUT THE TAX

CREDIT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020, and shall be applicable to all taxable years beginning after June 30, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 227

(Senate Bill 458)

AN ACT concerning

## Higher Education – Nonresident Tuition Exemption for Military Personnel, Spouses, and Dependents – Alterations

FOR the purpose of exempting spouses and financially dependent children of active duty members of the United States armed forces from paying nonresident tuition at a public institution of higher education in the State if certain requirements are met at the time of acceptance to attend the institution; requiring the exemption to continue if the qualifying individual enrolls <del>and</del> <u>at the institution</u>, remains continuously enrolled at the institution, <u>and remains domiciled in the State</u>, regardless of changes in the station, residency, or domicile of the active duty member; making conforming changes; and generally relating to exemptions for nonresident tuition at public institutions of higher education.

BY repealing and reenacting, without amendments, Article – Education Section 10–101(a) and (h) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Education Section 15–106.4 Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

## Article – Education

10–101.

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

(h) (1) "Institution of higher education" means an institution of postsecondary education that generally limits enrollment to graduates of secondary schools, and awards degrees at either the associate, baccalaureate, or graduate level.

(2) "Institution of higher education" includes public, private nonprofit, and for–profit institutions of higher education.

15 - 106.4.

(a) This section applies to the following individuals:

(1) An active duty member of the United States armed forces;

(2) The spouse of an active duty member of the United States armed forces;

(3) A financially dependent child of an active duty member of the United States armed forces;

(4) An honorably discharged veteran of the United States armed forces; or

(5) A member of the National Guard as defined in § 13–405(a)(3) of the Public Safety Article.

(b) Notwithstanding any other provision of this article, an individual described in subsection (a) of this section who attends a public institution of higher education in the State is exempt from paying nonresident tuition at a public institution of higher education in this State if:

(1) The active duty member [referred to] **DESCRIBED** in subsection (a) of this section:

- (i) Is stationed in this State;
- (ii) Resides in this State; or
- (iii) Is domiciled in this State;

(2) THE SPOUSE OR FINANCIALLY DEPENDENT CHILD DESCRIBED IN SUBSECTION (A) OF THIS SECTION PRESENTS DOCUMENTATION THAT, DURING THE TIME PERIOD IN WHICH THE ACTIVE DUTY MEMBER MET THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION, THE INDIVIDUAL:

(I) ENROLLED AS AN ENTERING STUDENT IN A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE; OR

(II) WAS ACCEPTED TO ATTEND A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE;

[(2)] (3) The honorably discharged veteran **DESCRIBED IN SUBSECTION** (A) OF THIS SECTION presents documentation that the individual:

(i) Was honorably discharged from the United States armed forces;

and

- (ii) 1. Resides in this State; or
  - 2. Is domiciled in this State; or

[(3)] (4) The National Guard member described in subsection [(a)(5)] (A) of this section is a member of the Maryland National Guard and joined or subsequently serves in the Maryland National Guard to:

(i) Provide a Critical Military Occupational Skill; or

(ii) Be a member of the Air Force Critical Specialty Code as determined by the National Guard.  $\ensuremath{\mathsf{C}}$ 

(c) Notwithstanding any other provision of this article, a spouse or financially dependent child of an active duty member who [enrolls as an entering student in a public institution of higher education and] is exempt from paying nonresident tuition under subsection (b) of this section shall continue to be exempt from paying nonresident tuition [if]:

(1) [The active duty member no longer meets the requirements of subsection (b)(1) of this section; and

(2) The] IF THE spouse or financially dependent child [remains]:

# (I) ENROLLS AS AN ENTERING STUDENT IN A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE; AND

(II) **REMAINS** continuously enrolled at the public institution of higher education; AND

## (III) <u>REMAINS DOMICILED IN THE STATE; AND</u>

# (2) REGARDLESS OF WHETHER THE ACTIVE DUTY MEMBER STILL MEETS THE REQUIREMENTS OF SUBSECTION (B)(1) OF THIS SECTION.

(d) Each public institution of higher education shall comply with federal law relating to nonresident tuition for veterans and veterans' dependents.

(e) The Commission shall adopt regulations in accordance with Title 10, Subtitle 1 of the State Government Article to implement the provisions of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 228

## (House Bill 506)

AN ACT concerning

## Higher Education – Nonresident Tuition Exemption for Military Personnel, Spouses, and Dependents – Alterations

FOR the purpose of exempting spouses and financially dependent children of active duty members of the United States armed forces from paying nonresident tuition at a public institution of higher education in the State if certain requirements are met at the time of acceptance to attend the institution; requiring the exemption to continue if the qualifying individual enrolls <del>and</del> <u>at the institution</u>, remains continuously enrolled at the institution, <u>and remains domiciled in the State during enrollment</u>, regardless of changes in the station, residency, or domicile of the active duty member; making conforming changes; and generally relating to exemptions for nonresident tuition at public institutions of higher education.

BY repealing and reenacting, without amendments, Article – Education Section 10–101(a) and (h) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Education Section 15–106.4 Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

## Article – Education

10-101.

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

(h) (1) "Institution of higher education" means an institution of postsecondary education that generally limits enrollment to graduates of secondary schools, and awards degrees at either the associate, baccalaureate, or graduate level.

(2) "Institution of higher education" includes public, private nonprofit, and for–profit institutions of higher education.

15-106.4.

(a) This section applies to the following individuals:

(1) An active duty member of the United States armed forces;

(2) The spouse of an active duty member of the United States armed forces;

(3) A financially dependent child of an active duty member of the United States armed forces;

(4) An honorably discharged veteran of the United States armed forces; or

(5) A member of the National Guard as defined in § 13–405(a)(3) of the Public Safety Article.

(b) Notwithstanding any other provision of this article, an individual described in subsection (a) of this section who attends a public institution of higher education in the State is exempt from paying nonresident tuition at a public institution of higher education in this State if:

(1) The active duty member [referred to] **DESCRIBED** in subsection (a) of this section:

- (i) Is stationed in this State;
- (ii) Resides in this State; or
- (iii) Is domiciled in this State;

(2) THE SPOUSE OR FINANCIALLY DEPENDENT CHILD DESCRIBED IN SUBSECTION (A) OF THIS SECTION PRESENTS DOCUMENTATION THAT, DURING THE TIME PERIOD IN WHICH THE ACTIVE DUTY MEMBER MET THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION, THE INDIVIDUAL:

(I) ENROLLED AS AN ENTERING STUDENT IN A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE; OR

(II) WAS ACCEPTED TO ATTEND A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE;

[(2)] (3) The honorably discharged veteran DESCRIBED IN SUBSECTION (A) OF THIS SECTION presents documentation that the individual:

(i) Was honorably discharged from the United States armed forces;

and

- (ii) 1. Resides in this State; or
  - 2. Is domiciled in this State; or

[(3)] (4) The National Guard member described in subsection [(a)(5)] (A) of this section is a member of the Maryland National Guard and joined or subsequently serves in the Maryland National Guard to:

(i) Provide a Critical Military Occupational Skill; or

(ii) Be a member of the Air Force Critical Specialty Code as determined by the National Guard.

(c) Notwithstanding any other provision of this article, a spouse or financially dependent child of an active duty member who [enrolls as an entering student in a public institution of higher education and] is exempt from paying nonresident tuition under subsection (b) of this section shall continue to be exempt from paying nonresident tuition [if]:

(1) [The active duty member no longer meets the requirements of subsection (b)(1) of this section; and

(2) The] IF THE spouse or financially dependent child [remains]:

(I) ENROLLS AS AN ENTERING STUDENT IN A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE; AND

(II) **REMAINS** continuously enrolled at the public institution of higher education; AND

## (III) <u>REMAINS DOMICILED IN THE STATE DURING ENROLLMENT;</u>

AND

(2) REGARDLESS OF WHETHER THE ACTIVE DUTY MEMBER STILL MEETS THE REQUIREMENTS OF SUBSECTION (B)(1) OF THIS SECTION.

(d) Each public institution of higher education shall comply with federal law relating to nonresident tuition for veterans and veterans' dependents.

(e) The Commission shall adopt regulations in accordance with Title 10, Subtitle 1 of the State Government Article to implement the provisions of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 229

(Senate Bill 166)

AN ACT concerning

## Drugs and Devices – Electronic Prescriptions – Controlled Dangerous Substances

FOR the purpose of authorizing certain controlled dangerous substance prescriptions to be dispensed on an electronic prescription; requiring, except under certain circumstances, a certain health practitioner to issue a prescription for a controlled dangerous substance electronically; authorizing an authorized prescriber to issue a written or oral prescription for a controlled dangerous substance only under certain circumstances; requiring the Secretary of Health, in collaboration with the Maryland Health Care Commission, to adopt certain regulations regarding a certain waiver that includes certain provisions; authorizing the Secretary to issue a waiver that applies generally to a certain group of health practitioners or drugs; providing that a certain waiver shall apply to a certain health practitioner without requiring the health practitioner to go through a certain process; authorizing the Secretary to adopt certain regulations regarding certain exceptions to the requirement to issue an electronic prescription; requiring a certain health occupations board to take certain action against a health practitioner who violates certain provisions of this Act; authorizing a pharmacist to dispense a drug on a prescription transmitted in a certain manner under certain circumstances; providing that a pharmacist who receives certain prescriptions is not required to verify certain information about the prescription; altering the circumstances under which a pharmacist may refill and dispense a prescription; requiring the Maryland Health Care Commission to convene a certain workgroup; requiring the workgroup to study, evaluate, and make recommendations on certain matters; requiring the workgroup to report its findings and recommendations to certain committees of the General Assembly on or before a <del>certain date;</del> making conforming changes; providing for the construction of certain provisions of this Act; defining a certain term; providing for a delayed effective date; <del>providing for the termination of certain provisions of this Act;</del> and generally relating to electronic prescriptions for controlled dangerous substances.

BY repealing and reenacting, without amendments,

<u>Article – Correctional Services</u> <u>Section 1–101(a) and (d)</u> <u>Annotated Code of Maryland</u> (2017 Replacement Volume and 2019 Supplement)

<u>BY repealing and reenacting, without amendments,</u> <u>Article – Criminal Law</u> <u>Section 5–101(a)</u> <u>Annotated Code of Maryland</u> (2012 Replacement Volume and 2019 Supplement)

BY adding to

<u>Article – Criminal Law</u> <u>Section 5–101(p–1)</u> <u>Annotated Code of Maryland</u> (2012 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law Section 5–501, 5–504, and 5–701 Annotated Code of Maryland (2012 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Health – General Section 21–220 Annotated Code of Maryland (2019 Replacement Volume)

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

## Article - Correctional Services

<u>1–101.</u>

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

(d) <u>"Correctional facility" means a facility that is operated for the purpose of detaining or confining adults who are charged with or found guilty of a crime.</u>

## Article – Criminal Law

<u>5–101.</u>

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

## (P-1) "ELECTRONIC PRESCRIPTION" MEANS A PRESCRIPTION THAT:

# (1) IS GENERATED ON AN ELECTRONIC APPLICATION AND TRANSMITTED AS AN ELECTRONIC DATA FILE; AND

## (2) IF THE PRESCRIPTION IS FOR A CONTROLLED DANGEROUS SUBSTANCE, COMPLIES WITH THE REQUIREMENTS OF 21 C.F.R. PART 1306.

5-501.

(a) Except as provided in subsection (b) of this section, a person may not dispense a controlled dangerous substance without a written prescription OR AN ELECTRONIC PRESCRIPTION from an authorized provider if the substance is:

- (1) listed in Schedule II; and
- (2) a drug to which § 21–220 of the Health General Article applies.

(b) A controlled dangerous substance to which subsection (a) of this section applies may be dispensed without a written prescription OR AN ELECTRONIC PRESCRIPTION by:

- (1) an authorized provider who:
  - (i) is not a pharmacist; and

(ii) dispenses the controlled dangerous substance directly to an ultimate user; or

(2) a pharmacist if:

(i) an emergency exists;

(ii) the pharmacist dispenses the drug under regulations of the Department on an oral prescription that the pharmacist reduces promptly to writing and keeps on file; and

(iii) federal law authorizes the oral prescription.

(c) A prescription for a controlled dangerous substance listed in Schedule II shall be kept on file in conformity with the requirements for records and inventories under § 5-306 of this title.

(d) A person may not refill a prescription for a controlled dangerous substance listed in Schedule II.

5 - 504.

(a) Except when dispensed directly to an ultimate user by an authorized provider who is not a pharmacist, a controlled dangerous substance listed in Schedule III or Schedule IV that is a drug to which § 21–220 of the Health – General Article applies may not be dispensed without a written **PRESCRIPTION**, **AN ELECTRONIC PRESCRIPTION**, or **AN** oral prescription.

(b) Unless renewed by the authorized provider, the prescription may not be:

(1) filled or refilled more than 6 months after the date of prescription; or

(2) refilled more than five times.

## 5-701.

(a) Sections 5–701 through 5–704 of this subtitle apply to:

(1) the sale of prescription drugs by a manufacturer, wholesale distributor, retail pharmacist, or jobber to a person not legally qualified or authorized to purchase and hold prescription drugs for use or resale; and

(2) an authorized provider's assistant who is not licensed to administer prescription drugs.

(b) A person may not dispense a prescription drug except:

(1) on an authorized provider's:

## (I) ELECTRONIC PRESCRIPTION;

- [(i)] (II) written prescription; or
- [(ii)] (III) oral prescription that the pharmacist reduces to writing

and files; or

(2) by refilling a written **PRESCRIPTION**, AN **ELECTRONIC PRESCRIPTION**, or **AN** oral prescription that is authorized:

- (i) by the authorized provider in the original prescription; or
- (ii) by oral direction that the pharmacist reduces to writing and files.

(c) A person may not dispense a prescription drug by filling or refilling a written **PRESCRIPTION, AN ELECTRONIC PRESCRIPTION,** or **AN** oral prescription of an authorized provider unless the drug bears a label that, in addition to any requirements of the Department or federal law, contains:

(1) the name and address of the dispenser;

(2) the serial number and date of the prescription;

(3) the name of the authorized provider; and

(4) if stated in the prescription, the name and address of the patient and the directions for use.

(d) Except as otherwise provided under this title, a person may not:

(1) manufacture, distribute, or possess with intent to distribute a prescription drug;

(2) affix a false or counterfeit label to a package, container, or other receptacle containing a prescription drug;

(3) omit, remove, alter, or obliterate a label or symbol that is required by federal, State, or local law on a prescription drug; or

- (4) obtain or attempt to obtain a prescription drug by:
  - (i) fraud, deceit, or misrepresentation;
  - (ii) the counterfeiting or altering of a prescription or written order;
  - (iii) concealing a material fact;
  - (iv) using a false name or address;

(v) falsely assuming the title of or falsely representing that the person is a manufacturer, distributor, or authorized provider; or

(vi) making or issuing a false or counterfeit prescription or written order.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both.

## Article – Health – General

21 - 220.

(a) A drug that is intended for use by human beings and is in any of the following classifications may be dispensed by a pharmacist only on a written **PRESCRIPTION**, **AN ELECTRONIC PRESCRIPTION**, **AS DEFINED IN § 5–101 OF THE CRIMINAL LAW ARTICLE**, or **AN** oral prescription from a health practitioner authorized by law to prescribe the drug:

(1) A habit–forming drug to which § 21–218(b)(1) of this subtitle applies.

(2) A drug that because of its toxicity or other potentiality for harmful effect, the method of its use, or the collateral measures necessary to its use, is not safe for use except under the supervision of a health practitioner who is authorized by law to administer such a drug.

(3) A drug that is limited by an approved application under § 355 of the federal act or § 21-223 of this subtitle to use under the professional supervision of a health practitioner authorized by law to administer such a drug.

(b) (1) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A** prescription may be written or oral <u>OR MADE THROUGH AN ELECTRONIC PRESCRIPTION</u>.

(2) [However, a] A pharmacist may not dispense a drug on an oral prescription unless the pharmacist promptly writes out and files the prescription.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HEALTH PRACTITIONER AUTHORIZED BY LAW TO PRESCRIBE A CONTROLLED DANGEROUS SUBSTANCE WITHIN THE MEANING OF TITLE 5 OF THE CRIMINAL LAW ARTICLE SHALL ISSUE A PRESCRIPTION <u>ELECTRONICALLY</u> FOR A CONTROLLED DANGEROUS SUBSTANCE USING AN ELECTRONIC PRESCRIPTION, AS DEFINED IN § 5–101 OF THE CRIMINAL LAW ARTICLE.

(2) A HEALTH PRACTITIONER MAY ISSUE A WRITTEN OR, IF AUTHORIZED BY STATE AND FEDERAL LAW, ORAL PRESCRIPTION FOR A CONTROLLED DANGEROUS SUBSTANCE ONLY IF:

(I) ELECTRONIC PRESCRIBING IS NOT AVAILABLE DUE TO TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE;

(II) THE PRESCRIPTION IS TO BE DISPENSED BY A PHARMACY LOCATED OUTSIDE THE STATE;

(III) THE PRESCRIBING ENTITY AND DISPENSING ENTITY OF THE DRUG OR DEVICE ARE THE SAME; (III) <u>THE PRESCRIPTION IS ISSUED BY A HEALTH PRACTITIONER</u> OUTSIDE THE STATE;

(IV) THE HEALTH PRACTITIONER IS PRESCRIBING AND DISPENSING THE CONTROLLED DANGEROUS SUBSTANCE DIRECTLY TO THE PATIENT;

(V) <u>THE PRESCRIPTION IS BEING DISPENSED DIRECTLY TO THE</u> <u>PATIENT IN ACCORDANCE WITH § 12–102(C)(2)(IV) OF THE HEALTH OCCUPATIONS</u> <u>ARTICLE;</u>

(IV) (VI) THE PRESCRIPTION IS FOR AN INDIVIDUAL WHO:

1. RESIDES IN A NURSING OR ASSISTED LIVING FACILITY;

2. IS RECEIVING CARE THROUGH A HOSPICE OR PALLIATIVE CARE PROGRAM AND THE PRESCRIPTION IS RELATED TO THE CARE PROVIDED; <del>OR</del>

3. IS RECEIVING CARE AT AN OUTPATIENT RENAL DIALYSIS FACILITY AND THE PRESCRIPTION IS RELATED TO THE CARE PROVIDED; <u>OR</u>

<u>4.</u> <u>IS DETAINED OR CONFINED OR IN A CORRECTIONAL</u> FACILITY, AS DEFINED IN § 1–101 OF THE CORRECTIONAL SERVICES ARTICLE;

 $(\forall)$  (VII) THE PRESCRIPTION IS ISSUED BY A LICENSED VETERINARIAN;

(VI) (VIII) THE PRESCRIPTION INCLUDES ELEMENTS THAT ARE NOT SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL COUNCIL FOR PRESCRIPTION DRUG PROGRAMS PRESCRIBER/PHARMACIST INTERFACE SCRIPT STANDARD;

(VII) (IX) THE PRESCRIPTION IS ISSUED FOR A DRUG FOR WHICH THE FEDERAL FOOD AND DRUG ADMINISTRATION REQUIRES THE PRESCRIPTION TO CONTAIN CERTAIN ELEMENTS THAT CANNOT BE TRANSMITTED ELECTRONICALLY;

(VIII) THE PRESCRIPTION IS NOT SPECIFIC TO ONE PATIENT, INCLUDING PRESCRIPTIONS THAT ARE:

- 1. IN ACCORDANCE WITH A STANDING ORDER;
- 2. FOR AN APPROVED PROTOCOL FOR DRUG THERAPY;
- 3. FOR COLLABORATIVE DRUG MANAGEMENT;
- 4. For comprehensive medication management;

<del>OR</del>

5. IN RESPONSE TO A PUBLIC HEALTH EMERGENCY;

(1X) (X) THE PRESCRIPTION PRESCRIBES A DRUG UNDER A RESEARCH PROTOCOL;

(X) (XI) THE PRESCRIPTION IS ISSUED BY A HEALTH PRACTITIONER WHO HAS RECEIVED A WAIVER UNDER SUBSECTION (D)(1) OF THIS SECTION;

(XI) (XII) THE PRESCRIPTION IS ISSUED BY A HEALTH PRACTITIONER WHO REQUESTED A WAIVER UNDER SUBSECTION (D)(1) OF THIS SECTION AND THE DEPARTMENT HAS NOT ISSUED A WAIVER TO THE PRACTITIONER OR HAS NOT REJECTED THE PRACTITIONER'S REQUEST FOR A WAIVER;

(XII) (XIII) THE HEALTH PRACTITIONER ISSUING THE PRESCRIPTION OR THE DRUG FOR WHICH THE PRESCRIPTION IS ISSUED FALLS UNDER A WAIVER ISSUED BY THE SECRETARY UNDER SUBSECTION (D)(2) OF THIS SECTION;

(XIII) (XIV) THE PRESCRIPTION IS ISSUED BY A HEALTH PRACTITIONER WHO WRITES A LOW VOLUME OF PRESCRIPTIONS FOR CONTROLLED DANGEROUS SUBSTANCES, AS DETERMINED BY THE MARYLAND HEALTH CARE COMMISSION; OR

(XIV) (XV) THE PRESCRIPTION IS ISSUED BY A HEALTH PRACTITIONER UNDER CIRCUMSTANCES IN WHICH, ALTHOUGH THE PRACTITIONER HAS THE ABILITY TO ISSUE AN ELECTRONIC PRESCRIPTION AS REQUIRED BY PARAGRAPH (1) OF THIS SUBSECTION, THE HEALTH PRACTITIONER REASONABLY DETERMINES THAT:

1. IT WOULD BE IMPRACTICABLE FOR THE PRACTITIONER TO PRESCRIBE THE DRUG OR DEVICE BY ELECTRONIC PRESCRIPTION IN A TIMELY MANNER; AND 2. THE DELAY WOULD ADVERSELY IMPACT THE PATIENT'S MEDICAL CONDITION.

(3) THIS SUBSECTION MAY NOT BE CONSTRUED TO LIMIT THE RIGHT OF A PATIENT TO DESIGNATE A SPECIFIC PHARMACY TO DISPENSE A PRESCRIBED DRUG OR DEVICE TO THE INDIVIDUAL.

(D) (1) THE SECRETARY SHALL ADOPT REGULATIONS, IN COLLABORATION WITH THE MARYLAND HEALTH CARE COMMISSION, TO ESTABLISH A PROCESS FOR THE DEPARTMENT TO ISSUE A WAIVER FROM THE ELECTRONIC PRESCRIPTION REQUIREMENTS IN SUBSECTION (C)(1) OF THIS SECTION.

(2) (I) THE SECRETARY MAY ISSUE A WAIVER THAT APPLIES GENERALLY TO A GROUP OF HEALTH PRACTITIONERS OR DRUGS THAT MEET CONDITIONS SPECIFIED BY THE SECRETARY.

(II) ANY WAIVER ISSUED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH FOR A GROUP OF HEALTH PRACTITIONERS SHALL APPLY TO A HEALTH PRACTITIONER IN THAT GROUP WITHOUT REQUIRING THE HEALTH PRACTITIONER TO GO THROUGH THE PROCESS ESTABLISHED IN REGULATIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) EXCEPT FOR A WAIVER ISSUED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL SPECIFY THAT A WAIVER:

(I) MAY NOT EXCEED 1 YEAR; AND

(II) MAY BE GRANTED FOR THE FOLLOWING REASONS:

1. ECONOMIC HARDSHIP;

2. TECHNOLOGICAL LIMITATIONS THAT ARE NOT REASONABLY WITHIN THE CONTROL OF THE HEALTH PRACTITIONER; OR

**3.** Any other exceptional circumstances as demonstrated by the health practitioner.

(4) THE SECRETARY MAY ADOPT REGULATIONS ON:

(I) WHICH TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURES CONSTITUTE AN EXCEPTION TO THE REQUIREMENT TO ISSUE AN ELECTRONIC PRESCRIPTION UNDER SUBSECTION (C)(1) OF THIS SECTION; AND (II) THE CIRCUMSTANCES UNDER WHICH A HEALTH PRACTITIONER IS EXEMPT FROM THE REQUIREMENT TO ISSUE AN ELECTRONIC PRESCRIPTION UNDER SUBSECTION (C)(1) OF THIS SECTION BECAUSE THE PRESCRIPTION WILL BE DISPENSED BY A PHARMACY LOCATED OUTSIDE THE STATE.

(E) THE APPROPRIATE HEALTH OCCUPATIONS BOARD ESTABLISHED UNDER THE HEALTH OCCUPATIONS ARTICLE <del>SHALL</del> <u>May</u> take disciplinary Action against a health practitioner who violates subsection (c) of this section.

(F) (1) A PHARMACIST MAY DISPENSE A DRUG ON A WRITTEN OR ORAL PRESCRIPTION FOR A CONTROLLED DANGEROUS SUBSTANCE THAT MEETS THE REQUIREMENTS OF THIS SECTION.

(2) A PHARMACIST WHO RECEIVES A WRITTEN OR ORAL PRESCRIPTION IS NOT REQUIRED TO VERIFY THAT THE PRESCRIPTION IS AN AUTHORIZED EXCEPTION TO THE ELECTRONIC PRESCRIPTION REQUIREMENT UNDER SUBSECTION (C)(2) OF THIS SECTION.

[(2)] (G) (1) [A] IF A prescription for a controlled dangerous substance within the meaning of Title 5 of the Criminal Law Article IS WRITTEN, IT may not be written on a preprinted prescription form that states the name, quantity, or strength of the controlled dangerous substance.

[(3)] (2) When a prescription is written, a separate prescription form is required for each controlled dangerous substance. If a pharmacist is otherwise satisfied that a prescription is valid the pharmacist may fill the prescription if the pharmacist promptly writes out and files a prescription for each substance and also files the original prescription.

[(4)] (3) A WRITTEN prescription shall be legible.

[(c)] (H) A pharmacist may not refill and dispense a prescription unless the refilling is authorized by:

(1) The health practitioner's specification in the original prescription as to how many times it may be refilled; f-or $\frac{1}{2}$ 

(2) An oral order of the health practitioner that promptly is written out and filed by the pharmacist<del>; OR</del>

(3) AN ELECTRONIC ORDER OF THE HEALTH PRACTITIONER.

[(d)] (I) The dispensing of a drug without complying with the requirements of this section is the dispensing of a misbranded drug.

[(e)] (J) (1) A drug that is subject to the prescription requirements of this section is misbranded if, at any time before it is dispensed, its label does not bear the statement "Caution: Federal Law Prohibits Dispensing Without Prescription", or "Caution: State Law Prohibits Dispensing Without Prescription".

(2) A drug to which the prescription requirements of this section do not apply is misbranded if, at any time before it is dispensed, its label bears the caution statement quoted in paragraph (1) of this subsection.

[(f)] (K) (1) The prescription requirements of this section do not apply to any drug that is exempted under a rule or regulation adopted by the Secretary.

(2) The Secretary, by rule or regulation, may exempt any drug from the requirements of this section if the Secretary finds that, as to the drug, the requirements of this section are not necessary for the protection of the public health.

(3) The Secretary, by rule and regulation, may exempt from the requirements of this section any drug that is removed from the prescription requirements of the federal act by a rule or regulation adopted under that act.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Health Care Commission shall convene a workgroup of interested stakeholders, including:

- (1) the Maryland Association of Chain Drug Stores;
- (2) the Maryland Pharmacists Association;
- (3) the Maryland State Medical Society;
- (4) the Maryland Hospital Association;
- (5) the Maryland Nurses Association;
- (6) the Maryland State Dental Association;
- (7) the Maryland Affiliate of the American College of Nurse Midwives; and
- (8) the Maryland Society of Oral and Maxillofacial Surgeons.

(b) The workgroup shall study, evaluate, and make recommendations relating to the implementation of the electronic prescription requirement established under § 21–220(c) of the Health – General Article, as enacted by Section 1 of this Act, including by:

(1) identifying the successes and challenges of implementing the electronic prescription requirement and the use of prescription drug discount cards; and

(2) recommending options for increasing the electronic prescribing of prescriptions.

(c) On or before January 1, 2022, the workgroup shall report its findings and recommendations to the Senate Finance Committee and the House Health and Government Operations Committee in accordance with § 2–1257 of the State Government Article.

SECTION <del>3.</del> <u>2.</u> AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, <del>2021</del> <u>2022</u>. Section 2 of this Act shall remain effective for a period of 1 year and 6 months and, at the end of June 30, 2022, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 230

(House Bill 512)

AN ACT concerning

#### Drugs and Devices – Electronic Prescriptions – Controlled Dangerous Substances

FOR the purpose of authorizing certain controlled dangerous substance prescriptions to be dispensed on an electronic prescription; requiring, except under certain circumstances, a certain health practitioner to issue a prescription for a controlled dangerous substance electronically; authorizing an authorized prescriber to issue a written or oral prescription for a controlled dangerous substance only under certain circumstances; requiring the Secretary of Health, in collaboration with the Maryland Health Care Commission, to adopt certain regulations regarding a certain waiver that includes certain provisions; authorizing the Secretary to issue a waiver that applies generally to a certain group of health practitioners or drugs; providing that a certain waiver shall apply to a certain health practitioner without requiring the health practitioner to go through a certain process; authorizing the Secretary to adopt certain regulations regarding certain exceptions to the requirement to issue an electronic prescription; authorizing a certain health occupations board to take certain action against a health practitioner who violates certain provisions of this Act; authorizing a pharmacist to dispense a drug on a prescription transmitted in a certain manner under certain circumstances; providing that a pharmacist who receives certain prescriptions is not required to verify certain information about the prescription; altering the circumstances under which a pharmacist may refill and dispense a prescription; making conforming changes; providing for the construction of certain provisions of this Act; defining a certain term; providing for a delayed effective date; and generally relating to electronic prescriptions for controlled dangerous substances.

<u>BY repealing and reenacting, without amendments,</u> <u>Article – Correctional Services</u> <u>Section 1–101(a), (d), (n), and (o)</u> <u>Annotated Code of Maryland</u> (2017 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments, Article – Criminal Law Section 5–101(a) Annotated Code of Maryland

(2012 Replacement Volume and 2019 Supplement)

BY adding to Article – Criminal Law Section 5–101(p–1) Annotated Code of Maryland (2012 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Criminal Law Section 5–501, 5–504, and 5–701 Annotated Code of Maryland (2012 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Health – General Section 21–220 Annotated Code of Maryland (2019 Replacement Volume)

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

## Article - Correctional Services

<u>1–101.</u>

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

(d) <u>"Correctional facility" means a facility that is operated for the purpose of detaining or confining adults who are charged with or found guilty of a crime.</u>

(n) <u>"State" means:</u>

- (1) <u>a state, possession, territory, or commonwealth of the United States; or</u>
- (2) the District of Columbia.

(o) (1) "State correctional facility" means a correctional facility that is operated by the State.

- (2) <u>"State correctional facility" includes:</u>
  - (i) the Patuxent Institution;
  - (ii) the Baltimore City Detention Center; and

(iii) <u>the centralized booking facility in Baltimore City that is operated</u> by the Division of Pretrial Detention and Services in the Department of Public Safety and <u>Correctional Services.</u>

#### Article – Criminal Law

5-101.

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

#### (P-1) "ELECTRONIC PRESCRIPTION" MEANS A PRESCRIPTION THAT:

(1) IS GENERATED ON AN ELECTRONIC APPLICATION AND TRANSMITTED AS AN ELECTRONIC DATA FILE; AND

## (2) IF THE PRESCRIPTION IS FOR A CONTROLLED DANGEROUS SUBSTANCE, COMPLIES WITH THE REQUIREMENTS OF 21 C.F.R. PART 1306.

5 - 501.

(a) Except as provided in subsection (b) of this section, a person may not dispense a controlled dangerous substance without a written prescription OR AN ELECTRONIC PRESCRIPTION from an authorized provider if the substance is:

- (1) listed in Schedule II; and
- (2) a drug to which § 21–220 of the Health General Article applies.

(b) A controlled dangerous substance to which subsection (a) of this section applies may be dispensed without a written prescription **OR AN ELECTRONIC PRESCRIPTION** by:

(1) an authorized provider who:

(i) is not a pharmacist; and

(ii) dispenses the controlled dangerous substance directly to an ultimate user; or

(2) a pharmacist if:

(i) an emergency exists;

(ii) the pharmacist dispenses the drug under regulations of the Department on an oral prescription that the pharmacist reduces promptly to writing and keeps on file; and

(iii) federal law authorizes the oral prescription.

(c) A prescription for a controlled dangerous substance listed in Schedule II shall be kept on file in conformity with the requirements for records and inventories under § 5-306 of this title.

(d) A person may not refill a prescription for a controlled dangerous substance listed in Schedule II.

5-504.

(a) Except when dispensed directly to an ultimate user by an authorized provider who is not a pharmacist, a controlled dangerous substance listed in Schedule III or Schedule IV that is a drug to which § 21–220 of the Health – General Article applies may not be dispensed without a written **PRESCRIPTION**, AN ELECTRONIC PRESCRIPTION, or AN oral prescription.

(b) Unless renewed by the authorized provider, the prescription may not be:

- (1) filled or refilled more than 6 months after the date of prescription; or
- (2) refilled more than five times.

5 - 701.

(a) Sections 5–701 through 5–704 of this subtitle apply to:

(1) the sale of prescription drugs by a manufacturer, wholesale distributor, retail pharmacist, or jobber to a person not legally qualified or authorized to purchase and hold prescription drugs for use or resale; and

(2) an authorized provider's assistant who is not licensed to administer prescription drugs.

- (b) A person may not dispense a prescription drug except:
  - (1) on an authorized provider's:
    - (I) ELECTRONIC PRESCRIPTION;
    - [(i)] (II) written prescription; or

[(ii)] (III) oral prescription that the pharmacist reduces to writing and files; or

(2) by refilling a written **PRESCRIPTION**, AN **ELECTRONIC PRESCRIPTION**, or **AN** oral prescription that is authorized:

- (i) by the authorized provider in the original prescription; or
- (ii) by oral direction that the pharmacist reduces to writing and files.

(c) A person may not dispense a prescription drug by filling or refilling a written **PRESCRIPTION, AN ELECTRONIC PRESCRIPTION,** or **AN** oral prescription of an authorized provider unless the drug bears a label that, in addition to any requirements of the Department or federal law, contains:

- (1) the name and address of the dispenser;
- (2) the serial number and date of the prescription;
- (3) the name of the authorized provider; and

(4) if stated in the prescription, the name and address of the patient and the directions for use.

(d) Except as otherwise provided under this title, a person may not:

(1) manufacture, distribute, or possess with intent to distribute a prescription drug;

(2) affix a false or counterfeit label to a package, container, or other receptacle containing a prescription drug;

(3) omit, remove, alter, or obliterate a label or symbol that is required by federal, State, or local law on a prescription drug; or

- (4) obtain or attempt to obtain a prescription drug by:
  - (i) fraud, deceit, or misrepresentation;
  - (ii) the counterfeiting or altering of a prescription or written order;
  - (iii) concealing a material fact;
  - (iv) using a false name or address;

(v) falsely assuming the title of or falsely representing that the person is a manufacturer, distributor, or authorized provider; or

(vi) making or issuing a false or counterfeit prescription or written order.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both.

## Article – Health – General

## 21 - 220.

(a) A drug that is intended for use by human beings and is in any of the following classifications may be dispensed by a pharmacist only on a written **PRESCRIPTION**, **AN ELECTRONIC PRESCRIPTION**, **AS DEFINED IN § 5–101 OF THE CRIMINAL LAW ARTICLE**, or **AN** oral prescription from a health practitioner authorized by law to prescribe the drug:

(1) A habit–forming drug to which § 21–218(b)(1) of this subtitle applies.

(2) A drug that because of its toxicity or other potentiality for harmful effect, the method of its use, or the collateral measures necessary to its use, is not safe for use except under the supervision of a health practitioner who is authorized by law to administer such a drug.

(3) A drug that is limited by an approved application under § 355 of the federal act or § 21-223 of this subtitle to use under the professional supervision of a health practitioner authorized by law to administer such a drug.

(b) (1) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND SUBSECTION (C) OF THIS SECTION, A prescription may be written or oral OR MADE THROUGH AN ELECTRONIC PRESCRIPTION.

(2) [However, a] A pharmacist may not dispense a drug on an oral prescription unless the pharmacist promptly writes out and files the prescription.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HEALTH PRACTITIONER AUTHORIZED BY LAW TO PRESCRIBE A CONTROLLED DANGEROUS SUBSTANCE WITHIN THE MEANING OF TITLE 5 OF THE CRIMINAL LAW ARTICLE SHALL ISSUE A PRESCRIPTION <u>FOR A CONTROLLED DANGEROUS</u> <u>SUBSTANCE</u> USING AN ELECTRONIC PRESCRIPTION, AS DEFINED IN § 5–101 OF THE CRIMINAL LAW ARTICLE.

(2) A HEALTH PRACTITIONER MAY ISSUE A WRITTEN OR, IF AUTHORIZED BY STATE AND FEDERAL LAW, ORAL PRESCRIPTION FOR A CONTROLLED DANGEROUS SUBSTANCE ONLY IF:

(I) ELECTRONIC PRESCRIBING IS NOT AVAILABLE DUE TO TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE;

(II) THE PRESCRIPTION IS TO BE DISPENSED BY A PHARMACY LOCATED OUTSIDE THE STATE;

(III) THE PRESCRIBING ENTITY AND DISPENSING ENTITY OF THE DRUG OR DEVICE ARE THE SAME;

(III) <u>THE PRESCRIPTION IS ISSUED BY A HEALTH PRACTITIONER</u> OUTSIDE THE STATE;

(IV) THE HEALTH PRACTITIONER IS PRESCRIBING AND DISPENSING THE CONTROLLED DANGEROUS SUBSTANCE DIRECTLY TO THE PATIENT;

(V) <u>THE PRESCRIPTION IS BEING DISPENSED DIRECTLY TO THE</u> <u>PATIENT IN ACCORDANCE WITH § 12–102(C)(2)(IV) OF THE HEALTH OCCUPATIONS</u> <u>ARTICLE;</u>

1.

(IV) (VI) THE PRESCRIPTION IS FOR AN INDIVIDUAL WHO:

**RESIDES IN A NURSING OR ASSISTED LIVING** 

FACILITY;

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2. Is receiving care through a hospice or palliative care program and the prescription is related to the care provided;  $\frac{\partial R}{\partial R}$ 

3. IS RECEIVING CARE AT AN OUTPATIENT RENAL DIALYSIS FACILITY AND THE PRESCRIPTION IS RELATED TO THE CARE PROVIDED; <u>OR</u>

<u>4.</u> <u>IS <del>incarcerated in a State</del></u> <u>Detained or</u> <u>CONFINED IN A</u> <u>CORRECTIONAL FACILITY, AS DEFINED IN § 1–101 OF THE</u> <u>CORRECTIONAL SERVICES ARTICLE;</u>

(V) (VII) THE PRESCRIPTION IS ISSUED BY A LICENSED VETERINARIAN;

(VI) (VIII) THE PRESCRIPTION INCLUDES ELEMENTS THAT ARE NOT SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL COUNCIL FOR PRESCRIPTION DRUG PROGRAMS PRESCRIBER/PHARMACIST INTERFACE SCRIPT STANDARD;

(VII) (IX) THE PRESCRIPTION IS ISSUED FOR A DRUG FOR WHICH THE FEDERAL FOOD AND DRUG ADMINISTRATION REQUIRES THE PRESCRIPTION TO CONTAIN CERTAIN ELEMENTS THAT CANNOT BE TRANSMITTED ELECTRONICALLY;

(VIII) THE PRESCRIPTION IS NOT SPECIFIC TO ONE PATIENT, INCLUDING PRESCRIPTIONS THAT ARE:

- **1. IN ACCORDANCE WITH A STANDING ORDER;**
- 2. FOR AN APPROVED PROTOCOL FOR DRUG THERAPY;
- **3. FOR COLLABORATIVE DRUG MANAGEMENT;**
- 4. For comprehensive medication management;

<del>OR</del>

**5. IN RESPONSE TO A PUBLIC HEALTH EMERGENCY;** 

 $\frac{(\mathbf{IX})}{(\mathbf{X})}$  The prescription prescribes a drug under a research protocol;

(x) (xi) The prescription is issued by a health practitioner who has received a waiver under subsection (d)(1) of this section;

(XI) (XII) THE PRESCRIPTION IS ISSUED BY A HEALTH PRACTITIONER WHO REQUESTED A WAIVER UNDER SUBSECTION (D)(1) OF THIS SECTION AND THE DEPARTMENT HAS NOT ISSUED A WAIVER TO THE PRACTITIONER OR HAS NOT REJECTED THE PRACTITIONER'S REQUEST FOR A WAIVER;

(XII) (XIII) THE HEALTH PRACTITIONER ISSUING THE PRESCRIPTION OR THE DRUG FOR WHICH THE PRESCRIPTION IS ISSUED FALLS UNDER A WAIVER ISSUED BY THE SECRETARY UNDER SUBSECTION (D)(2) OF THIS SECTION;

(XIII) (XIV) THE PRESCRIPTION IS ISSUED BY A HEALTH PRACTITIONER WHO WRITES A LOW VOLUME OF PRESCRIPTIONS FOR CONTROLLED DANGEROUS SUBSTANCES, AS DETERMINED BY THE MARYLAND HEALTH CARE COMMISSION; OR

(XIV) (XV) THE PRESCRIPTION IS ISSUED BY A HEALTH PRACTITIONER UNDER CIRCUMSTANCES IN WHICH, ALTHOUGH THE PRACTITIONER HAS THE ABILITY TO ISSUE AN ELECTRONIC PRESCRIPTION AS REQUIRED BY PARAGRAPH (1) OF THIS SUBSECTION, THE HEALTH PRACTITIONER REASONABLY DETERMINES THAT:

**1.** IT WOULD BE IMPRACTICABLE FOR THE PRACTITIONER TO PRESCRIBE THE DRUG OR DEVICE BY ELECTRONIC PRESCRIPTION IN A TIMELY MANNER; AND

2. THE DELAY WOULD ADVERSELY IMPACT THE PATIENT'S MEDICAL CONDITION.

(3) THIS SUBSECTION MAY NOT BE CONSTRUED TO LIMIT THE RIGHT OF A PATIENT TO DESIGNATE A SPECIFIC PHARMACY TO DISPENSE A PRESCRIBED DRUG OR DEVICE TO THE INDIVIDUAL.

(D) (1) THE SECRETARY SHALL ADOPT REGULATIONS, IN COLLABORATION WITH THE MARYLAND HEALTH CARE COMMISSION, TO ESTABLISH A PROCESS FOR THE DEPARTMENT TO ISSUE A WAIVER FROM THE ELECTRONIC PRESCRIPTION REQUIREMENTS IN SUBSECTION (C)(1) OF THIS SECTION.

(2) (I) THE SECRETARY MAY ISSUE A WAIVER THAT APPLIES GENERALLY TO A GROUP OF HEALTH PRACTITIONERS OR DRUGS THAT MEET CONDITIONS SPECIFIED BY THE SECRETARY.

(II) ANY WAIVER ISSUED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH FOR A GROUP OF HEALTH PRACTITIONERS SHALL APPLY TO A HEALTH PRACTITIONER IN THAT GROUP WITHOUT REQUIRING THE HEALTH PRACTITIONER TO GO THROUGH THE PROCESS ESTABLISHED IN REGULATIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) EXCEPT FOR A WAIVER ISSUED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL SPECIFY THAT A WAIVER:

- (I) MAY NOT EXCEED 1 YEAR; AND
- (II) MAY BE GRANTED FOR THE FOLLOWING REASONS:

1. ECONOMIC HARDSHIP;

2. TECHNOLOGICAL LIMITATIONS THAT ARE NOT REASONABLY WITHIN THE CONTROL OF THE HEALTH PRACTITIONER; OR

**3.** Any other exceptional circumstances as demonstrated by the health practitioner.

(4) THE SECRETARY MAY ADOPT REGULATIONS ON:

(I) WHICH TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURES CONSTITUTE AN EXCEPTION TO THE REQUIREMENT TO ISSUE AN ELECTRONIC PRESCRIPTION UNDER SUBSECTION (C)(1) OF THIS SECTION; AND

(II) THE CIRCUMSTANCES UNDER WHICH A HEALTH PRACTITIONER IS EXEMPT FROM THE REQUIREMENT TO ISSUE AN ELECTRONIC PRESCRIPTION UNDER SUBSECTION (C)(1) OF THIS SECTION BECAUSE THE PRESCRIPTION WILL BE DISPENSED BY A PHARMACY LOCATED OUTSIDE THE STATE.

(E) THE APPROPRIATE HEALTH OCCUPATIONS BOARD ESTABLISHED UNDER THE HEALTH OCCUPATIONS ARTICLE MAY TAKE DISCIPLINARY ACTION AGAINST A HEALTH PRACTITIONER WHO VIOLATES SUBSECTION (C) OF THIS SECTION. (F) (1) A PHARMACIST MAY DISPENSE A DRUG ON A WRITTEN OR ORAL PRESCRIPTION FOR A CONTROLLED DANGEROUS SUBSTANCE THAT MEETS THE REQUIREMENTS OF THIS SECTION.

(2) A PHARMACIST WHO RECEIVES A WRITTEN OR ORAL PRESCRIPTION IS NOT REQUIRED TO VERIFY THAT THE PRESCRIPTION IS AN AUTHORIZED EXCEPTION TO THE ELECTRONIC PRESCRIPTION REQUIREMENT UNDER SUBSECTION (C)(2) OF THIS SECTION.

[(2)] (G) (1) [A] IF A prescription for a controlled dangerous substance within the meaning of Title 5 of the Criminal Law Article IS WRITTEN, IT may not be written on a preprinted prescription form that states the name, quantity, or strength of the controlled dangerous substance.

[(3)] (2) When a prescription is written, a separate prescription form is required for each controlled dangerous substance. If a pharmacist is otherwise satisfied that a prescription is valid the pharmacist may fill the prescription if the pharmacist promptly writes out and files a prescription for each substance and also files the original prescription.

[(4)] (3) A WRITTEN prescription shall be legible.

[(c)] (H) A pharmacist may not refill and dispense a prescription unless the refilling is authorized by:

(1) The health practitioner's specification in the original prescription as to how many times it may be refilled; for

(2) An oral order of the health practitioner that promptly is written out and filed by the pharmacist ; OR

## (3) AN ELECTRONIC ORDER OF THE HEALTH PRACTITIONER.

[(d)] (I) The dispensing of a drug without complying with the requirements of this section is the dispensing of a misbranded drug.

[(e)] (J) (1) A drug that is subject to the prescription requirements of this section is misbranded if, at any time before it is dispensed, its label does not bear the statement "Caution: Federal Law Prohibits Dispensing Without Prescription", or "Caution: State Law Prohibits Dispensing Without Prescription".

(2) A drug to which the prescription requirements of this section do not apply is misbranded if, at any time before it is dispensed, its label bears the caution statement quoted in paragraph (1) of this subsection.

[(f)] (K) (1) The prescription requirements of this section do not apply to any drug that is exempted under a rule or regulation adopted by the Secretary.

(2) The Secretary, by rule or regulation, may exempt any drug from the requirements of this section if the Secretary finds that, as to the drug, the requirements of this section are not necessary for the protection of the public health.

(3) The Secretary, by rule and regulation, may exempt from the requirements of this section any drug that is removed from the prescription requirements of the federal act by a rule or regulation adopted under that act.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1,  $\frac{2021}{2022}$ .

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 231

## (House Bill 521)

AN ACT concerning

## Maryland Small Business Innovation Research Technical Assistance Program – Establishment

FOR the purpose of establishing the Maryland Small Business Innovation Research Technical Assistance Program in the Maryland Technology Development Corporation; establishing the purpose of the Program; requiring small businesses to meet certain qualifications for participation in the Program; authorizing the Corporation to adopt certain regulations; <del>requiring</del> <u>authorizing</u> the Corporation, in accordance with certain provisions of law, to procure a certain entity to provide services under the Program; defining certain terms; and generally relating to the Maryland Small Business Innovation Research Technical Assistance Program.

BY adding to

Article – Economic Development

Section 10–4A–01 to be under the new subtitle "Subtitle 4A. Maryland Small Business Innovation Research Technical Assistance Program" Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

## Article – Economic Development

## SUBTITLE 4A. MARYLAND SMALL BUSINESS INNOVATION RESEARCH TECHNICAL ASSISTANCE PROGRAM.

10-4A-01.

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

(2) "Corporation" has the meaning stated in § 10–401 of this title.

(3) "PHASE 0" MEANS THE INITIAL APPLICATION PROCESS FOR THE FEDERAL SMALL BUSINESS INNOVATION RESEARCH GRANT PROGRAM OR THE FEDERAL SMALL BUSINESS TECHNOLOGY TRANSFER GRANT PROGRAM.

(4) "PHASE I" MEANS A SMALL BUSINESS HAS RECEIVED UP TO \$150,000 IN FEDERAL SMALL BUSINESS INNOVATION RESEARCH FUNDING FOR APPROXIMATELY 6 MONTHS OR FEDERAL SMALL BUSINESS TECHNOLOGY TRANSFER FUNDING FOR 1 YEAR, WITH THE MEANING STATED IN 15 U.S.C. § 638.

(5) "PHASE II" MEANS A SMALL BUSINESS HAS RECEIVED UP TO \$1,000,000 IN FUNDING FOR UP TO 2 YEARS TO EXPAND PHASE I RESULTS, WITH THE MEANING STATED IN 15 U.S.C. § 638.

(6) "PROGRAM" MEANS THE MARYLAND SMALL BUSINESS INNOVATION RESEARCH TECHNICAL ASSISTANCE PROGRAM.

(B) THERE IS A MARYLAND SMALL BUSINESS INNOVATION RESEARCH TECHNICAL ASSISTANCE PROGRAM IN THE CORPORATION.

(C) THE PURPOSE OF THE PROGRAM IS TO PROVIDE TECHNICAL ASSISTANCE TO SMALL BUSINESSES IN THE STATE BY:

(1) ENCOURAGING SMALL BUSINESSES, INCLUDING ECONOMICALLY DISADVANTAGED SMALL BUSINESSES, TO APPLY FOR GRANTS UNDER THE FEDERAL SMALL BUSINESS INNOVATION RESEARCH GRANT PROGRAM AND THE FEDERAL SMALL BUSINESS TECHNOLOGY TRANSFER GRANT PROGRAM; AND

(2) PROVIDING GRANT APPLICANTS WITH TECHNICAL ASSISTANCE, INCLUDING TRAINING ASSISTANCE AND ASSESSMENTS THROUGH PHASES 0, I, AND II OF DEVELOPMENT.

(D) TO QUALIFY FOR PARTICIPATION, A SMALL BUSINESS SHALL:

(1) HAVE ITS PRINCIPAL BUSINESS OPERATIONS LOCATED IN THE STATE, HAVE OVER HALF OF ITS WORKFORCE WORKING IN THE STATE, AND INTEND TO MAINTAIN ITS PRINCIPAL BUSINESS OPERATIONS IN THE STATE; <u>AND</u>

(2) HAVE A SUBSTANTIAL ECONOMIC IMPACT IN THE STATE THROUGH THE STATE'S TECHNOLOGY ECOSYSTEM; AND

(3) HAVE NOT MORE THAN  $\frac{250}{50}$  EMPLOYEES.

(E) THE CORPORATION MAY ADOPT REGULATIONS ESTABLISHING ADDITIONAL CRITERIA FOR ELIGIBILITY AND ALLOCATION OF ASSISTANCE.

(F) IN ACCORDANCE WITH THE REQUIREMENTS OF DIVISION II OF THE STATE FINANCE AND PROCUREMENT ARTICLE, THE CORPORATION SHALL MAY PROCURE A NONPROFIT ORGANIZATION LOCATED IN THE STATE TO PROVIDE SERVICES UNDER THE PROGRAM.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 232

(Senate Bill 583)

AN ACT concerning

## Maryland Small Business Innovation Research Technical Assistance Program – Establishment

FOR the purpose of establishing the Maryland Small Business Innovation Research Technical Assistance Program in the Maryland Technology Development Corporation; establishing the purpose of the Program; requiring small businesses to meet certain qualifications for participation in the Program; authorizing the Corporation to adopt certain regulations; <del>requiring</del> <u>authorizing</u> the Corporation, in accordance with certain provisions of law, to procure a certain entity to provide services under the Program; defining certain terms; and generally relating to the Maryland Small Business Innovation Research Technical Assistance Program.

BY adding to Article – Economic Development Section 10–4A–01 to be under the new subtitle "Subtitle 4A. Maryland Small Business Innovation Research Technical Assistance Program" Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

#### **Article – Economic Development**

# SUBTITLE 4A. MARYLAND SMALL BUSINESS INNOVATION RESEARCH TECHNICAL ASSISTANCE PROGRAM.

#### 10-4A-01.

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

(2) "Corporation" has the meaning stated in § 10–401 of this title.

(3) "PHASE 0" MEANS THE INITIAL APPLICATION PROCESS FOR THE FEDERAL SMALL BUSINESS INNOVATION RESEARCH GRANT PROGRAM OR THE FEDERAL SMALL BUSINESS TECHNOLOGY TRANSFER GRANT PROGRAM.

(4) "PHASE I" MEANS A SMALL BUSINESS HAS RECEIVED UP TO \$150,000 IN FEDERAL SMALL BUSINESS INNOVATION RESEARCH FUNDING FOR APPROXIMATELY 6 MONTHS OR FEDERAL SMALL BUSINESS TECHNOLOGY TRANSFER FUNDING FOR 1 YEAR, WITH THE MEANING STATED IN 15 U.S.C. § 638.

(5) "PHASE II" MEANS A SMALL BUSINESS HAS RECEIVED UP TO \$1,000,000 IN FUNDING FOR UP TO 2 YEARS TO EXPAND PHASE I RESULTS, WITH THE MEANING STATED IN 15 U.S.C. § 638.

(6) "PROGRAM" MEANS THE MARYLAND SMALL BUSINESS INNOVATION RESEARCH TECHNICAL ASSISTANCE PROGRAM.

(B) THERE IS A MARYLAND SMALL BUSINESS INNOVATION RESEARCH TECHNICAL ASSISTANCE PROGRAM IN THE CORPORATION.

(C) THE PURPOSE OF THE PROGRAM IS TO PROVIDE TECHNICAL ASSISTANCE TO SMALL BUSINESSES IN THE STATE BY:

(1) ENCOURAGING SMALL BUSINESSES, INCLUDING ECONOMICALLY DISADVANTAGED SMALL BUSINESSES, TO APPLY FOR GRANTS UNDER THE FEDERAL SMALL BUSINESS INNOVATION RESEARCH GRANT PROGRAM AND THE FEDERAL SMALL BUSINESS TECHNOLOGY TRANSFER GRANT PROGRAM; AND

(2) PROVIDING GRANT APPLICANTS WITH TECHNICAL ASSISTANCE, INCLUDING TRAINING ASSISTANCE AND ASSESSMENTS THROUGH PHASES 0, I, AND II OF DEVELOPMENT.

(D) TO QUALIFY FOR PARTICIPATION, A SMALL BUSINESS SHALL:

(1) HAVE ITS PRINCIPAL BUSINESS OPERATIONS LOCATED IN THE STATE, HAVE OVER HALF OF ITS WORKFORCE WORKING IN THE STATE, AND INTEND TO MAINTAIN ITS PRINCIPAL BUSINESS OPERATIONS IN THE STATE; <u>AND</u>

(2) HAVE A SUBSTANTIAL ECONOMIC IMPACT IN THE STATE THROUGH THE STATE'S TECHNOLOGY ECOSYSTEM; AND

(3) HAVE NOT MORE THAN  $\frac{250}{50}$  EMPLOYEES.

(E) THE CORPORATION MAY ADOPT REGULATIONS ESTABLISHING ADDITIONAL CRITERIA FOR ELIGIBILITY AND ALLOCATION OF ASSISTANCE.

(F) IN ACCORDANCE WITH THE REQUIREMENTS OF DIVISION II OF THE STATE FINANCE AND PROCUREMENT ARTICLE, THE CORPORATION SHALL MAY PROCURE A NONPROFIT ORGANIZATION LOCATED IN THE STATE TO PROVIDE SERVICES UNDER THE PROGRAM.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 233

(House Bill 523)

AN ACT concerning

# State Personnel – Employee Accommodations – Pregnancy and Childbirth

FOR the purpose of requiring certain units of State government to provide certain reasonable accommodations for an employee with certain limitations caused or contributed to by pregnancy or childbirth; prohibiting units of State government, under certain circumstances, from requiring an employee to take certain leave or requiring an employee to accept certain accommodations under certain circumstances; providing for the application of this Act; defining a certain term; and generally relating to pregnancy and childbirth and accommodations for State employees.

BY adding to

Article – State Personnel and Pensions Section 2–311 Annotated Code of Maryland (2015 Replacement Volume and 2019 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**

2-311.

(A) IN THIS SECTION, "LIMITATION" INCLUDES:

(1) A TEMPORARY DISABILITY FOR JOB–RELATED PURPOSES CAUSED OR CONTRIBUTED TO BY PREGNANCY OR CHILDBIRTH; AND

(2) A RESTRICTION ON THE ABILITY OF AN EMPLOYEE TO PERFORM JOB FUNCTIONS CAUSED OR CONTRIBUTED TO BY PREGNANCY OR CHILDBIRTH.

(B) THIS SECTION APPLIES TO ALL UNITS IN THE EXECUTIVE, JUDICIAL, AND LEGISLATIVE BRANCHES OF STATE GOVERNMENT, INCLUDING ALL UNITS WITH INDEPENDENT PERSONNEL SYSTEMS.

(C) A UNIT OF STATE GOVERNMENT, THROUGH ITS APPROPRIATE OFFICERS AND EMPLOYEES, SHALL PROVIDE REASONABLE ACCOMMODATIONS TO AN EMPLOYEE WITH A LIMITATION CAUSED OR CONTRIBUTED TO BY PREGNANCY OR CHILDBIRTH, INCLUDING BY:

- (1) CHANGING THE EMPLOYEE'S JOB DUTIES;
- (2) CHANGING THE EMPLOYEE'S WORK HOURS;
- (3) RELOCATING THE EMPLOYEE'S WORK AREA;
- (4) **PROVIDING MECHANICAL OR ELECTRICAL AIDS;**
- (5) TRANSFERRING THE EMPLOYEE TO A LESS STRENUOUS OR LESS

HAZARDOUS POSITION; OR

(6) **PROVIDING LEAVE.** 

(D) A UNIT OF STATE GOVERNMENT MAY NOT:

(1) REQUIRE AN EMPLOYEE TO TAKE LEAVE, WHETHER PAID OR UNPAID, IF THE EMPLOYER CAN PROVIDE ANOTHER REASONABLE ACCOMMODATION FOR THE EMPLOYEE'S LIMITATION CAUSED OR CONTRIBUTED TO BY PREGNANCY OR CHILDBIRTH; OR

(2) REQUIRE AN EMPLOYEE TO ACCEPT AN ACCOMMODATION THAT THE EMPLOYEE CHOOSES NOT TO ACCEPT IF:

(I) THE EMPLOYEE DOES NOT HAVE A LIMITATION CAUSED OR CONTRIBUTED TO BY PREGNANCY OR CHILDBIRTH; OR

(II) THE ACCOMMODATION IS NOT NECESSARY FOR THE EMPLOYEE TO PERFORM THE ESSENTIAL DUTIES OF THE EMPLOYEE'S JOB.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 234

(Senate Bill 225)

AN ACT concerning

#### State Personnel – Employee Accommodations – Pregnancy and Childbirth

FOR the purpose of requiring certain units of State government to provide certain reasonable accommodations for an employee with certain limitations caused or contributed to by pregnancy or childbirth; prohibiting units of State government, under certain circumstances, from requiring an employee to take certain leave or requiring an employee to accept certain accommodations under certain circumstances; providing for the application of this Act; defining a certain term; and generally relating to pregnancy and childbirth and accommodations for State employees.

BY adding to

Article – State Personnel and Pensions Section 2–311 Annotated Code of Maryland (2015 Replacement Volume and 2019 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**

2-311.

(A) IN THIS SECTION, "LIMITATION" INCLUDES:

(1) A TEMPORARY DISABILITY FOR JOB–RELATED PURPOSES CAUSED OR CONTRIBUTED TO BY PREGNANCY OR CHILDBIRTH; AND

(2) A RESTRICTION ON THE ABILITY OF AN EMPLOYEE TO PERFORM JOB FUNCTIONS CAUSED OR CONTRIBUTED TO BY PREGNANCY OR CHILDBIRTH.

(B) THIS SECTION APPLIES TO ALL UNITS IN THE EXECUTIVE, JUDICIAL, AND LEGISLATIVE BRANCHES OF STATE GOVERNMENT, INCLUDING ALL UNITS WITH INDEPENDENT PERSONNEL SYSTEMS.

(C) A UNIT OF STATE GOVERNMENT, THROUGH ITS APPROPRIATE OFFICERS AND EMPLOYEES, SHALL PROVIDE REASONABLE ACCOMMODATIONS TO AN EMPLOYEE WITH A LIMITATION CAUSED OR CONTRIBUTED TO BY PREGNANCY OR CHILDBIRTH, INCLUDING BY:

(1) CHANGING THE EMPLOYEE'S JOB DUTIES;

(2) CHANGING THE EMPLOYEE'S WORK HOURS;

(3) **RELOCATING THE EMPLOYEE'S WORK AREA;** 

(4) **PROVIDING MECHANICAL OR ELECTRICAL AIDS;** 

(5) TRANSFERRING THE EMPLOYEE TO A LESS STRENUOUS OR LESS HAZARDOUS POSITION; OR

(6) **PROVIDING LEAVE.** 

(D) A UNIT OF STATE GOVERNMENT MAY NOT:

(1) REQUIRE AN EMPLOYEE TO TAKE LEAVE, WHETHER PAID OR UNPAID, IF THE EMPLOYER CAN PROVIDE ANOTHER REASONABLE ACCOMMODATION FOR THE EMPLOYEE'S LIMITATION CAUSED OR CONTRIBUTED TO BY PREGNANCY OR CHILDBIRTH; OR

(2) REQUIRE AN EMPLOYEE TO ACCEPT AN ACCOMMODATION THAT THE EMPLOYEE CHOOSES NOT TO ACCEPT IF:

(I) THE EMPLOYEE DOES NOT HAVE A LIMITATION CAUSED OR CONTRIBUTED TO BY PREGNANCY OR CHILDBIRTH; OR

(II) THE ACCOMMODATION IS NOT NECESSARY FOR THE EMPLOYEE TO PERFORM THE ESSENTIAL DUTIES OF THE EMPLOYEE'S JOB.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 235

(House Bill 539)

AN ACT concerning

#### Local Governments - Resilience Authorities - Authorization

FOR the purpose of authorizing a local government to create a Resilience Authority by local law; specifying certain requirements for the adoption of a local law establishing an Authority; specifying the required contents of a resolution and the articles of incorporation for an Authority; providing that certain provisions of this Act are self-executing and fully authorize the establishment of an Authority notwithstanding other provisions of law; providing that a resolution authorizing the creation of an Authority is administrative in nature and is not subject to referendum; specifying certain procedures for properly executing, filing, and recording the articles of incorporation establishing an Authority; specifying certain procedures for amending the articles of incorporation of an Authority; specifying certain procedures and requirements for altering or terminating an Authority; specifying the process for the appointment, hiring, and administration of an Authority; prohibiting the net earnings of an Authority from benefiting certain persons; specifying the powers that a local government may grant an Authority; authorizing an Authority to issue certain bonds for certain purposes; providing that bonds issued by an Authority are limited obligations and not a pledge of the faith and credit or taxing power of the incorporating local governments; establishing the process for the issuance of bonds

by an Authority; authorizing a contract to provide for payment in bonds; specifying that certain findings are conclusive in a proceeding involving the validity or enforceability of a bond or security for a bond; exempting the principal of and interest on bonds, the transfer of bonds, and any income derived from bonds, including certain profits, from State and local taxes; authorizing the <u>legislative body of a local government local governing body</u> to <u>devote dedicate</u> certain revenues of the local government to <u>the repayment of bonds for</u> certain operations and projects of an Authority; specifying that each county or municipality that jointly establishes an Authority shall be considered an incorporating local government <u>and file jointly</u> <u>certain articles of incorporation and amendment</u>; requiring an Authority to report to its incorporating local government and certain committees of the General Assembly at certain intervals; providing for the application of this Act; defining certain terms; and generally relating to authorizing a local government to establish a Resilience Authority.

#### BY adding to

Article – Local Government
Section 22–101 through 22–113 to be under the new title "Title 22. Resilience Infrastructure"
Annotated Code of Maryland
(2013 Volume and 2019 Supplement)

#### Preamble

WHEREAS, The impacts from climate change are happening now in communities across the State of Maryland; and

WHEREAS, These impacts include rising temperatures, major rain and storm events, sea level rise, and changes in precipitation patterns; and

WHEREAS, Those things that Maryland communities depend upon and value – natural resources and ecosystems, energy, transportation, agriculture, cultural and historic resources, human health, and economic growth – are experiencing, and will continue to experience, the effects of climate changes; and

WHEREAS, Communities in coastal states account for nearly half of the nation's population and economic activity, and that cumulative damage to property in those areas could reach \$3.5 trillion by 2060; and

WHEREAS, Local governments will bear much of the responsibility and cost required to mitigate the impacts of climate change through infrastructure investment; and

WHEREAS, Resilience financing authorities can work in partnership with local governments to accelerate infrastructure financing, reduce the cost of implementation, and mitigate and manage the risks of climate change; now, therefore,

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

#### Article – Local Government

#### TITLE 22. RESILIENCE INFRASTRUCTURE.

22-101.

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

(B) (1) "BOND" MEANS AN OBLIGATION FOR THE PAYMENT OF MONEY, BY WHATEVER NAME KNOWN OR SOURCE OF FUNDS SECURED, ISSUED BY A LOCAL GOVERNMENT OR RESILIENCE AUTHORITY UNDER STATE AND LOCAL GENERAL OR SPECIAL STATUTORY AUTHORITY.

(2) "BOND" INCLUDES A REFUNDING BOND, A NOTE, AND ANY OTHER OBLIGATION.

(C) "CAPITAL COSTS" MEANS COSTS INCURRED FOR ACQUISITION, PLANNING, DESIGN, CONSTRUCTION, REPAIR, RENOVATION, RECONSTRUCTION, EXPANSION, SITE IMPROVEMENT, AND CAPITAL EQUIPPING.

(D) "CHIEF EXECUTIVE" MEANS THE PRESIDENT, THE CHAIR, THE MAYOR, THE COUNTY EXECUTIVE, OR ANY OTHER CHIEF EXECUTIVE OFFICER OR HEAD OF A LOCAL GOVERNMENT.

(E) "CLIMATE CHANGE" INCLUDES SEA LEVEL RISE, NUISANCE FLOODING, INCREASED RAINFALL EVENTS, EROSION, AND TEMPERATURE RISE.

(F) "LOCAL GOVERNMENT" MEANS A COUNTY OR MUNICIPALITY.

# (G) "MUNICIPALITY" MEANS A MUNICIPALITY WITH A POPULATION OF AT LEAST 30,000.

(H) (G) "RESILIENCE AUTHORITY" MEANS AN AUTHORITY INCORPORATED BY ONE OR MORE LOCAL GOVERNMENTS IN ACCORDANCE WITH THIS TITLE WHOSE PURPOSE IS TO UNDERTAKE OR SUPPORT RESILIENCE INFRASTRUCTURE PROJECTS.

(+) (+) (1) "RESILIENCE INFRASTRUCTURE" MEANS INFRASTRUCTURE THAT MITIGATES THE EFFECTS OF CLIMATE CHANGE.

(2) "RESILIENCE INFRASTRUCTURE" INCLUDES FLOOD BARRIERS, GREEN SPACES, BUILDING ELEVATION, AND STORMWATER INFRASTRUCTURE.

(J) (I) "RESILIENCE INFRASTRUCTURE PROJECT" MEANS A PROJECT TO FINANCE OR REFINANCE THE CAPITAL COSTS ASSOCIATED WITH RESILIENCE INFRASTRUCTURE.

22-102.

(A) A LOCAL GOVERNMENT MAY CREATE A RESILIENCE AUTHORITY BY LOCAL LAW IN ACCORDANCE WITH THIS TITLE.

(B) A LOCAL LAW ADOPTED UNDER THIS SECTION:

(1) IS ADMINISTRATIVE IN NATURE; AND

(2) IS NOT SUBJECT TO REFERENDUM.

(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR CHARTER PROVISION, SUBSECTION (A) OF THIS SECTION IS SELF-EXECUTING AND FULLY AUTHORIZES A LOCAL GOVERNMENT TO ESTABLISH A RESILIENCE AUTHORITY.

(D) A LOCAL LAW ADOPTED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE PROPOSED ARTICLES OF INCORPORATION OF THE RESILIENCE AUTHORITY THAT STATE:

(1) THE NAME OF THE RESILIENCE AUTHORITY, WHICH SHALL BE "RESILIENCE AUTHORITY OF (NAME OF THE INCORPORATING LOCAL GOVERNMENT)";

(2) THAT THE RESILIENCE AUTHORITY IS FORMED UNDER THIS TITLE;

(3) THE NAMES, ADDRESSES, AND TERMS OF OFFICE OF THE INITIAL MEMBERS OF THE BOARD OF DIRECTORS OF THE RESILIENCE AUTHORITY;

(4) THE ADDRESS OF THE PRINCIPAL OFFICE OF THE RESILIENCE AUTHORITY;

(5) THE PURPOSES FOR WHICH THE RESILIENCE AUTHORITY IS FORMED; AND

(6) THE POWERS OF THE RESILIENCE AUTHORITY, SUBJECT TO THE LIMITATIONS ON THE POWERS OF A RESILIENCE AUTHORITY UNDER THIS TITLE.

(E) (1) THE CHIEF EXECUTIVE OF THE INCORPORATING LOCAL GOVERNMENT, OR ANY OTHER OFFICIAL DESIGNATED IN THE LOCAL LAW ESTABLISHING THE RESILIENCE AUTHORITY, SHALL EXECUTE AND FILE THE ARTICLES OF INCORPORATION OF THE RESILIENCE AUTHORITY FOR RECORD WITH THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION.

(2) WHEN THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION ACCEPTS THE ARTICLES OF INCORPORATION FOR RECORD<sub>3</sub>:

(1) THE RESILIENCE AUTHORITY BECOMES A BODY POLITIC AND CORPORATE AND AN INSTRUMENTALITY OF THE INCORPORATING LOCAL GOVERNMENT; AND

(II) THE CHIEF EXECUTIVE OF THE INCORPORATING LOCAL GOVERNMENT, OR ANY OTHER OFFICIAL DESIGNATED IN THE LOCAL LAW ESTABLISHING THE RESILIENCE AUTHORITY, SHALL SUBMIT THE ARTICLES OF INCORPORATION, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, TO:

<u>1. THE SENATE BUDGET AND TAXATION COMMITTEE</u> <u>AND THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS</u> <u>COMMITTEE; AND</u>

2. <u>THE HOUSE APPROPRIATIONS COMMITTEE AND THE</u> HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE.

(3) ACCEPTANCE OF THE ARTICLES OF INCORPORATION FOR RECORD BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION IS CONCLUSIVE EVIDENCE OF THE FORMATION OF THE RESILIENCE AUTHORITY.

(F) (1) THE LOCAL GOVERNING AUTHORITY BODY SHALL APPROVE ANY AMENDMENT TO THE ARTICLES OF INCORPORATION OF THE RESILIENCE AUTHORITY.

(2) ARTICLES OF AMENDMENT MAY CONTAIN ANY PROVISION THAT LAWFULLY COULD BE CONTAINED IN ARTICLES OF INCORPORATION AT THE TIME OF THE AMENDMENT.

(3) THE ARTICLES OF AMENDMENT SHALL BE FILED FOR RECORD WITH THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION. (4) THE ARTICLES OF AMENDMENT ARE EFFECTIVE AS OF THE TIME THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION ACCEPTS THE ARTICLES FOR RECORD.

(5) ACCEPTANCE OF THE ARTICLES OF AMENDMENT FOR RECORD BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION IS CONCLUSIVE EVIDENCE THAT THE ARTICLES HAVE BEEN LAWFULLY AND PROPERLY ADOPTED.

(G) (1) SUBJECT TO THE PROVISIONS OF THIS TITLE AND ANY LIMITATIONS IMPOSED BY LAW ON THE IMPAIRMENT OF CONTRACTS, THE INCORPORATING LOCAL GOVERNMENT, IN ITS SOLE DISCRETION, BY LOCAL LAW MAY:

(I) SET OR CHANGE THE POWERS, STRUCTURE, ORGANIZATION, PROCEDURES, PROGRAMS, OR ACTIVITIES OF THE RESILIENCE AUTHORITY;

(II) DETERMINE THE REVENUE SOURCES OF THE RESILIENCE AUTHORITY, INCLUDING THE USE OF GENERAL FUND REVENUE AND GENERAL OBLIGATION BONDS;

(III) ESTABLISH THE BUDGETARY AND FINANCIAL PROCEDURES OF THE RESILIENCE AUTHORITY; AND

(IV) TERMINATE THE RESILIENCE AUTHORITY.

(2) ON TERMINATION OF A RESILIENCE AUTHORITY<sub> $\overline{y}$ </sub>:

(1) TITLE TO ALL PROPERTY OF THE RESILIENCE AUTHORITY SHALL BE TRANSFERRED TO AND BE VESTED IN THE INCORPORATING LOCAL GOVERNMENT; AND

(II) ALL OBLIGATIONS OF THE RESILIENCE AUTHORITY SHALL BE TRANSFERRED TO AND ASSUMED BY THE INCORPORATING LOCAL GOVERNMENT.

22-103.

(A) OFFICERS GOVERNING THE RESILIENCE AUTHORITY AND EMPLOYEES OF A RESILIENCE AUTHORITY SHALL BE APPOINTED OR HIRED AS PROVIDED BY LOCAL LAW.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE OR THE LOCAL LAW ESTABLISHING THE RESILIENCE AUTHORITY, THE PROCEDURES OF THE INCORPORATING LOCAL GOVERNMENT CONTROL ANY <u>PERSONNEL</u> MATTER RELATING TO THE INTERNAL ADMINISTRATION OF THE RESILIENCE AUTHORITY.

22–104.

EXCEPT AS NECESSARY TO PAY DEBT SERVICE OR IMPLEMENT THE PUBLIC PURPOSES OR PROGRAMS OF THE INCORPORATING LOCAL GOVERNMENT, THE NET EARNINGS OF A RESILIENCE AUTHORITY MAY BENEFIT ONLY THE INCORPORATING LOCAL GOVERNMENT AND MAY NOT BENEFIT ANY PERSON.

22-105.

(A) EXCEPT AS LIMITED BY THE LOCAL LAW ESTABLISHING THE RESILIENCE AUTHORITY OR ITS ARTICLES OF INCORPORATION, A RESILIENCE AUTHORITY HAS ALL THE POWERS UNDER THIS TITLE.

(B) A RESILIENCE AUTHORITY MAY HAS AND MAY EXERCISE ALL POWERS NECESSARY OR CONVENIENT TO UNDERTAKE, FINANCE, MANAGE, ACQUIRE, OWN, CONVEY, OR SUPPORT RESILIENCE INFRASTRUCTURE PROJECTS, INCLUDING THE POWER TO:

(1) ACQUIRE BY PURCHASE, LEASE, OR OTHER LEGAL MEANS, BUT NOT BY EMINENT DOMAIN, PROPERTY FOR RESILIENCE INFRASTRUCTURE;

(2) ESTABLISH, CONSTRUCT, ALTER, IMPROVE, EQUIP, REPAIR, MAINTAIN, OPERATE, AND REGULATE RESILIENCE INFRASTRUCTURE OWNED BY THE INCORPORATING LOCAL GOVERNMENT OR THE RESILIENCE AUTHORITY;

(3) RECEIVE MONEY FROM ITS INCORPORATING LOCAL GOVERNMENT, THE STATE, OTHER GOVERNMENTAL UNITS, OR NONPROFIT PRIVATE ORGANIZATIONS;

(4) CHARGE AND COLLECT FEES FOR ITS SERVICES;

(5) <u>SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNING BODY</u>, CHARGE AND COLLECT FEES TO BACK ITS BOND ISSUANCES;

(6) HAVE EMPLOYEES AND CONSULTANTS AS IT CONSIDERS NECESSARY;

(7) USE THE SERVICES OF OTHER GOVERNMENTAL UNITS; AND

(8) PERFORM CORPORATE ACTS NECESSARY TO CARRY OUT ITS PURPOSE ACT AS NECESSARY OR CONVENIENT TO CARRY OUT THE POWERS GRANTED TO IT BY LAW. 22–106.

(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A RESILIENCE AUTHORITY MAY ISSUE AND SELL BONDS PERIODICALLY:

(1) FOR RESILIENCE INFRASTRUCTURE PROJECTS;

(2) TO REFUND OUTSTANDING BONDS;

(3) TO PAY THE COSTS OF PREPARING, PRINTING, SELLING, AND ISSUING THE BONDS;

(4) TO FUND RESERVES; AND

(5) TO PAY THE INTEREST ON THE BONDS IN THE AMOUNT AND FOR THE PERIOD THE RESILIENCE AUTHORITY CONSIDERS REASONABLE.

(B) **Revenue bonds** <u>Bonds</u> issued by a Resilience Authority are LIMITED OBLIGATIONS AND ARE NOT A PLEDGE OF THE FAITH AND CREDIT OR TAXING POWER OF AN INCORPORATING LOCAL GOVERNMENT.

22–107.

(A) FOR EACH ISSUE OF ITS BONDS, A RESILIENCE AUTHORITY SHALL ADOPT A RESOLUTION THAT:

(1) SPECIFIES AND DESCRIBES THE RESILIENCE INFRASTRUCTURE;

(2) GENERALLY DESCRIBES THE PUBLIC PURPOSE TO BE SERVED AND THE FINANCING TRANSACTION;

(3) SPECIFIES THE MAXIMUM PRINCIPAL AMOUNT OF THE BONDS THAT MAY BE ISSUED; AND

(4) IMPOSES TERMS OR CONDITIONS ON THE ISSUANCE AND SALE OF BONDS IT CONSIDERS APPROPRIATE.

(B) A RESILIENCE AUTHORITY, BY RESOLUTION, MAY:

(1) SPECIFY, DETERMINE, PRESCRIBE, AND APPROVE MATTERS, DOCUMENTS, AND PROCEDURES THAT RELATE TO THE AUTHORIZATION, SALE, SECURITY, ISSUANCE, DELIVERY, AND PAYMENT OF AND FOR THE BONDS;

(2) CREATE SECURITY FOR THE BONDS;

(3) PROVIDE FOR THE ADMINISTRATION OF BOND ISSUES THROUGH TRUST OR OTHER AGREEMENTS WITH A BANK OR TRUST COMPANY THAT COVER A COUNTERSIGNATURE ON A BOND, THE DELIVERY OF A BOND, OR THE SECURITY FOR A BOND; AND

(4) TAKE OTHER ACTION IT CONSIDERS APPROPRIATE CONCERNING THE BONDS.

#### 22-108.

(A) THE PRINCIPAL OF AND INTEREST ON BONDS, THE TRANSFER OF BONDS, AND ANY INCOME DERIVED FROM THE BONDS, INCLUDING PROFITS MADE IN THEIR SALE OR TRANSFER, ARE FOREVER EXEMPT FROM STATE AND LOCAL TAXES.

(B) A CONTRACT FOR A RESILIENCE INFRASTRUCTURE PROJECT MAY PROVIDE THAT PAYMENT SHALL BE MADE IN BONDS.

(c) A bond is not subject to the limitations of §§ 19–205 and 19–206 of this article.

#### 22-109.

A FINDING BY THE LOCAL GOVERNING AUTHORITY OR THE BOARD OF DIRECTORS OF A RESILIENCE AUTHORITY AS TO THE PUBLIC PURPOSE OF AN ACTION TAKEN UNDER THIS TITLE, AND THE APPROPRIATENESS OF THAT ACTION TO SERVE THE PUBLIC PURPOSE, IS CONCLUSIVE IN A PROCEEDING INVOLVING THE VALIDITY OR ENFORCEABILITY OF A BOND, OR SECURITY FOR A BOND, ISSUED UNDER THIS TITLE.

#### 22–110.

NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR CHARTER, THE <u>LEGISLATIVE BODY OF A LOCAL GOVERNMENT MAY DEVOTE LOCAL GOVERNING</u> <u>BODY MAY DEDICATE</u> ANY REVENUES OF THE LOCAL GOVERNMENT <u>FOR REPAYMENT</u> <u>OF BONDS AND</u> TO SUPPORT THE OPERATIONS OR RESILIENCE INFRASTRUCTURE PROJECTS OF A RESILIENCE AUTHORITY.

#### 22–111.

IF MULTIPLE COUNTIES OR MUNICIPALITIES ESTABLISH A RESILIENCE AUTHORITY;:

(1) EACH SHALL BE CONSIDERED AN INCORPORATING LOCAL GOVERNMENT; AND

#### (2) THE COUNTIES OR MUNICIPALITIES SHALL FILE JOINTLY ARTICLES OF INCORPORATION OR ARTICLES OF AMENDMENT IN ACCORDANCE WITH § 22–102 OF THIS TITLE.

22-112.

NOTHING IN THIS TITLE MAY BE CONSTRUED TO:

(1) PROHIBIT THE LOCAL GOVERNMENTS OF MULTIPLE COUNTIES OR MUNICIPALITIES FROM ESTABLISHING THROUGH JOINT ACTION A RESILIENCE AUTHORITY IN ACCORDANCE WITH THIS TITLE; OR

(2) AUTHORIZE A RESILIENCE AUTHORITY TO LEVY A TAX.

22–113.

(A) ON A DATE AND IN A FORMAT DESIGNATED BY THE INCORPORATING LOCAL GOVERNMENT, A RESILIENCE AUTHORITY SHALL, AT LEAST ANNUALLY, REPORT TO THE INCORPORATING LOCAL GOVERNMENT ON THE ACTIVITIES OF THE RESILIENCE AUTHORITY.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON OR BEFORE THE JANUARY 1 AFTER A RESILIENCE AUTHORITY IS ESTABLISHED BY A LOCAL GOVERNMENT IN ACCORDANCE WITH THIS TITLE, AND ON OR BEFORE JANUARY 1 EACH YEAR THEREAFTER, THE RESILIENCE AUTHORITY SHALL SUBMIT A REPORT IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE TO:

(I) THE SENATE BUDGET AND TAXATION COMMITTEE AND THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE; AND

(II) THE HOUSE APPROPRIATIONS COMMITTEE AND THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE.

(2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE, AT A MINIMUM:

(I) A COPY OF THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION;

(II) A DESCRIPTION OF THE RESILIENCE INFRASTRUCTURE PROJECTS FUNDED BY THE RESILIENCE AUTHORITY; AND

# (III) THE SOURCES OF REVENUE FOR THE RESILIENCE INFRASTRUCTURE PROJECTS UNDERTAKEN BY THE RESILIENCE AUTHORITY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 236

#### (Senate Bill 457)

AN ACT concerning

#### Local Governments - Resilience Authorities - Authorization

FOR the purpose of authorizing a local government to create a Resilience Authority by local law; specifying certain requirements for the adoption of a local law establishing an Authority; specifying the required contents of a resolution and the articles of incorporation for an Authority; providing that certain provisions of this Act are self-executing and fully authorize the establishment of an Authority notwithstanding other provisions of law; providing that a resolution authorizing the creation of an Authority is administrative in nature and is not subject to referendum; specifying certain procedures for properly executing, filing, and recording the articles of incorporation establishing an Authority; specifying certain procedures for amending the articles of incorporation of an Authority; specifying certain procedures and requirements for altering or terminating an Authority; specifying the process for the appointment, hiring, and administration of an Authority; prohibiting the net earnings of an Authority from benefiting certain persons; specifying the powers that a local government may grant an Authority; authorizing an Authority to issue certain bonds for certain purposes; providing that bonds issued by an Authority are limited obligations and not a pledge of the faith and credit or taxing power of the incorporating local governments; establishing the process for the issuance of bonds by an Authority; authorizing a contract to provide for payment in bonds; specifying that certain findings are conclusive in a proceeding involving the validity or enforceability of a bond or security for a bond; exempting the principal of and interest on bonds, the transfer of bonds, and any income derived from bonds, including certain profits, from State and local taxes; authorizing the legislative body of a local <del>government</del> local governing body to <del>devote</del> dedicate certain revenues of the local government to the repayment of bonds for certain operations and projects of an Authority; specifying that each county or municipality that jointly establishes an Authority shall be considered an incorporating local government and file jointly certain articles of incorporation and amendment; requiring an Authority to report to its incorporating local government and certain committees of the General Assembly at certain intervals; providing for the application of this Act; defining certain terms; and generally relating to authorizing a local government to establish a Resilience Authority.

BY adding to

Article – Local Government

Section 22–101 through 22–113 to be under the new title "Title 22. Resilience Infrastructure"

Annotated Code of Maryland

(2013 Volume and 2019 Supplement)

# Preamble

WHEREAS, The impacts from climate change are happening now in communities across the State of Maryland; and

WHEREAS, These impacts include rising temperatures, major rain and storm events, sea level rise, and changes in precipitation patterns; and

WHEREAS, Those things that Maryland communities depend upon and value – natural resources and ecosystems, energy, transportation, agriculture, cultural and historic resources, human health, and economic growth – are experiencing, and will continue to experience, the effects of climate changes; and

WHEREAS, Communities in coastal states account for nearly half of the nation's population and economic activity, and that cumulative damage to property in those areas could reach \$3.5 trillion by 2060; and

WHEREAS, Local governments will bear much of the responsibility and cost required to mitigate the impacts of climate change through infrastructure investment; and

WHEREAS, Resilience financing authorities can work in partnership with local governments to accelerate infrastructure financing, reduce the cost of implementation, and mitigate and manage the risks of climate change; now, therefore,

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

# Article – Local Government

# TITLE 22. RESILIENCE INFRASTRUCTURE.

22-101.

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

(B) (1) "BOND" MEANS AN OBLIGATION FOR THE PAYMENT OF MONEY, BY WHATEVER NAME KNOWN OR SOURCE OF FUNDS SECURED, ISSUED BY A LOCAL GOVERNMENT OR RESILIENCE AUTHORITY UNDER STATE AND LOCAL GENERAL OR SPECIAL STATUTORY AUTHORITY.

(2) "BOND" INCLUDES A REFUNDING BOND, A NOTE, AND ANY OTHER OBLIGATION.

(C) "CAPITAL COSTS" MEANS COSTS INCURRED FOR ACQUISITION, PLANNING, DESIGN, CONSTRUCTION, REPAIR, RENOVATION, RECONSTRUCTION, EXPANSION, SITE IMPROVEMENT, AND CAPITAL EQUIPPING.

(D) "CHIEF EXECUTIVE" MEANS THE PRESIDENT, THE CHAIR, THE MAYOR, THE COUNTY EXECUTIVE, OR ANY OTHER CHIEF EXECUTIVE OFFICER OR HEAD OF A LOCAL GOVERNMENT.

(E) "CLIMATE CHANGE" INCLUDES SEA LEVEL RISE, NUISANCE FLOODING, INCREASED RAINFALL EVENTS, EROSION, AND TEMPERATURE RISE.

(F) "LOCAL GOVERNMENT" MEANS A COUNTY OR MUNICIPALITY.

(G) "MUNICIPALITY" MEANS A MUNICIPALITY WITH A POPULATION OF AT LEAST 30,000.

(H) (G) "RESILIENCE AUTHORITY" MEANS AN AUTHORITY INCORPORATED BY ONE OR MORE LOCAL GOVERNMENTS IN ACCORDANCE WITH THIS TITLE WHOSE PURPOSE IS TO UNDERTAKE OR SUPPORT RESILIENCE INFRASTRUCTURE PROJECTS.

(+) (+)

(2) "RESILIENCE INFRASTRUCTURE" INCLUDES FLOOD BARRIERS, GREEN SPACES, BUILDING ELEVATION, AND STORMWATER INFRASTRUCTURE.

(J) (I) "RESILIENCE INFRASTRUCTURE PROJECT" MEANS A PROJECT TO FINANCE OR REFINANCE THE CAPITAL COSTS ASSOCIATED WITH RESILIENCE INFRASTRUCTURE.

22–102.

(A) A LOCAL GOVERNMENT MAY CREATE A RESILIENCE AUTHORITY BY LOCAL LAW IN ACCORDANCE WITH THIS TITLE.

(B) A LOCAL LAW ADOPTED UNDER THIS SECTION:

(1) IS ADMINISTRATIVE IN NATURE; AND

(2) IS NOT SUBJECT TO REFERENDUM.

(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR CHARTER PROVISION, SUBSECTION (A) OF THIS SECTION IS SELF-EXECUTING AND FULLY AUTHORIZES A LOCAL GOVERNMENT TO ESTABLISH A RESILIENCE AUTHORITY.

(D) A LOCAL LAW ADOPTED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE PROPOSED ARTICLES OF INCORPORATION OF THE RESILIENCE AUTHORITY THAT STATE:

(1) THE NAME OF THE RESILIENCE AUTHORITY, WHICH SHALL BE "RESILIENCE AUTHORITY OF (NAME OF THE INCORPORATING LOCAL GOVERNMENT)";

(2) THAT THE RESILIENCE AUTHORITY IS FORMED UNDER THIS TITLE;

(3) THE NAMES, ADDRESSES, AND TERMS OF OFFICE OF THE INITIAL MEMBERS OF THE BOARD OF DIRECTORS OF THE RESILIENCE AUTHORITY;

(4) THE ADDRESS OF THE PRINCIPAL OFFICE OF THE RESILIENCE AUTHORITY;

(5) THE PURPOSES FOR WHICH THE RESILIENCE AUTHORITY IS FORMED; AND

(6) THE POWERS OF THE RESILIENCE AUTHORITY, SUBJECT TO THE LIMITATIONS ON THE POWERS OF A RESILIENCE AUTHORITY UNDER THIS TITLE.

(E) (1) THE CHIEF EXECUTIVE OF THE INCORPORATING LOCAL GOVERNMENT, OR ANY OTHER OFFICIAL DESIGNATED IN THE LOCAL LAW ESTABLISHING THE RESILIENCE AUTHORITY, SHALL EXECUTE AND FILE THE ARTICLES OF INCORPORATION OF THE RESILIENCE AUTHORITY FOR RECORD WITH THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION.

(2) WHEN THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION ACCEPTS THE ARTICLES OF INCORPORATION FOR RECORD<sub>5</sub>:

*(I)* THE RESILIENCE AUTHORITY BECOMES A BODY POLITIC AND CORPORATE AND AN INSTRUMENTALITY OF THE INCORPORATING LOCAL GOVERNMENT; AND

(II) THE CHIEF EXECUTIVE OF THE INCORPORATING LOCAL GOVERNMENT, OR ANY OTHER OFFICIAL DESIGNATED IN THE LOCAL LAW ESTABLISHING THE RESILIENCE AUTHORITY, SHALL SUBMIT THE ARTICLES OF INCORPORATION, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE. TO:

THE SENATE BUDGET AND TAXATION COMMITTEE 1. AND THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE; AND

THE HOUSE APPROPRIATIONS COMMITTEE AND THE *2*. HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE.

(3) ACCEPTANCE OF THE ARTICLES OF INCORPORATION FOR RECORD BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION IS CONCLUSIVE EVIDENCE OF THE FORMATION OF THE RESILIENCE AUTHORITY.

(1) THE LOCAL GOVERNING AUTHORITY BODY SHALL APPROVE ANY **(F)** AMENDMENT TO THE ARTICLES OF INCORPORATION OF THE RESILIENCE AUTHORITY.

(2) ARTICLES OF AMENDMENT MAY CONTAIN ANY PROVISION THAT LAWFULLY COULD BE CONTAINED IN ARTICLES OF INCORPORATION AT THE TIME OF THE AMENDMENT.

(3) THE ARTICLES OF AMENDMENT SHALL BE FILED FOR RECORD WITH THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION.

(4) THE ARTICLES OF AMENDMENT ARE EFFECTIVE AS OF THE TIME THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION ACCEPTS THE **ARTICLES FOR RECORD.** 

ACCEPTANCE OF THE ARTICLES OF AMENDMENT FOR RECORD BY (5) THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION IS CONCLUSIVE EVIDENCE THAT THE ARTICLES HAVE BEEN LAWFULLY AND PROPERLY ADOPTED.

(G) (1) SUBJECT TO THE PROVISIONS OF THIS TITLE AND ANY LIMITATIONS IMPOSED BY LAW ON THE IMPAIRMENT OF CONTRACTS, THE INCORPORATING LOCAL GOVERNMENT, IN ITS SOLE DISCRETION, BY LOCAL LAW MAY:

(I) SET OR CHANGE THE POWERS, STRUCTURE, ORGANIZATION, PROCEDURES, PROGRAMS, OR ACTIVITIES OF THE RESILIENCE AUTHORITY;

(II) DETERMINE THE REVENUE SOURCES OF THE RESILIENCE AUTHORITY, INCLUDING THE USE OF GENERAL FUND REVENUE AND GENERAL OBLIGATION BONDS;

(III) ESTABLISH THE BUDGETARY AND FINANCIAL PROCEDURES OF THE RESILIENCE AUTHORITY; AND

(IV) TERMINATE THE RESILIENCE AUTHORITY.

(2) ON TERMINATION OF A RESILIENCE AUTHORITY;:

(I) TITLE TO ALL PROPERTY OF THE RESILIENCE AUTHORITY SHALL BE TRANSFERRED TO AND BE VESTED IN THE INCORPORATING LOCAL GOVERNMENT; <u>AND</u>

(II) ALL OBLIGATIONS OF THE RESILIENCE AUTHORITY SHALL BE TRANSFERRED TO AND ASSUMED BY THE INCORPORATING LOCAL GOVERNMENT.

22-103.

(A) OFFICERS GOVERNING THE RESILIENCE AUTHORITY AND EMPLOYEES OF A RESILIENCE AUTHORITY SHALL BE APPOINTED OR HIRED AS PROVIDED BY LOCAL LAW.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE OR THE LOCAL LAW ESTABLISHING THE RESILIENCE AUTHORITY, THE PROCEDURES OF THE INCORPORATING LOCAL GOVERNMENT CONTROL ANY <u>PERSONNEL</u> MATTER RELATING TO THE INTERNAL ADMINISTRATION OF THE RESILIENCE AUTHORITY.

#### 22-104.

EXCEPT AS NECESSARY TO PAY DEBT SERVICE OR IMPLEMENT THE PUBLIC PURPOSES OR PROGRAMS OF THE INCORPORATING LOCAL GOVERNMENT, THE NET EARNINGS OF A RESILIENCE AUTHORITY MAY BENEFIT ONLY THE INCORPORATING LOCAL GOVERNMENT AND MAY NOT BENEFIT ANY PERSON.

22-105.

(A) EXCEPT AS LIMITED BY THE LOCAL LAW ESTABLISHING THE RESILIENCE AUTHORITY OR ITS ARTICLES OF INCORPORATION, A RESILIENCE AUTHORITY HAS ALL THE POWERS UNDER THIS TITLE.

(B) A RESILIENCE AUTHORITY MAY HAS AND MAY EXERCISE ALL POWERS NECESSARY OR CONVENIENT TO UNDERTAKE, FINANCE, MANAGE, ACQUIRE, OWN, CONVEY, OR SUPPORT RESILIENCE INFRASTRUCTURE PROJECTS, INCLUDING THE POWER TO:

(1) ACQUIRE BY PURCHASE, LEASE, OR OTHER LEGAL MEANS, BUT NOT BY EMINENT DOMAIN, PROPERTY FOR RESILIENCE INFRASTRUCTURE;

(2) ESTABLISH, CONSTRUCT, ALTER, IMPROVE, EQUIP, REPAIR, MAINTAIN, OPERATE, AND REGULATE RESILIENCE INFRASTRUCTURE OWNED BY THE INCORPORATING LOCAL GOVERNMENT OR THE RESILIENCE AUTHORITY;

(3) RECEIVE MONEY FROM ITS INCORPORATING LOCAL GOVERNMENT, THE STATE, OTHER GOVERNMENTAL UNITS, OR <del>NONPROFIT</del> <u>PRIVATE</u> ORGANIZATIONS;

(4) CHARGE AND COLLECT FEES FOR ITS SERVICES;

(5) <u>SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNING BODY</u>, CHARGE AND COLLECT FEES TO BACK ITS BOND ISSUANCES;

(6) HAVE EMPLOYEES AND CONSULTANTS AS IT CONSIDERS NECESSARY;

(7) USE THE SERVICES OF OTHER GOVERNMENTAL UNITS; AND

(8) <del>PERFORM CORPORATE ACTS NECESSARY TO CARRY OUT ITS</del> <u>PURPOSE</u> <u>ACT AS NECESSARY OR CONVENIENT TO CARRY OUT THE POWERS</u> <u>GRANTED TO IT BY LAW</u>.

22-106.

(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A RESILIENCE AUTHORITY MAY ISSUE AND SELL BONDS PERIODICALLY:

- (1) FOR RESILIENCE INFRASTRUCTURE PROJECTS;
- (2) TO REFUND OUTSTANDING BONDS;

(3) TO PAY THE COSTS OF PREPARING, PRINTING, SELLING, AND ISSUING THE BONDS;

(4) TO FUND RESERVES; AND

(5) TO PAY THE INTEREST ON THE BONDS IN THE AMOUNT AND FOR THE PERIOD THE RESILIENCE AUTHORITY CONSIDERS REASONABLE.

(B) <u>Revenue bonds</u> <u>Bonds</u> issued by a Resilience Authority are LIMITED OBLIGATIONS AND ARE NOT A PLEDGE OF THE FAITH AND CREDIT OR TAXING POWER OF AN INCORPORATING LOCAL GOVERNMENT.

22-107.

(A) FOR EACH ISSUE OF ITS BONDS, A RESILIENCE AUTHORITY SHALL ADOPT A RESOLUTION THAT:

(1) SPECIFIES AND DESCRIBES THE RESILIENCE INFRASTRUCTURE;

(2) GENERALLY DESCRIBES THE PUBLIC PURPOSE TO BE SERVED AND THE FINANCING TRANSACTION;

(3) SPECIFIES THE MAXIMUM PRINCIPAL AMOUNT OF THE BONDS THAT MAY BE ISSUED; AND

(4) IMPOSES TERMS OR CONDITIONS ON THE ISSUANCE AND SALE OF BONDS IT CONSIDERS APPROPRIATE.

(B) A RESILIENCE AUTHORITY, BY RESOLUTION, MAY:

(1) SPECIFY, DETERMINE, PRESCRIBE, AND APPROVE MATTERS, DOCUMENTS, AND PROCEDURES THAT RELATE TO THE AUTHORIZATION, SALE, SECURITY, ISSUANCE, DELIVERY, AND PAYMENT OF AND FOR THE BONDS;

(2) CREATE SECURITY FOR THE BONDS;

(3) PROVIDE FOR THE ADMINISTRATION OF BOND ISSUES THROUGH TRUST OR OTHER AGREEMENTS WITH A BANK OR TRUST COMPANY THAT COVER A COUNTERSIGNATURE ON A BOND, THE DELIVERY OF A BOND, OR THE SECURITY FOR A BOND; AND

(4) TAKE OTHER ACTION IT CONSIDERS APPROPRIATE CONCERNING THE BONDS.

22–108.

(A) THE PRINCIPAL OF AND INTEREST ON BONDS, THE TRANSFER OF BONDS, AND ANY INCOME DERIVED FROM THE BONDS, INCLUDING PROFITS MADE IN THEIR SALE OR TRANSFER, ARE FOREVER EXEMPT FROM STATE AND LOCAL TAXES.

(B) A CONTRACT FOR A RESILIENCE INFRASTRUCTURE PROJECT MAY PROVIDE THAT PAYMENT SHALL BE MADE IN BONDS.

(c) A bond is not subject to the limitations of §§ 19–205 and 19–206 of this article.

#### 22-109.

A FINDING BY THE LOCAL GOVERNING AUTHORITY OR THE BOARD OF DIRECTORS OF A RESILIENCE AUTHORITY AS TO THE PUBLIC PURPOSE OF AN ACTION TAKEN UNDER THIS TITLE, AND THE APPROPRIATENESS OF THAT ACTION TO SERVE THE PUBLIC PURPOSE, IS CONCLUSIVE IN A PROCEEDING INVOLVING THE VALIDITY OR ENFORCEABILITY OF A BOND, OR SECURITY FOR A BOND, ISSUED UNDER THIS TITLE.

22–110.

NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR CHARTER, THE <u>LEGISLATIVE BODY OF A LOCAL GOVERNMENT</u> <u>LOCAL GOVERNING BODY</u> MAY <u>DEVOTE</u> <u>DEDICATE</u> ANY REVENUES OF THE LOCAL GOVERNMENT <u>FOR REPAYMENT</u> <u>OF BONDS AND</u> TO SUPPORT THE OPERATIONS OR RESILIENCE INFRASTRUCTURE PROJECTS OF A RESILIENCE AUTHORITY.

22–111.

IF MULTIPLE COUNTIES OR MUNICIPALITIES ESTABLISH A RESILIENCE AUTHORITY<sub>5</sub>:

(1) EACH SHALL BE CONSIDERED AN INCORPORATING LOCAL GOVERNMENT; AND

(2) THE COUNTIES OR MUNICIPALITIES SHALL FILE JOINTLY ARTICLES OF INCORPORATION OR ARTICLES OF AMENDMENT IN ACCORDANCE WITH § 22–102 OF THIS SUBTITLE.

22–112.

NOTHING IN THIS TITLE MAY BE CONSTRUED TO:

(1) PROHIBIT THE LOCAL GOVERNMENTS OF MULTIPLE COUNTIES OR MUNICIPALITIES FROM ESTABLISHING THROUGH JOINT ACTION A RESILIENCE AUTHORITY IN ACCORDANCE WITH THIS TITLE; OR

(2) AUTHORIZE A RESILIENCE AUTHORITY TO LEVY A TAX.

22–113.

(A) ON A DATE AND IN A FORMAT DESIGNATED BY THE INCORPORATING LOCAL GOVERNMENT, A RESILIENCE AUTHORITY SHALL, AT LEAST ANNUALLY, REPORT TO THE INCORPORATING LOCAL GOVERNMENT ON THE ACTIVITIES OF THE RESILIENCE AUTHORITY.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON OR BEFORE THE JANUARY 1 AFTER A RESILIENCE AUTHORITY IS ESTABLISHED BY A LOCAL GOVERNMENT IN ACCORDANCE WITH THIS TITLE, AND ON OR BEFORE JANUARY 1 EACH YEAR THEREAFTER, THE RESILIENCE AUTHORITY SHALL SUBMIT A REPORT IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE TO:

(I) THE SENATE BUDGET AND TAXATION COMMITTEE AND THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE; AND

(II) THE HOUSE APPROPRIATIONS COMMITTEE AND THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE.

(2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE, AT A MINIMUM:

(I) A COPY OF THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION;

(II) A DESCRIPTION OF THE RESILIENCE INFRASTRUCTURE PROJECTS FUNDED BY THE RESILIENCE AUTHORITY; AND

(III) THE SOURCES OF REVENUE FOR THE RESILIENCE INFRASTRUCTURE PROJECTS UNDERTAKEN BY THE RESILIENCE AUTHORITY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 237

# (House Bill 541)

### AN ACT concerning

### Maryland Police Training and Standards Commission – Training Requirements – Hate Crimes

FOR the purpose of requiring the Maryland Police Training and Standards Commission to require certain entrance-level and in-service police training conducted by the State and each county and municipal police training school to include certain training relating to the criminal laws concerning hate crimes; and generally relating to police training requirements.

BY repealing and reenacting, with amendments, Article – Public Safety Section 3–207(a)(6) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

# Article – Public Safety

3-207.

(a) The Commission has the following powers and duties:

(6) to require, for entrance-level police training and at least every 3 years for in-service level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include special training, attention to, and study of the application and enforcement of:

(i) the criminal laws concerning rape and sexual offenses, including the sexual abuse and exploitation of children and related evidentiary procedures;

(ii) the criminal laws concerning human trafficking, including services and support available to victims and the rights and appropriate treatment of victims;

(III) THE CRIMINAL LAWS CONCERNING HATE CRIMES, INCLUDING THE RECOGNITION OF, RESPONSE TO, AND REPORTING OF INCIDENTS REQUIRED TO BE REPORTED UNDER § 2–307 OF THIS ARTICLE; [(iii)] (IV) the contact with and treatment of victims of crimes and delinquent acts;

[(iv)] (V) the notices, services, support, and rights available to victims and victims' representatives under State law; and

[(v)] (VI) the notification of victims of identity fraud and related crimes of their rights under federal law;

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 238

# (Senate Bill 633)

AN ACT concerning

#### Maryland Police Training and Standards Commission – Training Requirements – Hate Crimes

FOR the purpose of requiring the Maryland Police Training and Standards Commission to require certain entrance-level and in-service police training conducted by the State and each county and municipal police training school to include certain training relating to the criminal laws concerning hate crimes; and generally relating to police training requirements.

BY repealing and reenacting, with amendments, Article – Public Safety Section 3–207(a)(6) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

# Article – Public Safety

3-207.

- (a) The Commission has the following powers and duties:
  - (6) to require, for entrance-level police training and at least every 3 years

for in-service level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include special training, attention to, and study of the application and enforcement of:

(i) the criminal laws concerning rape and sexual offenses, including the sexual abuse and exploitation of children and related evidentiary procedures;

(ii) the criminal laws concerning human trafficking, including services and support available to victims and the rights and appropriate treatment of victims;

### (III) THE CRIMINAL LAWS CONCERNING HATE CRIMES, INCLUDING THE RECOGNITION OF, RESPONSE TO, AND REPORTING OF INCIDENTS REQUIRED TO BE REPORTED UNDER § 2–307 OF THIS ARTICLE;

[(iii)] (IV) the contact with and treatment of victims of crimes and delinquent acts;

[(iv)] (V) the notices, services, support, and rights available to victims and victims' representatives under State law; and

[(v)] (VI) the notification of victims of identity fraud and related crimes of their rights under federal law;

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 239

(House Bill 543)

AN ACT concerning

# Estates and Trusts - Closed Estates - Subsequent Discovery of Check

FOR the purpose of authorizing a court, following the discovery of a check to a decedent or the estate of a decedent payable for a sum not exceeding a certain amount after the estate is closed and the appointment of the personal representative is terminated, to enter an order authorizing a certain interested person to indorse and deposit the check into the interested person's bank account for a certain purpose under certain circumstances; providing that a hearing is not required before a court may enter the order authorized under this Act, subject to certain exceptions; making stylistic changes; and generally relating to the administration of decedents' estates.

BY repealing and reenacting, with amendments,

Article – Estates and Trusts Section 10–104 Annotated Code of Maryland (2017 Replacement Volume and 2019 Supplement)

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

#### **Article – Estates and Trusts**

10 - 104.

(a) **[If] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IF** property is discovered after an estate has been closed and the appointment of the personal representative has been terminated [pursuant to] **UNDER** § 10–101 of this subtitle, the court, on petition of an interested person and on [such] ANY notice as [it] **THE COURT** may direct, may appoint the same or a successor personal representative and make other appropriate orders.

(b) Further proceedings shall be conducted [pursuant to] IN ACCORDANCE WITH the provisions of the estates of decedents law as may be applicable, but no claim previously barred may be asserted in the reopened administration.

(C) (1) IF SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF A CHECK PAYABLE TO A DECEDENT OR THE ESTATE OF A DECEDENT FOR A SUM NOT EXCEEDING \$1,000 IS DISCOVERED AFTER AN ESTATE IS CLOSED AND THE APPOINTMENT OF THE PERSONAL REPRESENTATIVE HAS TERMINATED UNDER \$ 10–101 OF THIS SUBTITLE, ON A VERIFIED REQUEST PETITION MADE BY AN INTERESTED PERSON, THE COURT MAY ENTER AN ORDER AUTHORIZING THE INTERESTED PERSON TO INDORSE AND DEPOSIT THE CHECK INTO THE INTERESTED PERSON'S BANK ACCOUNT FOR THE LIMITED PURPOSE OF DISTRIBUTING THE FUNDS IN ACCORDANCE WITH THE WILL OR, IF THE DECEDENT DIED INTESTATE, IN ACCORDANCE WITH TITLE 3, SUBTITLE 1 OF THIS ARTICLE.

(2) (I) UNLESS REQUESTED BY AN INTERESTED PERSON, THE COURT MAY ENTER AN ORDER UNDER PARAGRAPH (1) OF THIS SUBSECTION WITHOUT A HEARING.

(II) <u>THE COURT MAY NOT ENTER AN ORDER UNDER PARAGRAPH</u> (1) OF THIS SUBSECTION IF: Chapter 240

<u>1.</u> <u>The estate of the decedent was insolvent</u> <u>when it was closed;</u>

#### 2. <u>THE CHECK DISCOVERED AFTER THE ESTATE WAS</u> <u>CLOSED INCREASES THE VALUE OF THE ESTATE ABOVE THE VALUE THAT QUALIFIES</u> <u>UNDER § 5–601 OF THIS ARTICLE FOR ADMINISTRATION AS A SMALL ESTATE; OR</u>

#### <u>3.</u> <u>ANY ADDITIONAL FEES AND INHERITANCE TAXES DUE</u> AS A RESULT OF THE DISCOVERED CHECK ARE NOT PAID WITH THE PETITION.</u>

### (III) <u>THE DISTRIBUTION OF FUNDS BY AN INTERESTED PERSON</u> <u>UNDER PARAGRAPH (1) OF THIS SUBSECTION MUST BE MADE WITHIN 60 DAYS AFTER</u> <u>THE COURT'S ORDER AUTHORIZING THE DISTRIBUTION.</u>

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 240

(Senate Bill 151)

AN ACT concerning

#### **Estates and Trusts - Closed Estates - Subsequent Discovery of Check**

FOR the purpose of authorizing a court, following the discovery of a check to a decedent or the estate of a decedent payable for a sum not exceeding a certain amount after the estate is closed and the appointment of the personal representative is terminated, to enter an order authorizing a certain interested person to indorse and deposit the check into the interested person's bank account for a certain purpose under certain circumstances; providing that a hearing is not required before a court may enter the order authorized under this Act, subject to certain exceptions; making stylistic changes; and generally relating to the administration of decedents' estates.

BY repealing and reenacting, with amendments,

Article – Estates and Trusts Section 10–104 Annotated Code of Maryland (2017 Replacement Volume and 2019 Supplement)

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

#### Article – Estates and Trusts

10-104.

(a) **[If] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IF** property is discovered after an estate has been closed and the appointment of the personal representative has been terminated [pursuant to] **UNDER** § 10–101 of this subtitle, the court, on petition of an interested person and on [such] ANY notice as **[it] THE COURT** may direct, may appoint the same or a successor personal representative and make other appropriate orders.

(b) Further proceedings shall be conducted [pursuant to] IN ACCORDANCE WITH the provisions of the estates of decedents law as may be applicable, but no claim previously barred may be asserted in the reopened administration.

(C) (1) IF SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF A CHECK PAYABLE TO A DECEDENT OR THE ESTATE OF A DECEDENT FOR A SUM NOT EXCEEDING \$1,000 IS DISCOVERED AFTER AN ESTATE IS CLOSED AND THE APPOINTMENT OF THE PERSONAL REPRESENTATIVE HAS TERMINATED UNDER § 10–101 OF THIS SUBTITLE, ON A VERIFIED REQUEST PETITION MADE BY AN INTERESTED PERSON, THE COURT MAY ENTER AN ORDER AUTHORIZING THE INTERESTED PERSON TO INDORSE AND DEPOSIT THE CHECK INTO THE INTERESTED PERSON'S BANK ACCOUNT FOR THE LIMITED PURPOSE OF DISTRIBUTING THE FUNDS IN ACCORDANCE WITH THE WILL OR, IF THE DECEDENT DIED INTESTATE, IN ACCORDANCE WITH TITLE 3, SUBTITLE 1 OF THIS ARTICLE.

(2) (I) UNLESS REQUESTED BY AN INTERESTED PERSON, THE COURT MAY ENTER AN ORDER UNDER PARAGRAPH (1) OF THIS SUBSECTION WITHOUT A HEARING.

(II) <u>THE COURT MAY NOT ENTER AN ORDER UNDER PARAGRAPH</u> (1) OF THIS SUBSECTION IF:

<u>1.</u> <u>The estate of the decedent was insolvent</u> <u>when it was closed;</u>

2. <u>The check discovered after the estate was</u> <u>Closed increases the value of the estate above the value that qualifies</u> <u>under § 5–601 of this article for administration as a small estate; or</u>

3. <u>ANY ADDITIONAL FEES AND INHERITANCE TAXES DUE</u> AS A RESULT OF THE DISCOVERED CHECK ARE NOT PAID WITH THE PETITION.

# (III) THE DISTRIBUTION OF FUNDS BY AN INTERESTED PERSON UNDER PARAGRAPH (1) OF THIS SUBSECTION MUST BE MADE WITHIN 60 DAYS AFTER THE COURT'S ORDER AUTHORIZING THE DISTRIBUTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 241

# (House Bill 544)

AN ACT concerning

#### City of Annapolis – Housing Authority – Prohibitions Against Exceptions to Local Laws

FOR the purpose of prohibiting a State public body from making an exception for the Housing Authority of the City of Annapolis to a law, rule, regulation, or ordinance that operates in Annapolis and relates to licensure or the inspection of real property, <u>subject to certain exceptions; providing for the application of this Act</u>; and generally relating to the Housing Authority of the City of Annapolis.

BY repealing and reenacting, without amendments, Article – Housing and Community Development Section 12–201, 12–506(b)(9), 13–102, and 13–103 Annotated Code of Maryland (2019 Replacement Volume and 2019 Supplement)

BY adding to

Article – Housing and Community Development Section 13–112 Annotated Code of Maryland (2019 Replacement Volume and 2019 Supplement)

# Preamble

WHEREAS, The Housing Authority of the City of Annapolis remains among the nation's oldest housing authorities, as it was founded in 1937, with an intent to provide decent, safe, and sanitary federally subsidized rental housing throughout the City of Annapolis; and

WHEREAS, The City of Annapolis provides for the habitability, sanitation, health, and safety of all rental housing in its borders through enforcement of the Charter and Code

of the City of Annapolis, including the Residential Property Maintenance Code, which is administered through periodic code enforcement inspections; and

WHEREAS, The Housing Authority of the City of Annapolis, a public body, corporate and politic, and the City of Annapolis, a political subdivision, are empowered by the authority therein vested from the State of Maryland through acts of the General Assembly; and

WHEREAS, The General Assembly acknowledges the utility of municipal inspections of the 790 rental housing units owned and operated by the Housing Authority of the City of Annapolis; now, therefore,

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

# Article – Housing and Community Development

12-201.

Except as provided in § 12–208 of this subtitle, in each political subdivision, there is a public body corporate and politic known as the "housing authority" of the political subdivision or as otherwise designated in the articles of organization.

#### 12 - 506.

(b) To aid and cooperate in the planning, undertaking, construction, or operation of housing projects located wholly or partly in the area in which it may act, a State public body, with or without consideration and on terms that it determines, may:

(9) plan, replan, zone, or rezone any part of the State public body, make exceptions to its sanitary, building, housing, fire, health, subdivision, or other similar laws, rules, regulations, and ordinances or make any changes to its map or master plan; and

#### 13-102.

Title 12 of this article applies to the Annapolis Authority except where it is inconsistent with this title.

#### 13-103.

The Housing Authority of the City of Annapolis is a public body corporate and politic that:

(1) exercises public and essential governmental functions; and

(2) has all the powers necessary or convenient to carry out the purposes of this Division II.

13–112.

### (A) <u>A-Except as provided in subsection (b) of this section, a</u> State public body may not make an exception for the Annapolis Authority to a law, a rule, a regulation, or an ordinance that:

- (1) OPERATES IN THE CITY OF ANNAPOLIS; AND
- $(2) \quad \text{RELATES TO:} \quad$ 
  - (I) LICENSURE; OR
  - (II) THE INSPECTION OF REAL PROPERTY.

# (B) <u>A STATE PUBLIC BODY MAY, FOR THE ANNAPOLIS AUTHORITY:</u>

# (1) EXTEND THE TIME PERIOD, WITHIN AN INSPECTION CYCLE, FOR THE REINSPECTION OF A UNIT THAT FAILS AN INITIAL INSPECTION; OR

# (2) WAIVE A FEE OR FINE THAT IS ASSOCIATED WITH THE LICENSURE OR INSPECTION OF REAL PROPERTY.

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 exception that a State public body made for the Housing Authority of the City of Annapolis to a law, rule, regulation, or ordinance relating to the licensure or inspection of real property before the effective date of this Act.

SECTION  $\stackrel{2}{\Rightarrow}$  3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 242

(Senate Bill 288)

AN ACT concerning

City of Annapolis – Housing Authority – Prohibitions Against Exceptions to Local Laws FOR the purpose of prohibiting a State public body from making an exception for the Housing Authority of the City of Annapolis to a law, rule, regulation, or ordinance that operates in Annapolis and relates to licensure or the inspection of real property, <u>subject to certain exceptions; providing for the application of this Act;</u> and generally relating to the Housing Authority of the City of Annapolis.

BY repealing and reenacting, without amendments, Article – Housing and Community Development Section 12–201, 12–506(b)(9), 13–102, and 13–103 Annotated Code of Maryland (2019 Replacement Volume and 2019 Supplement)

BY adding to

Article – Housing and Community Development Section 13–112 Annotated Code of Maryland (2019 Replacement Volume and 2019 Supplement)

#### Preamble

WHEREAS, The Housing Authority of the City of Annapolis remains among the nation's oldest housing authorities, as it was founded in 1937, with an intent to provide decent, safe, and sanitary federally subsidized rental housing throughout the City of Annapolis; and

WHEREAS, The City of Annapolis provides for the habitability, sanitation, health, and safety of all rental housing in its borders through enforcement of the Charter and Code of the City of Annapolis, including the Residential Property Maintenance Code, which is administered through periodic code enforcement inspections; and

WHEREAS, The Housing Authority of the City of Annapolis, a public body, corporate and politic, and the City of Annapolis, a political subdivision, are empowered by the authority therein vested from the State of Maryland through acts of the General Assembly; and

WHEREAS, The General Assembly acknowledges the utility of municipal inspections of the 790 rental housing units owned and operated by the Housing Authority of the City of Annapolis; now, therefore,

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

#### Article - Housing and Community Development

12-201.

Except as provided in § 12–208 of this subtitle, in each political subdivision, there is a public body corporate and politic known as the "housing authority" of the political subdivision or as otherwise designated in the articles of organization.

12 - 506.

(b) To aid and cooperate in the planning, undertaking, construction, or operation of housing projects located wholly or partly in the area in which it may act, a State public body, with or without consideration and on terms that it determines, may:

(9) plan, replan, zone, or rezone any part of the State public body, make exceptions to its sanitary, building, housing, fire, health, subdivision, or other similar laws, rules, regulations, and ordinances or make any changes to its map or master plan; and

13-102.

Title 12 of this article applies to the Annapolis Authority except where it is inconsistent with this title.

13–103.

The Housing Authority of the City of Annapolis is a public body corporate and politic that:

(1) exercises public and essential governmental functions; and

(2) has all the powers necessary or convenient to carry out the purposes of this Division II.

# 13-112.

# (A) A EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A STATE PUBLIC BODY MAY NOT MAKE AN EXCEPTION FOR THE ANNAPOLIS AUTHORITY TO A LAW, A RULE, A REGULATION, OR AN ORDINANCE THAT:

- (1) OPERATES IN THE CITY OF ANNAPOLIS; AND
- $(2) \quad \text{RELATES TO:} \quad$ 
  - (I) LICENSURE; OR
  - (II) THE INSPECTION OF REAL PROPERTY.

# (B) <u>A STATE PUBLIC BODY MAY, FOR THE ANNAPOLIS AUTHORITY:</u>

#### (1) EXTEND THE TIME PERIOD, WITHIN AN INSPECTION CYCLE, FOR THE REINSPECTION OF A UNIT THAT FAILS AN INITIAL INSPECTION; OR

#### (2) WAIVE A FEE OR FINE THAT IS ASSOCIATED WITH THE LICENSURE OR INSPECTION OF REAL PROPERTY.

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 exception that a State public body made for the Housing Authority of the City of Annapolis to a law, rule, regulation, or ordinance relating to the licensure or inspection of real property before the effective date of this Act.

SECTION  $\frac{2}{2}$ . <u>3.</u> AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

## Chapter 243

#### (House Bill 545)

AN ACT concerning

#### State Board of Veterinary Medical Examiners – <del>Practicing Veterinary Medicine</del> Without a License – Cease and Desist <del>Order</del> <u>Orders</u> and Civil <del>Penalty</del> <u>Penalties</u>

FOR the purpose of authorizing, under certain circumstances, the State Board of Veterinary Medical Examiners to issue a cease and desist order and impose a certain eivil penalty against a person who practices, attempts to practice, or offers to practice veterinary medicine without a license issued by the Board in violation of certain provisions of law or takes certain actions; authorizing the Board to impose a certain civil penalty under certain circumstances; requiring the Board to provide to a certain person a certain notice and an opportunity for a hearing before a certain penalty is imposed; providing that a certain action is in addition to, and not instead of, certain disciplinary actions or a certain action for injunctive relief; requiring the Board to adopt certain regulations; authorizing certain sanctions established by certain penalties into the General Fund of the State; and generally relating to the State Board of Veterinary Medical Examiners.

BY adding to

Article – Agriculture Section 2–313.2 Annotated Code of Maryland (2016 Replacement Volume and 2019 Supplement)

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

#### Article – Agriculture

2-313.2.

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION AND ON REVIEW AND APPROVAL OF THE SECRETARY OR THE SECRETARY'S DESIGNEE, THE BOARD MAY ISSUE A CEASE AND DESIST ORDER AND IMPOSE A CIVIL PENALTY AGAINST A PERSON WHO **PRACTICES**:

(1) <u>PRACTICES</u>, ATTEMPTS TO PRACTICE, OR OFFERS TO PRACTICE VETERINARY MEDICINE <del>WITHOUT A LICENSE</del> <u>IN VIOLATION OF § 2–313(A) OF THIS</u> <u>SUBTITLE; OR</u>

 $(2) \qquad TAKES AN ACTION:$ 

(I) FOR WHICH THE BOARD DETERMINES THERE IS A PREPONDERANCE OF EVIDENCE OF GROUNDS FOR DISCIPLINE UNDER § 2–310 OR § 2–313 OF THIS SUBTITLE; OR

(II) THAT POSES A SERIOUS RISK TO THE HEALTH, SAFETY, AND WELFARE OF AN ANIMAL PATIENT.

(B) (1) IN LIEU OF A CEASE AND DESIST ORDER UNDER SUBSECTION (A) OF THIS SECTION, THE BOARD MAY IMPOSE A CIVIL PENALTY NOT EXCEEDING:

- (I) \$5,000 FOR A FIRST OFFENSE; AND
- (II) \$10,000 FOR A SECOND OR SUBSEQUENT OFFENSE.

(B) (1) A CIVIL PENALTY IMPOSED UNDER THIS SECTION MAY NOT EXCEED \$5,000 FOR EACH VIOLATION.

(2) IN SETTING THE AMOUNT OF A CIVIL PENALTY, THE BOARD SHALL CONSIDER:

- (I) THE SERIOUSNESS OF THE VIOLATION;
- (II) THE HARM CAUSED BY THE VIOLATION;

- (III) THE GOOD FAITH OF THE VIOLATOR;
- (IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE VIOLATOR;

AND

(V) ANY OTHER RELEVANT FACTORS.

(3) BEFORE A CIVIL PENALTY IS IMPOSED UNDER THIS SUBSECTION, THE BOARD SHALL PROVIDE TO THE PERSON ON WHOM THE CIVIL PENALTY WILL BE IMPOSED NOTICE OF THE ALLEGED VIOLATION AND AN OPPORTUNITY FOR A HEARING.

(C) A PERSON AGAINST WHOM A CEASE AND DESIST ORDER IS ISSUED OR A CIVIL PENALTY IS IMPOSED UNDER THIS SECTION MAY SEEK REVIEW OF THE ORDER OR PENALTY UNDER THE ADMINISTRATIVE PROCEDURE ACT.

(D) AN ACTION FOR A CEASE AND DESIST ORDER OR A CIVIL PENALTY IMPOSED UNDER THIS SECTION IS IN ADDITION TO, AND NOT INSTEAD OF, DISCIPLINARY ACTIONS AUTHORIZED UNDER § 2–310 OF THIS SUBTITLE OR AN ACTION FOR INJUNCTIVE RELIEF UNDER § 2–315 OF THIS SUBTITLE.

(E) (1) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION, INCLUDING HEARING PROCEDURES AND SANCTIONS FOR VIOLATIONS OF A CEASE AND DESIST ORDER.

(2) <u>The sanctions established by regulations adopted</u> <u>under paragraph (1) of this subsection may include a civil penalty</u> <u>consistent with subsection (B) of this section.</u>

(C) (F) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND OF THE STATE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 244

(Senate Bill 189)

AN ACT concerning

#### State Board of Veterinary Medical Examiners – <del>Practicing Veterinary Medicine</del> Without a License – Cease and Desist <del>Order</del> <u>Orders</u> and Civil <del>Penalty</del> <u>Penalties</u>

FOR the purpose of authorizing, under certain circumstances, the State Board of Veterinary Medical Examiners to issue a cease and desist order and impose a certain eivil penalty against a person who practices, attempts to practice, or offers to practice veterinary medicine without a license issued by the Board in violation of certain provisions of law or takes certain actions; authorizing the Board to impose a certain civil penalty under certain circumstances; requiring the Board to provide to a certain person a certain notice and an opportunity for a hearing before a certain order or penalty; providing that a certain action is in addition to, and not instead of, certain disciplinary actions or a certain action for injunctive relief; requiring the Board to adopt certain regulations; authorizing certain sanctions established by certain penalties into the General Fund of the State; and generally relating to the State Board of Veterinary Medical Examiners.

BY adding to

Article – Agriculture Section 2–313.2 Annotated Code of Maryland (2016 Replacement Volume and 2019 Supplement)

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

## Article – Agriculture

#### 2-313.2.

## (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION AND ON REVIEW AND APPROVAL OF THE SECRETARY OR THE SECRETARY'S DESIGNEE, THE BOARD MAY ISSUE A CEASE AND DESIST ORDER AND IMPOSE A CIVIL PENALTY AGAINST A PERSON WHO PRACTICES:

(1) <u>PRACTICES</u>, ATTEMPTS TO PRACTICE, OR OFFERS TO PRACTICE VETERINARY MEDICINE <del>WITHOUT A LICENSE</del> IN VIOLATION OF § 2–313(A) OF THIS SUBTITLE; OR

#### $(2) \qquad TAKES AN ACTION:$

(I) FOR WHICH THE BOARD DETERMINES THERE IS A PREPONDERANCE OF EVIDENCE OF GROUNDS FOR DISCIPLINE UNDER § 2–310 OR § 2–313 OF THIS SUBTITLE; OR (II) <u>THAT POSES A SERIOUS RISK TO THE HEALTH, SAFETY, AND</u> WELFARE OF AN ANIMAL PATIENT.

(B) (1) IN LIEU OF A CEASE AND DESIST ORDER UNDER SUBSECTION (A) OF THIS SECTION, THE BOARD MAY IMPOSE A CIVIL PENALTY NOT EXCEEDING:

- (I) \$5,000 FOR A FIRST OFFENSE; AND
- (II) \$10,000 FOR A SECOND OR SUBSEQUENT OFFENSE.

(B) (1) A CIVIL PENALTY IMPOSED UNDER THIS SECTION MAY NOT EXCEED \$5,000 FOR EACH VIOLATION.

(2) IN SETTING THE AMOUNT OF A CIVIL PENALTY, THE BOARD SHALL CONSIDER:

- (I) THE SERIOUSNESS OF THE VIOLATION;
- (II) THE HARM CAUSED BY THE VIOLATION;
- (III) THE GOOD FAITH OF THE VIOLATOR;
- (IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE VIOLATOR;

AND

(V) ANY OTHER RELEVANT FACTORS.

(3) BEFORE A CIVIL PENALTY IS IMPOSED UNDER THIS SUBSECTION, THE BOARD SHALL PROVIDE TO THE PERSON ON WHOM THE CIVIL PENALTY WILL BE IMPOSED NOTICE OF THE ALLEGED VIOLATION AND AN OPPORTUNITY FOR A HEARING.

(C) <u>A PERSON AGAINST WHOM A CEASE AND DESIST ORDER IS ISSUED OR A</u> <u>CIVIL PENALTY IS IMPOSED UNDER THIS SECTION MAY SEEK REVIEW OF THE ORDER</u> <u>OR PENALTY UNDER THE ADMINISTRATIVE PROCEDURE ACT.</u>

(D) AN ACTION FOR A CEASE AND DESIST ORDER OR A CIVIL PENALTY IMPOSED UNDER THIS SECTION IS IN ADDITION TO, AND NOT INSTEAD OF, DISCIPLINARY ACTIONS AUTHORIZED UNDER § 2–310 OF THIS SUBTITLE OR AN ACTION FOR INJUNCTIVE RELIEF UNDER § 2–315 OF THIS SUBTITLE.

(E) (1) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION, INCLUDING HEARING PROCEDURES AND SANCTIONS FOR VIOLATIONS OF A CEASE AND DESIST ORDER.

## (2) THE SANCTIONS ESTABLISHED BY REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY INCLUDE A CIVIL PENALTY CONSISTENT WITH SUBSECTION (B) OF THIS SECTION.

(C) (F) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND OF THE STATE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 245

## (House Bill 546)

AN ACT concerning

## Anne Arundel County – Board of Community College Trustees

FOR the purpose of requiring the members of the Board of Community College Trustees for Anne Arundel County to reside in Anne Arundel County; setting the length of the term of certain members; limiting the number of consecutive terms certain members may serve; <u>providing for the application of this Act</u>; and generally relating to the members of the Board of Community College Trustees for Anne Arundel County.

BY repealing and reenacting, with amendments,

Article – Education Section 16–401 Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

## **Article – Education**

16-401.

(a) (1) The Board of Community College Trustees for Anne Arundel County consists of eight members appointed by the Governor, with the advice and consent of the Senate.

(2) EACH MEMBER SHALL BE A RESIDENT OF ANNE ARUNDEL COUNTY.

(3) EXCEPT AS PROVIDED IN SUBSECTION (B)(2) OF THIS SECTION:

(I) THE TERM OF A MEMBER IS 4 YEARS; AND

(II) A MEMBER MAY NOT SERVE FOR MORE THAN THREE CONSECUTIVE FULL TERMS.

(b) (1) One of the members shall be a regularly enrolled student in good standing at Anne Arundel Community College.

(2) The student member shall:

(i) [Be a resident of Anne Arundel County;

(ii)] Be nominated in the manner determined by the student body of Anne Arundel Community College;

[(iii)] (II) Have the qualifications required to be student body president of Anne Arundel Community College; and

[(iv)] (III) Serve for a term of 1 year, beginning July 1 and ending on June 30.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) This Act shall be construed to apply prospectively.

(b) Notwithstanding § 16–401(a)(3)(ii) of the Education Article, as enacted by Section 1 of this Act, a member of the Board of Community College Trustees for Anne Arundel County who is serving in a term of office on the effective date of this Act may serve the remainder of that term and an additional two consecutive terms.

SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 246

(Senate Bill 31)

AN ACT concerning

## Anne Arundel County - Board of Community College Trustees

FOR the purpose of requiring the members of the Board of Community College Trustees for Anne Arundel County to reside in Anne Arundel County; setting the length of the term of certain members; limiting the number of consecutive terms certain members may serve; <u>providing for the application of this Act</u>; and generally relating to the members of the Board of Community College Trustees for Anne Arundel County.

BY repealing and reenacting, with amendments,

Article – Education Section 16–401 Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

## Article – Education

16-401.

(a) (1) The Board of Community College Trustees for Anne Arundel County consists of eight members appointed by the Governor, with the advice and consent of the Senate.

(2) EACH MEMBER SHALL BE A RESIDENT OF ANNE ARUNDEL COUNTY.

(3) EXCEPT AS PROVIDED IN SUBSECTION (B)(2) OF THIS SECTION:

(I) THE TERM OF A MEMBER IS 4 YEARS; AND

# (II) A MEMBER MAY NOT SERVE FOR MORE THAN THREE CONSECUTIVE FULL TERMS.

(b) (1) One of the members shall be a regularly enrolled student in good standing at Anne Arundel Community College.

- (2) The student member shall:
  - (i) [Be a resident of Anne Arundel County;

(ii)] Be nominated in the manner determined by the student body of Anne Arundel Community College;

[(iii)] (II) Have the qualifications required to be student body president of Anne Arundel Community College; and

[(iv)] (III) Serve for a term of 1 year, beginning July 1 and ending on

#### SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) This Act shall be construed to apply prospectively.

(b) Notwithstanding § 16–401(a)(3)(ii) of the Education Article, as enacted by Section 1 of this Act, a member of the Board of Community College Trustees for Anne Arundel County who is serving in a term of office on the effective date of this Act may serve the remainder of that term and an additional two consecutive terms.

SECTION  $\frac{2}{2}$ . <u>3.</u> AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 247

(House Bill 547)

AN ACT concerning

## Health - Maryland Children's Service Animal Program - Establishment

FOR the purpose of establishing the Maryland Children's Service Animal Program in the Maryland Department of Health; specifying the purposes of the Program; requiring the Department to select at least one nonprofit entity to implement a certain training protocol, select certain Program participants, certain dogs, or therapy horses, facilitate certain training or therapy, and partner certain participants with certain dogs except under certain circumstances; establishing certain criteria that a nonprofit entity must meet to be eligible for selection under the Program; authorizing a nonprofit training entity, under certain circumstances, to disgualify a Program participant from participating in the Program; authorizing a Program participant to discontinue involvement in the Program for any reason; establishing the Maryland Children's Service Animal Program Fund as a special, nonlapsing fund; requiring the Department to use certain revenue from the Fund to pay a nonprofit training entity; requiring the Secretary of Health 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 purposes for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; requiring

June 30.

the Department to adopt certain regulations; defining certain terms; requiring the Department, on or before a certain date, to report certain information to the General Assembly; and generally relating to the Maryland Children's Service Animal Program.

BY adding to

Article – Health – General
Section 13–4101 through 13–4106 to be under the new subtitle "Subtitle 41. Maryland Children's Service Animal Program"
Annotated Code of Maryland
(2019 Replacement Volume)

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

## Article – Health – General

## SUBTITLE 41. MARYLAND CHILDREN'S SERVICE ANIMAL PROGRAM.

13-4101.

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

(B) "ELIGIBLE CHILD" MEANS A CHILD WHO HAS A HISTORY OF TRAUMA <del>OR,</del> HAS BEEN DIAGNOSED WITH POST-TRAUMATIC STRESS DISORDER, <u>OR HAS BEEN</u> <u>DIAGNOSED WITH A DEVELOPMENTAL DISABILITY AND SPECIAL HEALTH CARE NEED</u> <u>UNDER TITLE V OF THE SOCIAL SECURITY ACT.</u>

(C) "FUND" MEANS THE MARYLAND CHILDREN'S SERVICE ANIMAL PROGRAM FUND ESTABLISHED UNDER § 13–4105 OF THIS SUBTITLE.

(D) "NONPROFIT TRAINING ENTITY" MEANS A CORPORATION, A FOUNDATION, OR ANY OTHER LEGAL ENTITY THAT:

(1) IS QUALIFIED UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE;

(2) (I) ENGAGES IN THE TRAINING OF SERVICE DOGS OR SUPPORT DOGS FOR USE BY CHILDREN; OR

(II) USES TRAINED THERAPY HORSES FOR INTERACTION WITH CHILDREN; AND

(3) HAS BEEN SELECTED BY THE DEPARTMENT TO PROVIDE SERVICES UNDER THIS SUBTITLE.

(E) "PROGRAM" MEANS THE MARYLAND CHILDREN'S SERVICE ANIMAL PROGRAM ESTABLISHED UNDER § 13–4102 OF THIS SUBTITLE.

(F) "PROGRAM PARTICIPANT" MEANS AN ELIGIBLE CHILD WHO PARTICIPATES IN THE PROGRAM.

(G) "SUCCESSFUL PROGRAM PARTICIPANT" MEANS A PROGRAM PARTICIPANT WHO SUCCESSFULLY COMPLETES THE TRAINING OR THERAPY PROTOCOL SPECIFIED BY A NONPROFIT TRAINING ENTITY.

13-4102.

(A) THERE IS A MARYLAND CHILDREN'S SERVICE ANIMAL PROGRAM IN THE DEPARTMENT.

(B) THE PURPOSES OF THE PROGRAM ARE TO:

(1) REFER ELIGIBLE CHILDREN WHO MAY BENEFIT FROM PARTICIPATION IN THE PROGRAM TO ONE OR MORE NONPROFIT TRAINING ENTITIES;

(2) PROVIDE ADDITIONAL FUNDING MECHANISMS TO ASSIST CHILDREN PARTICIPATING IN THE PROGRAM; AND

(3) EXPAND TREATMENT OF CHILDREN WITH A HISTORY OF TRAUMA OR POST-TRAUMATIC STRESS DISORDER <u>OR WITH A DEVELOPMENTAL DISABILITY</u> <u>AND SPECIAL HEALTH CARE NEED UNDER TITLE V OF THE SOCIAL SECURITY ACT</u>.

13-4103.

(A) THE DEPARTMENT SHALL SELECT AT LEAST ONE NONPROFIT TRAINING ENTITY TO:

(1) IMPLEMENT A TRAINING OR THERAPY PROTOCOL FOR THE PURPOSES OF THE PROGRAM THAT WILL TEACH EACH PROGRAM PARTICIPANT METHODOLOGIES, STRATEGIES, AND TECHNIQUES FOR:

(I) **PARTNERING WITH A SERVICE DOG OR SUPPORT DOG; OR** 

(II) INTERACTING WITH THERAPY HORSES;

(2) SELECT QUALIFIED PROGRAM PARTICIPANTS FROM THOSE ELIGIBLE CHILDREN REFERRED TO THE NONPROFIT ENTITY UNDER THE PROGRAM;

(3) SELECT AN APPROPRIATE SERVICE DOG, SUPPORT DOG, OR THERAPY HORSE, AS APPLICABLE, FOR EACH PROGRAM PARTICIPANT;

(4) FACILITATE EACH PROGRAM PARTICIPANT'S TRAINING OR THERAPY USING THE NONPROFIT TRAINING ENTITY'S TRAINING OR THERAPY PROTOCOL; AND

(5) UNLESS THE NONPROFIT TRAINING ENTITY USES TRAINED THERAPY HORSES, PARTNER EACH SUCCESSFUL PROGRAM PARTICIPANT WITH THE SERVICE DOG OR SUPPORT DOG ON THE PROGRAM PARTICIPANT'S SUCCESSFUL COMPLETION OF THE NONPROFIT TRAINING ENTITY'S TRAINING PROTOCOL.

(B) TO BE ELIGIBLE FOR SELECTION UNDER SUBSECTION (A) OF THIS SECTION, A NONPROFIT ENTITY MUST:

(1) **BE BASED IN THE STATE;** 

(2) SERVE THE NEEDS OF CHILDREN WITH A HISTORY OF TRAUMA OR POST-TRAUMATIC STRESS DISORDER <u>OR WITH A DEVELOPMENTAL DISABILITY AND</u> <u>SPECIAL HEALTH CARE NEED UNDER TITLE V OF THE SOCIAL SECURITY ACT</u>; AND

(3) GENERATE ITS OWN REVENUE AND REINVEST THE PROCEEDS OF THAT REVENUE IN THE GROWTH AND DEVELOPMENT OF ITS PROGRAMS.

13-4104.

(A) A NONPROFIT TRAINING ENTITY MAY DISQUALIFY A PROGRAM PARTICIPANT FROM PARTICIPATION IN THE PROGRAM IF THE NONPROFIT TRAINING ENTITY DETERMINES THAT THE PROGRAM PARTICIPANT'S INVOLVEMENT IN THE PROGRAM:

(1) PRESENTS A DANGER TO THE PROGRAM PARTICIPANT'S MENTAL OR PHYSICAL WELL-BEING;

(2) HAS CAUSED OR MAY POTENTIALLY CAUSE HARM TO OTHERS, AN ANIMAL, OR PROPERTY IS A DIRECT THREAT TO THE HEALTH AND SAFETY OF OTHERS;

(3) PRESENTS A <del>DANGER</del> <u>DIRECT THREAT</u> TO THE MENTAL OR PHYSICAL WELL–BEING OF THE SERVICE DOG, SUPPORT DOG, OR THERAPY HORSE; OR (4) DOES NOT MEET THE TRAINING REQUIREMENTS OF THE NONPROFIT TRAINING ENTITY.

(B) A PROGRAM PARTICIPANT MAY DISCONTINUE INVOLVEMENT IN THE PROGRAM FOR ANY REASON.

13-4105.

(A) THERE IS A MARYLAND CHILDREN'S SERVICE ANIMAL PROGRAM FUND.

(B) THE DEPARTMENT SHALL USE REVENUE FROM THE FUND TO PAY A NONPROFIT TRAINING ENTITY.

(C) **REVENUE FROM THE FUND MAY BE USED ONLY TO PAY:** 

- (1) A NONPROFIT TRAINING ENTITY; AND
- (2) ADMINISTRATIVE COSTS OF THE PROGRAM.

(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 COLLECTED BY THE DEPARTMENT IN THE FORM OF DONATIONS TO THE PROGRAM;

(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 STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(H) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.

(I) MONEY EXPENDED FROM THE FUND IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR THE PROGRAM.

13-4106.

THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2022, the Maryland Department of Health shall report to the General Assembly, in accordance with § 2–1257 of the State Government Article, the following information regarding the Maryland Children's Service Animal Program established under § 13–4102 of the Health – General Article, as enacted by Section 1 of this Act:

(1) the number of Program participants involved in the Program;

(2) the nonprofit training entity or entities selected by the Department for involvement in the Program;

(3) an accounting of the money deposited into and redeemed out of the Maryland Children's Service Animal Program Fund established under § 13–4105 of the Health – General Article, as enacted by Section 1 of this Act; and

(4) any other information related to the Maryland Children's Service Animal Program that the Department considers relevant.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 248

## (Senate Bill 455)

AN ACT concerning

#### Health – Maryland Children's Service Animal Program – Establishment

FOR the purpose of establishing the Maryland Children's Service Animal Program in the Maryland Department of Health; specifying the purposes of the Program; requiring the Department to select at least one nonprofit entity to implement a certain training protocol, select certain Program participants, certain dogs, or therapy horses, facilitate certain training or therapy, and partner certain participants with certain dogs except under certain circumstances; establishing certain criteria that a nonprofit entity must meet to be eligible for selection under the Program; authorizing a nonprofit training entity, under certain circumstances, to disqualify a Program participant from participating in the Program; authorizing a Program participant to discontinue involvement in the Program for any reason; establishing the Maryland Children's Service Animal Program Fund as a special, nonlapsing fund; requiring the Department to use certain revenue from the Fund to pay a nonprofit training entity; requiring the Secretary of Health 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 purposes for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; requiring the Department to adopt certain regulations; defining certain terms; requiring the Department, on or before a certain date, to report certain information to the General Assembly; and generally relating to the Maryland Children's Service Animal Program.

#### BY adding to

Article – Health – General

Section 13–4101 through 13–4106 to be under the new subtitle "Subtitle 41. Maryland Children's Service Animal Program"

Annotated Code of Maryland (2019 Replacement Volume)

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

#### Article – Health – General

#### SUBTITLE 41. MARYLAND CHILDREN'S SERVICE ANIMAL PROGRAM.

#### 13-4101.

(A) IN THIS <u>SECTION</u> <u>SUBTITLE</u> THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

#### (B) "ELIGIBLE CHILD" MEANS A CHILD WHO HAS A HISTORY OF TRAUMA OR, HAS BEEN DIAGNOSED WITH POST-TRAUMATIC STRESS DISORDER, OR HAS BEEN DIAGNOSED WITH A DEVELOPMENTAL DISABILITY AND SPECIAL HEALTH CARE NEED UNDER TITLE V OF THE SOCIAL SECURITY ACT.

(C) "FUND" MEANS THE MARYLAND CHILDREN'S SERVICE ANIMAL PROGRAM FUND ESTABLISHED UNDER § 13–4105 OF THIS SUBTITLE.

(D) "NONPROFIT TRAINING ENTITY" MEANS A CORPORATION, A FOUNDATION, OR ANY OTHER LEGAL ENTITY THAT:

(1) IS QUALIFIED UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE;

(2) (I) ENGAGES IN THE TRAINING OF SERVICE DOGS OR SUPPORT DOGS FOR USE BY CHILDREN; OR

(II) USES TRAINED THERAPY HORSES FOR INTERACTION WITH CHILDREN; AND

(3) HAS BEEN SELECTED BY THE DEPARTMENT TO PROVIDE SERVICES UNDER THIS SUBTITLE.

(E) "PROGRAM" MEANS THE MARYLAND CHILDREN'S SERVICE ANIMAL PROGRAM ESTABLISHED UNDER § 13–4102 OF THIS SUBTITLE.

(F) "PROGRAM PARTICIPANT" MEANS AN ELIGIBLE CHILD WHO PARTICIPATES IN THE PROGRAM.

(G) "SUCCESSFUL PROGRAM PARTICIPANT" MEANS A PROGRAM PARTICIPANT WHO SUCCESSFULLY COMPLETES THE TRAINING OR THERAPY PROTOCOL SPECIFIED BY A NONPROFIT TRAINING ENTITY.

13-4102.

(A) THERE IS A MARYLAND CHILDREN'S SERVICE ANIMAL PROGRAM IN THE DEPARTMENT.

(B) THE PURPOSES OF THE PROGRAM ARE TO:

(1) REFER ELIGIBLE CHILDREN WHO MAY BENEFIT FROM PARTICIPATION IN THE PROGRAM TO ONE OR MORE NONPROFIT TRAINING ENTITIES;

(2) PROVIDE ADDITIONAL FUNDING MECHANISMS TO ASSIST CHILDREN PARTICIPATING IN THE PROGRAM; AND

(3) EXPAND TREATMENT OF CHILDREN WITH A HISTORY OF TRAUMA OR POST-TRAUMATIC STRESS DISORDER <u>OR WITH A DEVELOPMENTAL DISABILITY</u> <u>AND SPECIAL HEALTH CARE NEED UNDER TITLE V OF THE SOCIAL SECURITY ACT</u>.

13-4103.

(A) THE DEPARTMENT SHALL SELECT AT LEAST ONE NONPROFIT TRAINING ENTITY TO:

(1) IMPLEMENT A TRAINING OR THERAPY PROTOCOL FOR THE PURPOSES OF THE PROGRAM THAT WILL TEACH EACH PROGRAM PARTICIPANT METHODOLOGIES, STRATEGIES, AND TECHNIQUES FOR:

(I) **PARTNERING WITH A SERVICE DOG OR SUPPORT DOG; OR** 

(II) INTERACTING WITH THERAPY HORSES;

(2) SELECT QUALIFIED PROGRAM PARTICIPANTS FROM THOSE ELIGIBLE CHILDREN REFERRED TO THE NONPROFIT ENTITY UNDER THE PROGRAM;

(3) SELECT AN APPROPRIATE SERVICE DOG, SUPPORT DOG, OR THERAPY HORSE, AS APPLICABLE, FOR EACH PROGRAM PARTICIPANT;

(4) FACILITATE EACH PROGRAM PARTICIPANT'S TRAINING OR THERAPY USING THE NONPROFIT TRAINING ENTITY'S TRAINING OR THERAPY PROTOCOL; AND

(5) UNLESS THE NONPROFIT TRAINING ENTITY USES TRAINED THERAPY HORSES, PARTNER EACH SUCCESSFUL PROGRAM PARTICIPANT WITH THE SERVICE DOG OR SUPPORT DOG ON THE PROGRAM PARTICIPANT'S SUCCESSFUL COMPLETION OF THE NONPROFIT TRAINING ENTITY'S TRAINING PROTOCOL.

(B) TO BE ELIGIBLE FOR SELECTION UNDER SUBSECTION (A) OF THIS SECTION, A NONPROFIT ENTITY MUST:

(1) **BE BASED IN THE STATE;** 

(2) SERVE THE NEEDS OF CHILDREN WITH A HISTORY OF TRAUMA OR POST-TRAUMATIC STRESS DISORDER <u>OR WITH A DEVELOPMENTAL DISABILITY AND</u> <u>SPECIAL HEALTH CARE NEED UNDER TITLE V OF THE SOCIAL SECURITY ACT</u>; AND

(3) GENERATE ITS OWN REVENUE AND REINVEST THE PROCEEDS OF THAT REVENUE IN THE GROWTH AND DEVELOPMENT OF ITS PROGRAMS.

13-4104.

(A) A NONPROFIT TRAINING ENTITY MAY DISQUALIFY A PROGRAM PARTICIPANT FROM PARTICIPATION IN THE PROGRAM IF THE NONPROFIT

TRAINING ENTITY DETERMINES THAT THE PROGRAM PARTICIPANT'S INVOLVEMENT IN THE PROGRAM:

(1) PRESENTS A DANGER TO THE PROGRAM PARTICIPANT'S MENTAL OR PHYSICAL WELL-BEING;

(2) HAS CAUSED OR MAY POTENTIALLY CAUSE HARM TO OTHERS, AN ANIMAL, OR PROPERTY IS A DIRECT THREAT TO THE HEALTH AND SAFETY OF OTHERS;

(3) PRESENTS A <del>DANGER</del> <u>DIRECT THREAT</u> TO THE MENTAL OR PHYSICAL WELL–BEING OF THE SERVICE DOG, SUPPORT DOG, OR THERAPY HORSE; OR

(4) DOES NOT MEET THE TRAINING REQUIREMENTS OF THE NONPROFIT TRAINING ENTITY.

(B) A PROGRAM PARTICIPANT MAY DISCONTINUE INVOLVEMENT IN THE PROGRAM FOR ANY REASON.

13-4105.

(A) THERE IS A MARYLAND CHILDREN'S SERVICE ANIMAL PROGRAM FUND.

(B) THE DEPARTMENT SHALL USE REVENUE FROM THE FUND TO PAY A NONPROFIT TRAINING ENTITY.

(C) **REVENUE FROM THE FUND MAY BE USED ONLY TO PAY:** 

(1) A NONPROFIT TRAINING ENTITY; AND

(2) ADMINISTRATIVE COSTS OF THE PROGRAM.

(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 COLLECTED BY THE DEPARTMENT IN THE FORM OF DONATIONS TO THE PROGRAM;

(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 STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(H) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.

(I) MONEY EXPENDED FROM THE FUND IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR THE PROGRAM.

#### 13-4106.

THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2022, the Maryland Department of Health shall report to the General Assembly, in accordance with § 2–1257 of the State Government Article, the following information regarding the Maryland Children's Service Animal Program established under § 13–4102 of the Health – General Article, as enacted by Section 1 of this Act:

(1) the number of Program participants involved in the Program;

(2) the nonprofit training entity or entities selected by the Department for involvement in the Program;

(3) an accounting of the money deposited into and redeemed out of the Maryland Children's Service Animal Program Fund established under § 13–4105 of the Health – General Article, as enacted by Section 1 of this Act; and

(4) any other information related to the Maryland Children's Service Animal Program that the Department considers relevant.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

#### Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 249

## (House Bill 549)

AN ACT concerning

#### State Board of Veterinary Medical Examiners – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Board of Veterinary Medical Examiners in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring the Board to report to the Governor and the General Assembly on or before a certain date each year; and generally relating to the State Board of Veterinary Medical Examiners.

BY repealing and reenacting, without amendments, Article – Agriculture Section 2–301(a) and (b) and 2–302(a) Annotated Code of Maryland (2016 Replacement Volume and 2019 Supplement)

BY adding to

Article – Agriculture Section 2–304(f) Annotated Code of Maryland (2016 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Agriculture Section 2–316 Annotated Code of Maryland (2016 Replacement Volume and 2019 Supplement)

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

#### Article – Agriculture

2 - 301.

- (a) In this subtitle the following words have the meanings indicated.
- (b) "Board" means the State Board of Veterinary Medical Examiners.

2 - 302.

(a) There is a State Board of Veterinary Medical Examiners in the Department.

2 - 304.

## (F) ON OR BEFORE DECEMBER 31 EACH YEAR, THE BOARD SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE BOARD'S DISCIPLINARY ACTIVITIES FOR THE PREVIOUS FISCAL YEAR.

2 - 316.

The provisions of this subtitle creating the State Board of Veterinary Medical Examiners and relating to the regulation of veterinarians and any regulations promulgated under this subtitle are of no effect and may not be enforced after July 1, [2021] **2031**.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 250

(House Bill 554)

AN ACT concerning

## Anne Arundel County – Alcoholic Beverages – Small Yacht Club License

FOR the purpose of establishing a small yacht club alcoholic beverages license in Anne Arundel County; requiring a certain individual to sign an application for the license; authorizing the Board of License Commissioners for Anne Arundel County to issue the license for use by a small yacht club that meets certain criteria; specifying that the license authorizes a license holder to sell beer, wine, and liquor to club members and guests for on-premises consumption under certain circumstances; specifying the days and hours of sale of alcoholic beverages under the license; notwithstanding any other provision of law, authorizing a license holder to purchase alcoholic beverages from a retail dealer; specifying an annual fee for the license; and generally relating to alcoholic beverages licenses in Anne Arundel County.

BY repealing and reenacting, without amendments, Article – Alcoholic Beverages Section 11–102 Annotated Code of Maryland

1428

(2016 Volume and 2019 Supplement)

BY adding to

Article – Alcoholic Beverages Section 11–1008.1 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

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

## Article – Alcoholic Beverages

11 - 102.

This title applies only in Anne Arundel County.

## 11-1008.1.

(A) THERE IS A CLASS C (SMALL YACHT CLUB) LICENSE.

(B) AN APPLICATION FOR THE LICENSE SHALL BE SIGNED BY AT LEAST ONE OFFICER OF THE CLUB WHO IS A RESIDENT, REGISTERED VOTER, AND TAXPAYER OF THE COUNTY.

(C) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A SMALL YACHT CLUB THAT:

(1) HAS AT LEAST 30 MEMBERS PAYING DUES OF AT LEAST \$75 PER YEAR PER MEMBER; AND

(2) AT THE TIME OF APPLICATION FOR THE LICENSE, MAINTAINS:

(I) A CLUBHOUSE THAT IS PRINCIPALLY FOR THE USE OF MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS; AND

(II) SLIPS, BOAT PARKING SPACES, OR BERTHS FOR AT LEAST 25 BOATS.

(D) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION AT THE PLACE DESCRIBED IN THE LICENSE TO:

(1) A MEMBER OF THE YACHT CLUB; OR

(2) A MEMBER'S GUEST WHEN ACCOMPANIED BY THE MEMBER.

(E) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under 11-2004 of this title.

(F) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A HOLDER OF THE LICENSE MAY PURCHASE ALCOHOLIC BEVERAGES FROM A RETAIL DEALER.

(G) THE ANNUAL LICENSE FEE IS \$525.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 251

(Senate Bill 239)

AN ACT concerning

## Anne Arundel County – Alcoholic Beverages – Small Yacht Club License

FOR the purpose of establishing a small yacht club alcoholic beverages license in Anne Arundel County; requiring a certain individual to sign an application for the license; authorizing the Board of License Commissioners for Anne Arundel County to issue the license for use by a small yacht club that meets certain criteria; specifying that the license authorizes a license holder to sell beer, wine, and liquor to club members and guests for on-premises consumption under certain circumstances; specifying the days and hours of sale of alcoholic beverages under the license; notwithstanding any other provision of law, authorizing a license holder to purchase alcoholic beverages from a retail dealer; specifying an annual fee for the license; and generally relating to alcoholic beverages licenses in Anne Arundel County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages Section 11–102 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

BY adding to Article – Alcoholic Beverages Section 11–1008.1 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

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

## Article – Alcoholic Beverages

11 - 102.

This title applies only in Anne Arundel County.

11-1008.1.

(A) THERE IS A CLASS C (SMALL YACHT CLUB) LICENSE.

(B) AN APPLICATION FOR THE LICENSE SHALL BE SIGNED BY AT LEAST ONE OFFICER OF THE CLUB WHO IS A RESIDENT, REGISTERED VOTER, AND TAXPAYER OF THE COUNTY.

(C) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A SMALL YACHT CLUB THAT:

(1) HAS AT LEAST 30 MEMBERS PAYING DUES OF AT LEAST \$75 PER YEAR PER MEMBER; AND

(2) AT THE TIME OF APPLICATION FOR THE LICENSE, MAINTAINS:

(I) A CLUBHOUSE THAT IS PRINCIPALLY FOR THE USE OF MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS; AND

(II) SLIPS, BOAT PARKING SPACES, OR BERTHS FOR AT LEAST 25 BOATS.

(D) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION AT THE PLACE DESCRIBED IN THE LICENSE TO:

(1) A MEMBER OF THE YACHT CLUB; OR

(2) A MEMBER'S GUEST WHEN ACCOMPANIED BY THE MEMBER.

(E) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE

HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 11-2004 of this title.

(F) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A HOLDER OF THE LICENSE MAY PURCHASE ALCOHOLIC BEVERAGES FROM A RETAIL DEALER.

(G) THE ANNUAL LICENSE FEE IS \$525.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 252

(House Bill 557)

AN ACT concerning

# Motor <u>Scooter</u> and Electric <u>Low Speed</u> Scooter Sharing Companies – Nonvisual Access

FOR the purpose of requiring that motor scooter <u>and electric low speed scooter</u> sharing companies include on each motor scooter or electric low speed scooter made available to the public an embossed tactile <u>phone number</u> <u>display with contact information</u> through which certain individuals may contact the company; requiring that motor <del>or</del> <u>scooter and</u> electric <u>low speed</u> scooter sharing companies provide certain individuals with certain nonvisual access that is consistent with certain federal standards; <u>providing for a delayed effective date;</u> defining certain terms; and generally relating to nonvisual access for motor <u>scooter</u> and electric <u>low speed</u> scooter sharing companies.

BY repealing and reenacting, without amendments,

Article – Transportation Section <u>11–117.2 and</u> 11–134.5 Annotated Code of Maryland (2012 Replacement Volume and 2019 Supplement)

BY adding to

Article – Transportation
Section 18.7–101 and 18.7–102 to be under the new title "Title 18.7. Motor <u>Scooter</u> and Electric <u>Low Speed</u> Scooter Sharing Companies"
Annotated Code of Maryland
(2012 Replacement Volume and 2019 Supplement)

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

## **Article – Transportation**

## <u>11–117.2.</u>

(a) <u>"Electric low speed scooter" means a vehicle that:</u>

- (1) Is designed to transport only the operator;
- (2) Weighs less than 100 pounds;

(3) Has single wheels in tandem or a combination of one or two wheels at the front and rear of the vehicle;

(4) Is equipped with handlebars and a platform designed to be stood on while riding;

- (5) Is solely powered by an electric motor and human power; and
- (6) Is capable of operating at a speed of up to 20 miles per hour.
- (b) <u>"Electric low speed scooter" does not include:</u>
  - (1) An electric personal assistive mobility device; or
- (2) <u>An electric wheelchair or other mobility aid used by a disabled</u> individual.

11-134.5.

- (a) "Motor scooter" means a nonpedal vehicle that:
  - (1) Has a seat for the operator;
  - (2) Has two wheels, of which one is 10 inches or more in diameter;
  - (3) Has a step-through chassis;
  - (4) Has a motor:
    - (i) With a rating of 2.7 brake horsepower or less; or

(ii) If the motor is an internal combustion engine, with a capacity of 50 cubic centimeters piston displacement or less; and

(5) Is equipped with an automatic transmission.

(b) "Motor scooter" does not include:

(1) An electric low speed scooter; or

(2) A vehicle that has been manufactured for off–road use, including a motorcycle and an all–terrain vehicle.

## TITLE 18.7. MOTOR <u>SCOOTER</u> AND ELECTRIC <u>LOW SPEED</u> SCOOTER SHARING COMPANIES.

#### 18.7-101.

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

(B) "MOTOR <u>SCOOTER</u> <del>OR</del> <u>AND</u> ELECTRIC <u>LOW SPEED</u> SCOOTER SHARING COMPANY" MEANS A PERSON THAT MAKES MOTOR SCOOTERS OR ELECTRIC LOW SPEED SCOOTERS AVAILABLE TO THE PUBLIC FOR LEASE ON A SHORT-TERM BASIS.

(C) "NONVISUAL ACCESS" MEANS THE ABILITY THROUGH KEYBOARD CONTROL, SYNTHESIZED SPEECH, OR OTHER METHODS NOT REQUIRING SIGHT TO RECEIVE, USE, AND MANIPULATE INFORMATION AND OPERATE CONTROLS NECESSARY TO ACCESS INFORMATION TECHNOLOGY.

#### 18.7-102.

(A) A MOTOR <u>SCOOTER</u> OR AND ELECTRIC LOW SPEED SCOOTER SHARING COMPANY SHALL INCLUDE ON EACH MOTOR SCOOTER OR ELECTRIC LOW SPEED SCOOTER MADE AVAILABLE TO THE PUBLIC AN EMBOSSED TACTILE PHONE NUMBER DISPLAY WITH CONTACT INFORMATION THROUGH WHICH AN INDIVIDUAL WHO IS BLIND OR HAS A VISUAL IMPAIRMENT MAY CONTACT THE COMPANY.

(B) A MOTOR <del>OR</del> <u>SCOOTER AND</u> ELECTRIC <u>LOW SPEED</u> SCOOTER SHARING COMPANY SHALL PROVIDE INDIVIDUALS WITH DISABILITIES NONVISUAL ACCESS TO ITS WEBSITE AND MOBILE APPLICATION IN A WAY THAT:

(1) PROVIDES FULL AND EQUAL ACCESSIBILITY TO THE INDIVIDUAL WITH DISABILITIES SO THAT THE INDIVIDUAL IS ABLE TO ACQUIRE THE SAME INFORMATION, ENGAGE IN THE SAME INTERACTIONS, AND ENJOY THE SAME SERVICES AS USERS WITHOUT DISABILITIES, WITH SUBSTANTIALLY EQUIVALENT EASE OF USE; AND

# (2) IS CONSISTENT WITH THE STANDARDS OF § 508 OF THE FEDERAL REHABILITATION ACT OF 1973.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect <del>July</del> <del>1, 2020</del> January 1, 2021.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

## Chapter 253

## (Senate Bill 607)

AN ACT concerning

#### Motor <u>Scooter</u> and Electric <u>Low Speed</u> Scooter Sharing Companies – Nonvisual Access

FOR the purpose of requiring that motor scooter <u>and electric low speed scooter</u> sharing companies include on each motor scooter or electric low speed scooter made available to the public an embossed tactile <u>phone number</u> <u>display with contact information</u> through which certain individuals may contact the company; requiring that motor <del>or</del> <u>scooter and</u> electric <u>low speed</u> scooter sharing companies provide certain individuals with certain nonvisual access that is consistent with certain federal standards; <u>providing for a delayed effective date</u>; defining certain terms; and generally relating to nonvisual access for motor <u>scooter</u> and electric <u>low speed</u> scooter sharing companies.

BY repealing and reenacting, without amendments,

Article – Transportation Section <u>11–117.2 and</u> 11–134.5 Annotated Code of Maryland (2012 Replacement Volume and 2019 Supplement)

BY adding to

Article – Transportation

Section 18.7–101 and 18.7–102 to be under the new title "Title 18.7. Motor <u>Scooter</u> and Electric <u>Low Speed</u> Scooter Sharing Companies" Annotated Code of Maryland (2012 Replacement Volume and 2019 Supplement)

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

## Article – Transportation

1435

#### <u>11–117.2.</u>

(a) <u>"Electric low speed scooter" means a vehicle that:</u>

- (1) Is designed to transport only the operator;
- (2) Weighs less than 100 pounds;

(3) Has single wheels in tandem or a combination of one or two wheels at the front and rear of the vehicle;

(4) Is equipped with handlebars and a platform designed to be stood on while riding;

- (5) Is solely powered by an electric motor and human power; and
- (6) Is capable of operating at a speed of up to 20 miles per hour.
- (b) <u>"Electric low speed scooter" does not include:</u>
  - (1) An electric personal assistive mobility device; or
- (2) An electric wheelchair or other mobility aid used by a disabled

#### <u>individual.</u>

11 - 134.5.

- (a) "Motor scooter" means a nonpedal vehicle that:
  - (1) Has a seat for the operator;
  - (2) Has two wheels, of which one is 10 inches or more in diameter;
  - (3) Has a step-through chassis;
  - (4) Has a motor:
    - (i) With a rating of 2.7 brake horsepower or less; or

(ii) If the motor is an internal combustion engine, with a capacity of 50 cubic centimeters piston displacement or less; and

- (5) Is equipped with an automatic transmission.
- (b) "Motor scooter" does not include:
  - (1) An electric low speed scooter; or

(2) A vehicle that has been manufactured for off-road use, including a motorcycle and an all-terrain vehicle.

## TITLE 18.7. MOTOR <u>SCOOTER</u> AND ELECTRIC <u>LOW SPEED</u> SCOOTER SHARING COMPANIES.

18.7–101.

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

(B) "MOTOR <u>SCOOTER</u> <del>OR</del> <u>AND</u> ELECTRIC <u>LOW SPEED</u> SCOOTER SHARING COMPANY" MEANS A PERSON THAT MAKES MOTOR SCOOTERS OR ELECTRIC LOW SPEED SCOOTERS AVAILABLE TO THE PUBLIC FOR LEASE ON A SHORT-TERM BASIS.

(C) "NONVISUAL ACCESS" MEANS THE ABILITY THROUGH KEYBOARD CONTROL, SYNTHESIZED SPEECH, OR OTHER METHODS NOT REQUIRING SIGHT TO RECEIVE, USE, AND MANIPULATE INFORMATION AND OPERATE CONTROLS NECESSARY TO ACCESS INFORMATION TECHNOLOGY.

18.7-102.

(A) A MOTOR <u>SCOOTER</u> OR AND ELECTRIC LOW SPEED SCOOTER SHARING COMPANY SHALL INCLUDE ON EACH MOTOR SCOOTER OR ELECTRIC LOW SPEED SCOOTER MADE AVAILABLE TO THE PUBLIC AN EMBOSSED TACTILE PHONE NUMBER DISPLAY WITH CONTACT INFORMATION THROUGH WHICH AN INDIVIDUAL WHO IS BLIND OR HAS A VISUAL IMPAIRMENT MAY CONTACT THE COMPANY.

(B) A MOTOR <del>OR</del> <u>SCOOTER AND</u> ELECTRIC <u>LOW SPEED</u> SCOOTER SHARING COMPANY SHALL PROVIDE INDIVIDUALS WITH DISABILITIES NONVISUAL ACCESS TO ITS WEBSITE AND MOBILE APPLICATION IN A WAY THAT:

(1) PROVIDES FULL AND EQUAL ACCESSIBILITY TO THE INDIVIDUAL WITH DISABILITIES SO THAT THE INDIVIDUAL IS ABLE TO ACQUIRE THE SAME INFORMATION, ENGAGE IN THE SAME INTERACTIONS, AND ENJOY THE SAME SERVICES AS USERS WITHOUT DISABILITIES, WITH SUBSTANTIALLY EQUIVALENT EASE OF USE; AND

(2) IS CONSISTENT WITH THE STANDARDS OF § 508 OF THE FEDERAL REHABILITATION ACT OF 1973.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect <del>July</del> <del>1, 2020</del> January 1, 2021.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 254

## (House Bill 566)

AN ACT concerning

#### Opportunity Zone Enhancement Program – Eligibility – Lead–Based Paint Affected Properties

FOR the purpose of altering the information required to be provided to the Department of Commerce in order to qualify for certain tax credit enhancements under the Opportunity Zone Enhancement Program to include, with respect to certain qualified opportunity zone business property that is a certain lead-based paint affected property, certain information and verifications; providing for the application of this Act; and generally relating to eligibility for tax credit enhancements under the Opportunity Zone Enhancement Program.

BY repealing and reenacting, with amendments,

Article – Economic Development Section 6–1001 Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments, Article – Economic Development Section 6–1002(a), (b), and (d) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments, Article – Environment Section 6–801(a) and (b) and 6–811(a) Annotated Code of Maryland (2013 Replacement Volume and 2019 Supplement)

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

#### Article – Economic Development

6-1001.

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

(b) "Level 1 opportunity zone enhancement" means an enhanced tax credit under the Program for which a qualified opportunity zone business or qualified opportunity fund is eligible if the following information is provided to the Department:

(1) the date of the qualified opportunity fund's investment in the qualified opportunity zone business and the amount of the investment;

(2) the total project or business investment, including any leverage;

(3) the address and census tract of the qualified opportunity zone business and the qualified opportunity fund;

(4) the North American Industrial Classification System Code for the qualified opportunity zone business;

(5) an impact report, including both qualitative and quantitative data on the investment and its progress; [and]

(6) <u>UNLESS AN APPLICANT PROVIDES AN AFFIDAVIT TO THE</u> <u>DEPARTMENT ALONG WITH THE APPLICATION THAT THE QUALIFIED OPPORTUNITY</u> <u>ZONE BUSINESS PROPERTY IS UNOCCUPIED, WILL BE DEMOLISHED WITHIN 1 YEAR</u> <u>OF THE DATE OF THE APPLICATION, AND WILL REMAIN UNOCCUPIED UNTIL THE</u> <u>DEMOLITION IS COMPLETE, WITH RESPECT TO QUALIFIED OPPORTUNITY ZONE</u> BUSINESS PROPERTY THAT IS AN AFFECTED PROPERTY REQUIRED TO BE REGISTERED WITH THE DEPARTMENT OF THE ENVIRONMENT UNDER § 6–811 OF THE ENVIRONMENT ARTICLE:

(I) PROOF OF REGISTRATION WITH THE DEPARTMENT OF THE ENVIRONMENT;

(II) IF THE PROPERTY CONTAINS AT LEAST ONE <u>RESIDENTIAL</u> RENTAL UNIT, PROOF OF LEAD INSPECTIONS CONDUCTED IN ACCORDANCE WITH §§ 6–815 AND 6–819 OF THE ENVIRONMENT ARTICLE;

(III) IF THE PROPERTY IS AN OWNER-OCCUPIED <u>RESIDENTIAL</u> <u>RENTAL</u> PROPERTY:

**1.** PROOF THAT VISUAL EXTERIOR OR INTERIOR PAINTED SURFACES ARE FREE OF CHIPPING, FLAKING, OR PEELING LEAD-BASED PAINT; AND

2. A COPY OF PASSING TEST RESULTS FOR LEAD-CONTAMINATED DUST; AND

(IV) VERIFICATION THAT, FOR THE SUBSTANTIAL IMPROVEMENT OF THE PROPERTY PERFORMED IN ACCORDANCE WITH § 1400Z-2(D)(2)(D)(II) OF THE INTERNAL REVENUE CODE, REPLACEMENT DOORS AND WINDOWS ARE FREE OF LEAD-BASED PAINT; AND

(7) any other information requested by the Department that meets the transparency goals of the Program.

(c) "Level 2 opportunity zone enhancement" means an enhanced tax credit under the Program for which a qualified opportunity zone business or qualified opportunity fund is eligible if:

(1) the requirements for a Level 1 opportunity zone enhancement are met;

(2) (i) accountability to residents of the communities in the opportunity zone is maintained through their representation on any governing board or advisory board of the qualified opportunity zone business; or

(ii) a community benefits agreement is negotiated and agreed to by community groups or strategic industry partnerships, as defined under § 11–701 of the Labor and Employment Article, in the opportunity zone and the qualified opportunity fund that specifies a range of community benefits that the fund agrees to provide as part of the development project, including workforce development or local hiring requirements; and

(3) (i) for a qualified opportunity zone business located entirely within an opportunity zone in a municipal corporation, the municipal corporation, by resolution or by letter, delivered to the Department by the municipal corporation's authorized designee, approves the provision of the enhanced tax credits under the Program within the municipal corporation; or

(ii) for a qualified opportunity zone business in an opportunity zone that is not located entirely within a municipal corporation, the county, by resolution or by letter, delivered to the Department by the county's authorized designee, approves the provision of the enhanced tax credits under the Program within the county.

(d) "Opportunity zone" means an area that has been designated as a qualified opportunity zone in the State under § 1400Z–1 of the Internal Revenue Code.

(e) "Program" means the Opportunity Zone Enhancement Program in the Department established under § 6-1002 of this subtitle that allows enhanced tax credits under:

- (1) § 6–304 of this title (Job Creation);
- (2) § 6–403 of this title (One Maryland economic development);

(3) § 10–702 of the Tax – General Article (wages paid in an enterprise zone);

(4) § 10–725 of the Tax – General Article (biotechnology investment incentive);

(5) § 10–733 of the Tax – General Article (cybersecurity investment incentive); and

(6) § 10–741 of the Tax – General Article (More Jobs for Marylanders).

(f) "Qualified opportunity fund" has the meaning stated in § 1400Z–2 of the Internal Revenue Code.

(g) "Qualified opportunity zone business" has the meaning stated in § 1400Z–2 of the Internal Revenue Code.

(h) "Qualified opportunity zone business property" has the meaning stated in § 1400Z–2 of the Internal Revenue Code.

(i) "Qualified opportunity zone property" has the meaning stated in § 1400Z–2 of the Internal Revenue Code.

6-1002.

(a) There is an Opportunity Zone Enhancement Program in the Department.

(b) The Department shall administer the tax credit enhancements offered under the Program.

(d) The Department, in consultation with the Department of Housing and Community Development, shall adopt regulations to carry out this subtitle, including criteria and procedures for determining eligibility for a Level 1 or Level 2 opportunity zone enhancement.

#### Article – Environment

6-801.

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

(b) (1) "Affected property" means:

(i) A property constructed before 1950 that contains at least one rental dwelling unit;

(ii) On and after January 1, 2015, a property constructed before 1978 that contains at least one rental unit; or

(iii) Any residential rental property for which the owner makes an election under § 6-803(a)(2) of this subtitle.

(2) "Affected property" includes an individual rental dwelling unit within a multifamily rental dwelling.

(3) "Affected property" does not include property exempted under § 6-803(b) of this subtitle.

6-811.

(a) (1) On or before December 31, 1995, the owner of an affected property shall register the affected property with the Department.

(2) Notwithstanding paragraph (1) of this subsection, an owner of affected property for which an election is made under (6-803)(2) of this subtitle shall register at the time of the election.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020, and shall be applicable to all taxable years beginning after December 31, 2019.

#### Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

## Chapter 255

(Senate Bill 713)

AN ACT concerning

## Opportunity Zone Enhancement Program – Eligibility – Lead–Based Paint Affected Properties

- FOR the purpose of altering the information required to be provided to the Department of Commerce in order to qualify for certain tax credit enhancements under the Opportunity Zone Enhancement Program to include, with respect to certain qualified opportunity zone business property that is a certain lead-based paint affected property, certain information and verifications; providing for the application of this Act; and generally relating to eligibility for tax credit enhancements under the Opportunity Zone Enhancement Program.
- BY repealing and reenacting, with amendments, Article – Economic Development

Section 6–1001 Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments, Article – Economic Development Section 6–1002(a), (b), and (d) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments, Article – Environment Section 6–801(a) and (b) and 6–811(a) Annotated Code of Maryland (2013 Replacement Volume and 2019 Supplement)

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

## Article – Economic Development

6-1001.

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

(b) "Level 1 opportunity zone enhancement" means an enhanced tax credit under the Program for which a qualified opportunity zone business or qualified opportunity fund is eligible if the following information is provided to the Department:

(1) the date of the qualified opportunity fund's investment in the qualified opportunity zone business and the amount of the investment;

(2) the total project or business investment, including any leverage;

(3) the address and census tract of the qualified opportunity zone business and the qualified opportunity fund;

(4) the North American Industrial Classification System Code for the qualified opportunity zone business;

(5) an impact report, including both qualitative and quantitative data on the investment and its progress; [and]

## (6) <u>UNLESS AN APPLICANT PROVIDES AN AFFIDAVIT TO THE</u> <u>DEPARTMENT ALONG WITH THE APPLICATION THAT THE QUALIFIED OPPORTUNITY</u> <u>ZONE BUSINESS PROPERTY IS UNOCCUPIED, WILL BE DEMOLISHED WITHIN 1 YEAR</u>

OF THE DATE OF THE APPLICATION, AND WILL REMAIN UNOCCUPIED UNTIL THE DEMOLITION IS COMPLETE, WITH RESPECT TO QUALIFIED OPPORTUNITY ZONE BUSINESS PROPERTY THAT IS AN AFFECTED PROPERTY REQUIRED TO BE REGISTERED WITH THE DEPARTMENT OF THE ENVIRONMENT UNDER § 6–811 OF THE ENVIRONMENT ARTICLE:

(I) PROOF OF REGISTRATION WITH THE DEPARTMENT OF THE ENVIRONMENT;

(II) IF THE PROPERTY CONTAINS AT LEAST ONE <u>RESIDENTIAL</u> RENTAL UNIT, PROOF OF LEAD INSPECTIONS CONDUCTED IN ACCORDANCE WITH §§ 6–815 AND 6–819 OF THE ENVIRONMENT ARTICLE;

(III) IF THE PROPERTY IS AN OWNER-OCCUPIED <u>RESIDENTIAL</u> <u>RENTAL</u> PROPERTY:

**1.** PROOF THAT VISUAL EXTERIOR OR INTERIOR PAINTED SURFACES ARE FREE OF CHIPPING, FLAKING, OR PEELING LEAD-BASED PAINT; AND

2. A COPY OF PASSING TEST RESULTS FOR LEAD-CONTAMINATED DUST; AND

(IV) VERIFICATION THAT, FOR THE SUBSTANTIAL IMPROVEMENT OF THE PROPERTY PERFORMED IN ACCORDANCE WITH § 1400Z-2(D)(2)(D)(II) OF THE INTERNAL REVENUE CODE, REPLACEMENT DOORS AND WINDOWS ARE FREE OF LEAD-BASED PAINT; AND

(7) any other information requested by the Department that meets the transparency goals of the Program.

(c) "Level 2 opportunity zone enhancement" means an enhanced tax credit under the Program for which a qualified opportunity zone business or qualified opportunity fund is eligible if:

(1) the requirements for a Level 1 opportunity zone enhancement are met;

(2) (i) accountability to residents of the communities in the opportunity zone is maintained through their representation on any governing board or advisory board of the qualified opportunity zone business; or

(ii) a community benefits agreement is negotiated and agreed to by community groups or strategic industry partnerships, as defined under § 11–701 of the Labor and Employment Article, in the opportunity zone and the qualified opportunity fund that specifies a range of community benefits that the fund agrees to provide as part of the development project, including workforce development or local hiring requirements; and

(3) (i) for a qualified opportunity zone business located entirely within an opportunity zone in a municipal corporation, the municipal corporation, by resolution or by letter, delivered to the Department by the municipal corporation's authorized designee, approves the provision of the enhanced tax credits under the Program within the municipal corporation; or

(ii) for a qualified opportunity zone business in an opportunity zone that is not located entirely within a municipal corporation, the county, by resolution or by letter, delivered to the Department by the county's authorized designee, approves the provision of the enhanced tax credits under the Program within the county.

(d) "Opportunity zone" means an area that has been designated as a qualified opportunity zone in the State under § 1400Z–1 of the Internal Revenue Code.

(e) "Program" means the Opportunity Zone Enhancement Program in the Department established under § 6-1002 of this subtitle that allows enhanced tax credits under:

- (1) § 6–304 of this title (Job Creation);
- (2) § 6–403 of this title (One Maryland economic development);
- (3) § 10–702 of the Tax General Article (wages paid in an enterprise zone);
- (4) § 10–725 of the Tax General Article (biotechnology investment incentive);

(5) § 10–733 of the Tax – General Article (cybersecurity investment incentive); and

(6) § 10–741 of the Tax – General Article (More Jobs for Marylanders).

(f) "Qualified opportunity fund" has the meaning stated in § 1400Z–2 of the Internal Revenue Code.

(g) "Qualified opportunity zone business" has the meaning stated in § 1400Z–2 of the Internal Revenue Code.

(h) "Qualified opportunity zone business property" has the meaning stated in § 1400Z–2 of the Internal Revenue Code.

(i) "Qualified opportunity zone property" has the meaning stated in § 1400Z–2 of the Internal Revenue Code.

6-1002.

(a) There is an Opportunity Zone Enhancement Program in the Department.

(b) The Department shall administer the tax credit enhancements offered under the Program.

(d) The Department, in consultation with the Department of Housing and Community Development, shall adopt regulations to carry out this subtitle, including criteria and procedures for determining eligibility for a Level 1 or Level 2 opportunity zone enhancement.

### Article – Environment

6-801.

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

(b) (1) "Affected property" means:

(i) A property constructed before 1950 that contains at least one rental dwelling unit;

(ii) On and after January 1, 2015, a property constructed before 1978 that contains at least one rental unit; or

(iii) Any residential rental property for which the owner makes an election under § 6-803(a)(2) of this subtitle.

(2) "Affected property" includes an individual rental dwelling unit within a multifamily rental dwelling.

(3) "Affected property" does not include property exempted under § 6-803(b) of this subtitle.

6-811.

(a) (1) On or before December 31, 1995, the owner of an affected property shall register the affected property with the Department.

(2) Notwithstanding paragraph (1) of this subsection, an owner of affected property for which an election is made under § 6-803(a)(2) of this subtitle shall register at the time of the election.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020, and shall be applicable to all taxable years beginning after December 31, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

## Chapter 256

(House Bill 570)

AN ACT concerning

### **Carroll County – Education – Junior Reserve Officer Training Corps Instructors**

FOR the purpose of altering the definition of "public school employee" for the purposes of provisions of law governing collective bargaining for certificated employees in Carroll County to include Junior Reserve Officer Training Corps (JROTC) instructors; and generally relating to collective bargaining for JROTC instructors in Carroll County.

BY repealing and reenacting, without amendments, Article – Education Section 6–401(a) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Education Section 6–401(e) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

## Article – Education

6-401.

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

(e) (1) "Public school employee" means a certificated professional individual who is employed by a public school employer or an individual of equivalent status in Baltimore City, except for a county superintendent or an individual designated by the public school employer to act in a negotiating capacity as provided in § 6-408(c) of this subtitle.

(2) In Montgomery County, "public school employees" include:

(i) Certificated and noncertificated substitute teachers employed by the public school employer for at least 7 days before March 1 of the school fiscal year ending June 30, 1978, and each year after; and

(ii) Home and hospital teachers employed by the public school employer for at least 7 days before March 1 of the school fiscal year ending June 30, 2000, and each year after.

(3) In Baltimore County, "public school employee" includes a secondary school nurse, an elementary school nurse, and a special school nurse.

(4) In Frederick County, "public school employee" includes a social worker employed by a public school employer.

(5) In Prince George's County, "public school employee" includes home and hospital teachers and Junior Reserve Officer Training Corps (JROTC) instructors.

(6) In Baltimore County, Calvert County, Charles County, and Garrett County, "public school employee" includes Junior Reserve Officer Training Corps (JROTC) instructors.

(7) In Carroll County, "public school employee" includes:

(i) A registered nurse; [and]

(ii) Supervisory noncertificated employees as defined under § 6-501(i) of this title; AND

(III) JUNIOR RESERVE OFFICER TRAINING CORPS (JROTC) INSTRUCTORS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 257

(Senate Bill 366)

AN ACT concerning

**Carroll County – Education – Junior Reserve Officer Training Corps Instructors** 

FOR the purpose of altering the definition of "public school employee" for the purposes of provisions of law governing collective bargaining for certificated employees in Carroll County to include Junior Reserve Officer Training Corps (JROTC) instructors; and generally relating to collective bargaining for JROTC instructors in Carroll County.

BY repealing and reenacting, without amendments, Article – Education Section 6–401(a) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Education Section 6–401(e) Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

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

## Article – Education

6-401.

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

(e) (1) "Public school employee" means a certificated professional individual who is employed by a public school employer or an individual of equivalent status in Baltimore City, except for a county superintendent or an individual designated by the public school employer to act in a negotiating capacity as provided in § 6-408(c) of this subtitle.

(2) In Montgomery County, "public school employees" include:

(i) Certificated and noncertificated substitute teachers employed by the public school employer for at least 7 days before March 1 of the school fiscal year ending June 30, 1978, and each year after; and

(ii) Home and hospital teachers employed by the public school employer for at least 7 days before March 1 of the school fiscal year ending June 30, 2000, and each year after.

(3) In Baltimore County, "public school employee" includes a secondary school nurse, an elementary school nurse, and a special school nurse.

(4) In Frederick County, "public school employee" includes a social worker employed by a public school employer.

(5) In Prince George's County, "public school employee" includes home and hospital teachers and Junior Reserve Officer Training Corps (JROTC) instructors.

(6) In Baltimore County, Calvert County, Charles County, and Garrett County, "public school employee" includes Junior Reserve Officer Training Corps (JROTC) instructors.

(7) In Carroll County, "public school employee" includes:

(i) A registered nurse; [and]

(ii) Supervisory noncertificated employees as defined under § 6-501(i) of this title; AND

(III) JUNIOR RESERVE OFFICER TRAINING CORPS (JROTC) INSTRUCTORS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 258

## (House Bill 571)

AN ACT concerning

# Carroll County – Alcoholic Beverages – Hours and Days for Consumption and Sale

FOR the purpose of altering the hours and days for consumption and sale, in Carroll County, for certain alcoholic beverages licenses; and generally relating to alcoholic beverages in Carroll County.

BY repealing and reenacting, without amendments, Article – Alcoholic Beverages Section 16–102 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Alcoholic Beverages Section 16–2002, 16–2004, and 16–2005 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

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

### Article – Alcoholic Beverages

16 - 102.

This title applies only in Carroll County.

16-2002.

(a) A holder of a Class A beer license may sell or provide beer on Monday through Sunday from 8 a.m. to 11 p.m.

(b) A holder of a Class B beer license may sell or provide beer on Monday through Saturday, from 8 a.m. to **[1] 2** a.m. the following day.

(c) A holder of a Class C beer license may sell or provide beer on Monday through Saturday from 8 a.m. to [1] 2 a.m. the following day.

(d) A holder of a Class D beer license may sell or provide beer on Monday through Saturday from 8 a.m. to [1] 2 a.m. the following day.

### 16-2004.

(a) A holder of a Class A beer and wine license may sell or provide beer and wine on Monday through Sunday from 8 a.m. to 11 p.m.

(b) (1) A holder of a 6-day Class B beer and wine license may sell or provide beer and wine for on-premises consumption on Monday through Saturday from 8 a.m. to [1] 2 a.m. the following day.

(2) A holder of a 7-day Class B beer and wine license may sell or provide beer and wine for on-premises consumption:

(I) on Monday through SATURDAY FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

(II) ON Sunday from 8 a.m. to 1 a.m. the following day.

(3) A holder of a 7-day Class B beer and wine license may sell beer and wine for off-premises consumption on Monday through Sunday from 8 a.m. to 11 p.m.

(c) A holder of a Class C beer and wine license may sell or provide beer and wine on Monday through Saturday from 8 a.m. to [1] 2 a.m. the following day.

(d) (1) A holder of a 6-day or 7-day Class D beer and wine license may sell or provide beer and wine on Monday through Saturday from [6] 8 a.m. to [midnight] 2 A.M. THE FOLLOWING DAY.

(2) A holder of a 7-day Class D beer and wine license may sell or provide beer and wine on Sunday from 8 a.m. to [11 p.m.] **1** A.M. THE FOLLOWING DAY.

16-2005.

(a) A holder of a Class A beer, wine, and liquor license may sell or provide beer, wine, and liquor on Monday through Sunday from 8 a.m. to 11 p.m.

(b) A holder of a Class B beer, wine, and liquor license may sell or provide beer, wine, and liquor:

(1) on Monday through [Sunday] SATURDAY from 8 a.m. to [1] 2 a.m. the following day; AND

(2) ON SUNDAY FROM 8 A.M. TO 1 A.M. THE FOLLOWING DAY.

(c) A holder of a Class C beer, wine, and liquor license may sell or provide beer, wine, and liquor:

(1) on Monday through [Sunday] **SATURDAY** from 8 a.m. to [1] **2** a.m. the following day; **AND** 

(2) ON SUNDAY FROM 8 A.M. TO 1 A.M. THE FOLLOWING DAY.

(d) Reserved.

(e) A holder of a Class H beer, wine, and liquor license may sell or provide beer, wine, and liquor:

(1) on Monday through [Sunday] **SATURDAY** from 8 a.m. to [1] **2** a.m. the following day; **AND** 

(2) ON SUNDAY FROM 8 A.M. TO 1 A.M. THE FOLLOWING DAY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

## Chapter 259

(Senate Bill 238)

AN ACT concerning

# Carroll County – Alcoholic Beverages – Hours and Days for Consumption and Sale

FOR the purpose of altering the hours and days for consumption and sale, in Carroll County, for certain alcoholic beverages licenses; and generally relating to alcoholic beverages in Carroll County.

BY repealing and reenacting, without amendments, Article – Alcoholic Beverages Section 16–102 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Alcoholic Beverages Section 16–2002, 16–2004, and 16–2005 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

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

## Article – Alcoholic Beverages

16-102.

This title applies only in Carroll County.

16-2002.

(a) A holder of a Class A beer license may sell or provide beer on Monday through Sunday from 8 a.m. to 11 p.m.

(b) A holder of a Class B beer license may sell or provide beer on Monday through Saturday, from 8 a.m. to [1] 2 a.m. the following day.

(c) A holder of a Class C beer license may sell or provide beer on Monday through

Saturday from 8 a.m. to [1] 2 a.m. the following day.

(d) A holder of a Class D beer license may sell or provide beer on Monday through Saturday from 8 a.m. to [1] 2 a.m. the following day.

16-2004.

(a) A holder of a Class A beer and wine license may sell or provide beer and wine on Monday through Sunday from 8 a.m. to 11 p.m.

(b) (1) A holder of a 6-day Class B beer and wine license may sell or provide beer and wine for on-premises consumption on Monday through Saturday from 8 a.m. to [1] 2 a.m. the following day.

(2) A holder of a 7-day Class B beer and wine license may sell or provide beer and wine for on-premises consumption:

(I) on Monday through SATURDAY FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

(II) ON Sunday from 8 a.m. to 1 a.m. the following day.

(3) A holder of a 7-day Class B beer and wine license may sell beer and wine for off-premises consumption on Monday through Sunday from 8 a.m. to 11 p.m.

(c) A holder of a Class C beer and wine license may sell or provide beer and wine on Monday through Saturday from 8 a.m. to [1] 2 a.m. the following day.

(d) (1) A holder of a 6-day or 7-day Class D beer and wine license may sell or provide beer and wine on Monday through Saturday from [6] 8 a.m. to [midnight] 2 A.M. THE FOLLOWING DAY.

(2) A holder of a 7-day Class D beer and wine license may sell or provide beer and wine on Sunday from 8 a.m. to [11 p.m.] **1** A.M. THE FOLLOWING DAY.

16-2005.

(a) A holder of a Class A beer, wine, and liquor license may sell or provide beer, wine, and liquor on Monday through Sunday from 8 a.m. to 11 p.m.

(b) A holder of a Class B beer, wine, and liquor license may sell or provide beer, wine, and liquor:

(1) on Monday through [Sunday] SATURDAY from 8 a.m. to [1] 2 a.m. the following day; AND

### (2) ON SUNDAY FROM 8 A.M. TO 1 A.M. THE FOLLOWING DAY.

(c) A holder of a Class C beer, wine, and liquor license may sell or provide beer, wine, and liquor:

(1) on Monday through [Sunday] SATURDAY from 8 a.m. to [1] 2 a.m. the following day; AND

(2) ON SUNDAY FROM 8 A.M. TO 1 A.M. THE FOLLOWING DAY.

(d) Reserved.

(e) A holder of a Class H beer, wine, and liquor license may sell or provide beer, wine, and liquor:

(1) on Monday through [Sunday] SATURDAY from 8 a.m. to [1] 2 a.m. the following day; AND

(2) ON SUNDAY FROM 8 A.M. TO 1 A.M. THE FOLLOWING DAY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 260

(House Bill 573)

AN ACT concerning

## Harford County – Service of Process – Detention Center Employees

FOR the purpose of expanding the authority of a certain individual who is designated to serve criminal process by the administrator of the local detention center in Harford County to serve process within the Circuit Court for Harford County and the District Court of Maryland for Harford County; and generally relating to the service of criminal process by employees of local detention centers.

BY repealing and reenacting, with amendments, Article – Courts and Judicial Proceedings Section 6–310 Annotated Code of Maryland SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

### Article – Courts and Judicial Proceedings

6-310.

(a) In this section, "administrator" includes the sheriff, director, superintendent, warden, or other officer in charge of a local detention center.

(b) The administrator may designate employees of the local detention center to serve a criminal summons, warrant, or charging document.

(c) (1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE authority of an individual designated to serve criminal process under this section shall be limited to the service of process within the local detention center.

(2) THE AUTHORITY OF AN INDIVIDUAL DESIGNATED TO SERVE CRIMINAL PROCESS UNDER THIS SECTION BY THE ADMINISTRATOR OF THE LOCAL DETENTION CENTER IN HARFORD COUNTY SHALL BE LIMITED TO THE SERVICE OF PROCESS WITHIN:

- (I) THE LOCAL DETENTION CENTER;
- (II) THE CIRCUIT COURT FOR HARFORD COUNTY; OR

(III) THE DISTRICT COURT OF MARYLAND FOR HARFORD

COUNTY.

(d) The administrator shall ensure that an employee designated to serve criminal process has received adequate training.

(e) This section may not be construed to limit the authority of any employee of the local detention center to serve civil process as provided in the Maryland Rules.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 261

## (Senate Bill 138)

AN ACT concerning

## Harford County – Service of Process – Detention Center Employees

FOR the purpose of expanding the authority of a certain individual who is designated to serve criminal process by the administrator of the local detention center in Harford County to serve process within the Circuit Court for Harford County and the District Court of Maryland for Harford County; and generally relating to the service of criminal process by employees of local detention centers.

BY repealing and reenacting, with amendments, Article – Courts and Judicial Proceedings Section 6–310 Annotated Code of Maryland (2013 Replacement Volume and 2019 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

6-310.

(a) In this section, "administrator" includes the sheriff, director, superintendent, warden, or other officer in charge of a local detention center.

(b) The administrator may designate employees of the local detention center to serve a criminal summons, warrant, or charging document.

(c) (1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE authority of an individual designated to serve criminal process under this section shall be limited to the service of process within the local detention center.

(2) THE AUTHORITY OF AN INDIVIDUAL DESIGNATED TO SERVE CRIMINAL PROCESS UNDER THIS SECTION BY THE ADMINISTRATOR OF THE LOCAL DETENTION CENTER IN HARFORD COUNTY SHALL BE LIMITED TO THE SERVICE OF PROCESS WITHIN:

- (I) THE LOCAL DETENTION CENTER;
- (II) THE CIRCUIT COURT FOR HARFORD COUNTY; OR
- (III) THE DISTRICT COURT OF MARYLAND FOR HARFORD

COUNTY.

(d) The administrator shall ensure that an employee designated to serve criminal process has received adequate training.

(e) This section may not be construed to limit the authority of any employee of the local detention center to serve civil process as provided in the Maryland Rules.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 262

(House Bill 580)

AN ACT concerning

### Maryland Department of Health – Biosafety Level 3 Laboratories <u>in Frederick</u> <u>County</u>

FOR the purpose of requiring the Maryland Department of Health to develop and make available a certain form; requiring certain biosafety level 3 (BSL-3) laboratories in Frederick County to report certain information to the Department on or before a certain date each year; requiring the Department to report, on or before a certain date each year, the number and location of the laboratories<del>, in total and by local</del> <del>jurisdiction,</del> to the Maryland Emergency Management Agency and certain officials in each local jurisdiction in the State Frederick County and the total number of the laboratories to the Governor and the General Assembly; providing that, except as provided under certain provisions of this Act, certain information is confidential and not subject to inspection under certain provisions of law; requiring that certain information be made available if requested by certain entities and in certain proceedings; requiring that certain activities be considered ultrahazardous and abnormally dangerous; providing that certain BSL-3 laboratories are strictly liable for certain damages under certain circumstances; requiring the Department to develop a strategy for a certain purpose; defining a certain term; providing for the application of certain provisions of this Act; and generally relating to biosafety level 3 (BSL-3) laboratories in Frederick County.

BY adding to

Article – Health – General

Section 17–701 to be under the new subtitle "Subtitle 7. Biosafety Level 3 (BSL–3) Laboratories <u>in Frederick County</u>"

Annotated Code of Maryland (2019 Replacement Volume) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

### Article – Health – General

## SUBTITLE 7. BIOSAFETY LEVEL 3 (BSL-3) LABORATORIES IN FREDERICK COUNTY.

17-701.

(A) IN THIS SECTION, "BSL-3 LABORATORY" MEANS A LABORATORY DESIGNATED AS A BIOSAFETY LEVEL 3 (BSL-3) LABORATORY BY THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL AND PREVENTION, NATIONAL INSTITUTES OF HEALTH, BIOSAFETY IN MICROBIOLOGICAL AND BIOMEDICAL LABORATORIES, AS APPLICABLE, BASED ON:

(1) USAGE OF BIOLOGICAL AGENTS THAT MAY CAUSE SERIOUS OR POTENTIALLY LETHAL DISEASE AFTER INHALATION, INGESTION, OR ABSORPTION; AND

(2) **REQUIRED BIOCONTAINMENT PRECAUTIONS.** 

(B) THIS SECTION APPLIES TO EACH BSL-3 LABORATORY IN THE STATE FREDERICK COUNTY THAT:

(1) DOES NOT WORK WITH FEDERALLY REGULATED BIOLOGICAL SELECT AGENTS AND TOXINS OR THEIR PRODUCTS; AND

(2) (I) IS A COMMERCIAL OR FOR–PROFIT LABORATORY;

(II) IS OWNED BY OR IS PART OF A TEACHING HOSPITAL OR AN INSTITUTION OF POSTSECONDARY EDUCATION; OR

(III) IS A PRIVATELY FUNDED BIOMEDICAL RESEARCH LABORATORY.

(C) THE DEPARTMENT SHALL DEVELOP AND MAKE AVAILABLE A STANDARDIZED FORM FOR A BSL-3 LABORATORY SUBJECT TO THIS SECTION TO USE TO PROVIDE THE INFORMATION REQUIRED UNDER SUBSECTION (D) OF THIS SECTION.

(D) ON OR BEFORE OCTOBER 30 EACH YEAR, EACH BSL-3 LABORATORY SUBJECT TO THIS SECTION SHALL REPORT TO THE DEPARTMENT:

(1) THE ADDRESS OF THE LABORATORY;

(2) THE NAME, TELEPHONE NUMBER, AND E-MAIL ADDRESS OF A CONTACT PERSON FOR THE LABORATORY; AND

(3) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT TO DETERMINE THE LOCATION OF THE LABORATORY.

(E) ON OR BEFORE DECEMBER 31 EACH YEAR, THE DEPARTMENT SHALL REPORT TO:

(1) THE MARYLAND EMERGENCY MANAGEMENT AGENCY AND THE HEALTH OFFICER AND EMERGENCY MANAGEMENT OFFICIALS OF <del>EACH LOCAL</del> <del>JURISDICTION IN THE STATE</del> <u>FREDERICK COUNTY</u> THE NUMBER AND LOCATION<del>, IN</del> <del>TOTAL AND BY-LOCAL JURISDICTION,</del> OF BSL-3 LABORATORIES SUBJECT TO THIS SECTION; AND

(2) THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY THE TOTAL NUMBER OF BSL–3 LABORATORIES SUBJECT TO THIS SECTION.

(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND SUBSECTION (E) OF THIS SECTION, ANY INFORMATION THE DEPARTMENT COLLECTS FROM BSL-3 LABORATORIES SUBJECT TO THIS SECTION IS CONFIDENTIAL AND NOT SUBJECT TO INSPECTION UNDER THE PUBLIC INFORMATION ACT.

(2) ANY INFORMATION THE DEPARTMENT COLLECTS FROM BSL-3 LABORATORIES SUBJECT TO THIS SECTION SHALL BE MADE AVAILABLE IF REQUESTED BY THE BSL-3 LABORATORY'S INSURANCE CARRIER OR IN A LEGAL PROCEEDING.

(G) (1) ACTIVITY OF A BSL-3 LABORATORY SUBJECT TO THIS SECTION THAT FAILS TO REPORT THE INFORMATION REQUIRED UNDER SUBSECTION (D) OF THIS SECTION SHALL BE CONSIDERED ULTRAHAZARDOUS AND ABNORMALLY DANGEROUS.

(2) A BSL-3 LABORATORY SUBJECT TO THIS SECTION THAT FAILS TO REPORT THE INFORMATION REQUIRED UNDER SUBSECTION (D) OF THIS SECTION IS STRICTLY LIABLE FOR DAMAGES FOR ANY INJURY, DEATH, OR LOSS TO PERSON OR PROPERTY THAT IS CAUSED BY THE BSL-3 LABORATORY.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Department of Health shall develop a strategy to attempt to identify biosafety level 3 laboratories that are subject to Section 1 of this Act for the purpose of notifying the laboratories of the requirements of this Act.

(b) The strategy may rely on the list of possible laboratories used by the 2013 Workgroup on Biocontainment Laboratory Oversight convened by the Maryland Department of Health, information available from biotechnology councils and scientific groups, information available from local government agencies, and other sources that may help to identify biosafety level 3 laboratories subject to Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

## Chapter 263

### (Senate Bill 450)

AN ACT concerning

### Maryland Department of Health – Biosafety Level 3 Laboratories <u>in Frederick</u> <u>County</u>

FOR the purpose of requiring the Maryland Department of Health to develop and make available a certain form; requiring certain biosafety level 3 (BSL-3) laboratories in Frederick County to report certain information to the Department on or before a certain date each year; requiring the Department to report, on or before a certain date each year, the number and location of the laboratories, in total and by local jurisdiction, to the Maryland Emergency Management Agency and certain officials in each local jurisdiction in the State Frederick County and the total number of the laboratories to the Governor and the General Assembly; providing that, except as provided under certain provisions of this Act, certain information is confidential and not subject to inspection under certain provisions of law; requiring that certain information be made available if requested by certain entities and in certain proceedings; requiring that certain activities be considered ultrahazardous and abnormally dangerous; providing that certain BSL-3 laboratories are strictly liable for certain damages under certain circumstances; requiring the Department to develop a strategy for a certain purpose; defining a certain term; providing for the application of certain provisions of this Act; and generally relating to biosafety level 3 (BSL–3) laboratories in Frederick County.

### BY adding to

Article – Health – General

Section 17–701 to be under the new subtitle "Subtitle 7. Biosafety Level 3 (BSL–3) Laboratories <u>in Frederick County</u>" Annotated Code of Maryland (2019 Replacement Volume)

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

### Article – Health – General

### SUBTITLE 7. BIOSAFETY LEVEL 3 (BSL–3) LABORATORIES IN FREDERICK COUNTY.

17-701.

(A) IN THIS SECTION, "BSL-3 LABORATORY" MEANS A LABORATORY DESIGNATED AS A BIOSAFETY LEVEL 3 (BSL-3) LABORATORY BY THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL AND PREVENTION, NATIONAL INSTITUTES OF HEALTH, BIOSAFETY IN MICROBIOLOGICAL AND BIOMEDICAL LABORATORIES, AS APPLICABLE, BASED ON:

(1) USAGE OF BIOLOGICAL AGENTS THAT MAY CAUSE SERIOUS OR POTENTIALLY LETHAL DISEASE AFTER INHALATION, INGESTION, OR ABSORPTION; AND

(2) **REQUIRED BIOCONTAINMENT PRECAUTIONS.** 

(B) THIS SECTION APPLIES TO EACH BSL-3 LABORATORY IN THE STATE FREDERICK COUNTY THAT:

(1) DOES NOT WORK WITH FEDERALLY REGULATED BIOLOGICAL SELECT AGENTS AND TOXINS OR THEIR PRODUCTS; AND

(2) (I) IS A COMMERCIAL OR FOR–PROFIT LABORATORY;

(II) IS OWNED BY OR IS PART OF A TEACHING HOSPITAL OR AN INSTITUTION OF POSTSECONDARY EDUCATION; OR

(III) IS A PRIVATELY FUNDED BIOMEDICAL RESEARCH LABORATORY.

(C) THE DEPARTMENT SHALL DEVELOP AND MAKE AVAILABLE A STANDARDIZED FORM FOR A BSL-3 LABORATORY SUBJECT TO THIS SECTION TO USE TO PROVIDE THE INFORMATION REQUIRED UNDER SUBSECTION (D) OF THIS SECTION.

(D) ON OR BEFORE OCTOBER 30 EACH YEAR, EACH BSL-3 LABORATORY SUBJECT TO THIS SECTION SHALL REPORT TO THE DEPARTMENT:

(1) THE ADDRESS OF THE LABORATORY;

(2) THE NAME, TELEPHONE NUMBER, AND E-MAIL ADDRESS OF A CONTACT PERSON FOR THE LABORATORY; AND

(3) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT TO DETERMINE THE LOCATION OF THE LABORATORY.

(E) ON OR BEFORE DECEMBER 31 EACH YEAR, THE DEPARTMENT SHALL REPORT TO:

(1) THE MARYLAND EMERGENCY MANAGEMENT AGENCY AND THE HEALTH OFFICER AND EMERGENCY MANAGEMENT OFFICIALS OF <del>EACH LOCAL</del> <del>JURISDICTION IN THE STATE</del> <u>FREDERICK COUNTY</u> THE NUMBER AND LOCATION<del>, IN</del> <del>TOTAL AND BY LOCAL JURISDICTION,</del> OF BSL-3 LABORATORIES SUBJECT TO THIS SECTION; AND

(2) THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY THE TOTAL NUMBER OF BSL–3 LABORATORIES SUBJECT TO THIS SECTION.

(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND SUBSECTION (E) OF THIS SECTION, ANY INFORMATION THE DEPARTMENT COLLECTS FROM BSL-3 LABORATORIES SUBJECT TO THIS SECTION IS CONFIDENTIAL AND NOT SUBJECT TO INSPECTION UNDER THE PUBLIC INFORMATION ACT.

(2) ANY INFORMATION THE DEPARTMENT COLLECTS FROM BSL-3 LABORATORIES SUBJECT TO THIS SECTION SHALL BE MADE AVAILABLE IF REQUESTED BY THE BSL-3 LABORATORY'S INSURANCE CARRIER OR IN A LEGAL PROCEEDING.

(G) (1) ACTIVITY OF A BSL-3 LABORATORY SUBJECT TO THIS SECTION THAT FAILS TO REPORT THE INFORMATION REQUIRED UNDER SUBSECTION (D) OF THIS SECTION SHALL BE CONSIDERED ULTRAHAZARDOUS AND ABNORMALLY DANGEROUS.

(2) A BSL–3 LABORATORY SUBJECT TO THIS SECTION THAT FAILS TO REPORT THE INFORMATION REQUIRED UNDER SUBSECTION (D) OF THIS SECTION IS

## STRICTLY LIABLE FOR DAMAGES FOR ANY INJURY, DEATH, OR LOSS TO PERSON OR PROPERTY THAT IS CAUSED BY THE BSL–3 LABORATORY.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Department of Health shall develop a strategy to attempt to identify biosafety level 3 laboratories that are subject to Section 1 of this Act for the purpose of notifying the laboratories of the requirements of this Act.

(b) The strategy may rely on the list of possible laboratories used by the 2013 Workgroup on Biocontainment Laboratory Oversight convened by the Maryland Department of Health, information available from biotechnology councils and scientific groups, information available from local government agencies, and other sources that may help to identify biosafety level 3 laboratories subject to Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 264

(House Bill 583)

AN ACT concerning

### State Procurement – Payment of Employee Health Care Expenses – Revisions

FOR the purpose of requiring the Maryland Stadium Authority and the University System of Maryland, by regulation, to establish certain procedures for each bidder, contractor, or subcontractor that performs work on certain construction projects to certify that the bidder, contractor, or subcontractor pays certain employee health <del>care expenses;</del> authorizing a certain bidder, contractor, or subcontractor to demonstrate the payment of certain employee health care expenses in a certain manner on or before a certain date; requiring the Maryland Stadium Authority and the University System of Maryland to collaborate with the Maryland Department of Labor to develop a certain form; altering the application of certain provisions of law related to the payment of employee health care expenses by bidders, contractors, and <del>subcontractors;</del> altering the definition of "subcontractor" for the purposes of certain provisions of law related to the payment of employee health care expenses by bidders, contractors, and subcontractors to include a person added to a contract with the State after a contract is awarded for a certain purpose and to limit the application to subcontractors providing construction services; repealing an obsolete provision of <del>law: making conforming changes:</del> and generally relating to procurement and the payment of employee health care expenses.

BY repealing and reenacting, without amendments, Article – State Finance and Procurement Section 17–801(a) and (d) Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – State Finance and Procurement Section 17–801(g)<del>, 17–802, and 17–803</del> <u>and 17–803(b)(2)</u> Annotated Code of Maryland (2015 Replacement Volume and 2019 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**

17-801.

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

(d) "Employee" means an individual who is employed by a responsible bidder, contractor, or subcontractor to work on or at the site of a State-funded construction project.

(g) "Subcontractor" means a person:

(1) listed on a responsive bid to provide <del>goods or</del> <u>CONSTRUCTION</u> services under a portion of a contract with the State; **OR** 

(2) ADDED TO A CONTRACT WITH THE STATE AFTER THE CONTRACT IS AWARDED IN ORDER TO PROVIDE GOODS OR CONSTRUCTION SERVICES UNDER A PORTION OF THE CONTRACT.

### <del>17-802.</del>

(a) Subject to subsection (b) of this section, the Board shall adopt regulations that require all bidders, contractors, and subcontractors to pay employee health care expenses as required by this subtitle.

(b) This subtitle does not apply to:

(1) **[a minority business enterprise, as defined under Title 14, Subtitle 3 of** this article; or

(2)] a small business [with 30]:

(I) EMPLOYING-50 or fewer [employees] INDIVIDUALS IN ITS MOST RECENTLY COMPLETED 3 FISCAL YEARS; AND

(II) THE GROSS SALES OF WHICH DID NOT EXCEED AN AVERAGE OF \$ 7,000,000 IN ITS MOST RECENTLY COMPLETED 3 FISCAL YEARS; OR

(2) AN EMPLOYEE EMPLOYED TO WORK ON OR AT THE SITE OF A STATE-FUNDED CONSTRUCTION PROJECT THAT IS VALUED AT LESS THAN \$500,000.

(C) IF A BUSINESS HAS NOT EXISTED FOR AT LEAST 3 FISCAL YEARS, THE EMPLOYMENT AND GROSS SALES DETERMINED FOR THE PURPOSES OF SUBSECTION (B)(1) OF THIS SECTION SHALL BE BASED ON EACH FISCAL YEAR OR PART OF A FISCAL YEAR IN WHICH THE BUSINESS HAS BEEN IN EXISTENCE.

17-803.

(a) By regulation, the Department of General Services [and], the Department of Transportation, THE MARYLAND STADIUM AUTHORITY, AND THE UNIVERSITY SYSTEM OF MARYLAND shall establish procedures for each bidder, contractor, or subcontractor that performs work on a State-funded construction project to certify that the bidder, contractor, or subcontractor pays employee health care expenses in accordance with subsection (b) of this section.

(b) (1) Except as provided in paragraph (2) of this subsection, a bidder, contractor, or subcontractor shall demonstrate the payment of employee health care expenses by submitting certification or a valid contract to the Department of General Services [or], the Department of Transportation, THE MARYLAND STADIUM AUTHORITY, OR THE UNIVERSITY SYSTEM OF MARYLAND evidencing that, with respect to the employees who will work on or at the site of the project:

(i) the bidder, contractor, or subcontractor pays aggregate employee health care expenses of at least 5% of the aggregate Social Security wages paid by the bidder, contractor, or subcontractor; or

(ii) the bidder, contractor, or subcontractor pays 50% or more of the required premium necessary to obtain coverage by a credible health care insurance plan.

(b) (2) Before July 1, [2020] **2021**, a bidder, contractor, or subcontractor may demonstrate payment of employee health care expenses by submitting certification or a valid contract to the **[**Department of General Services or the Department of Transportation] **MARYLAND STADIUM AUTHORITY OR THE UNIVERSITY SYSTEM OF MARYLAND** evidencing, with respect to the employees who will work on or at the site of the project, that:

(i) under a contract with a credible health care insurance plan or through a collective bargaining agreement, the bidder, contractor, or subcontractor pays some portion of employee health care expenses; and

(ii) the bidder, contractor, or subcontractor will meet the requirements of paragraph (1) of this subsection on renewal of the contract or collective bargaining agreement.

(c) The Department of General Services [and], the Department of Transportation, THE MARYLAND STADIUM AUTHORITY, AND THE UNIVERSITY SYSTEM OF MARYLAND shall collaborate with the Maryland Department of Labor 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) If a responsible bidder that is awarded a contract to work on a State-funded construction project fails to submit records required under this section within a reasonable period of time, the procurement officer may void the contract.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

## Chapter 265

(House Bill 588)

AN ACT concerning

# State Police Retirement System and Law Enforcement Officers' Pension System – Member Contributions

- FOR the purpose of providing that members of the State Police Retirement System no longer make member contributions after a certain amount of service credit is earned; providing that certain members of the Law Enforcement Officers' Pension System no longer make member contributions after a certain amount of service credit is earned; and generally relating to member contributions in the State Police Retirement System and the Law Enforcement Officers' Pension System.
- BY repealing and reenacting, with amendments, Article – State Personnel and Pensions Section 24–205 and 26–204

Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments, Article – State Personnel and Pensions Section 24–401(d) and 26–401(b) Annotated Code of Maryland (2015 Replacement Volume and 2019 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**

24 - 205.

(A) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A member's contribution rate is 8% of the member's earnable compensation.

# (B) AFTER 28 YEARS OF SERVICE AS A MEMBER, A MEMBER DOES NOT MAKE ANY FURTHER CONTRIBUTIONS.

24 - 401.

(d) (1) Except as provided in paragraph (2) of this subsection, on retirement under this section, a member is entitled to receive a normal service retirement allowance that equals 2.55% of the member's average final compensation multiplied by each year of the member's years of creditable service.

(2) A member's normal service retirement allowance may not exceed 71.4% of the member's average final compensation.

26-204.

(a) (1) Except as provided in subsection (b) of this section, a member's contribution rate is:

[(1)] (I) 4% of the member's earnable compensation received before July 1, 2011;

[(2)] (II) 6% of the member's earnable compensation received from July 1, 2011 to June 30, 2012, both inclusive; and

[(3)] (III) 7% of the member's earnable compensation received on or after July 1, 2012.

### (2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, AFTER 32 YEARS AND 6 MONTHS OF SERVICE AS A MEMBER, A MEMBER DOES NOT MAKE ANY FURTHER CONTRIBUTIONS.

(b) (1) This subsection applies only to a member who:

(i) transferred to the Law Enforcement Officers' Pension System from the Employees' Retirement System on or after January 1, 2001, and on or before December 31, 2004; or

(ii) 1. transferred to the Law Enforcement Officers' Pension System from the Employees' Retirement System on or before December 31, 2000; and

2. did not elect to participate in the Law Enforcement Officers' Modified Pension Benefit on or before December 31, 2000 as provided in § 26–211 of this subtitle.

(2) The contribution rate for a member who has transferred from the Employees' Retirement System is the rate set under:

(i) Section 22–214(a) of this article, for a member who had elected Selection A (Additional member contributions) under § 22–219 of this article; or

(ii) Section 22–214(b) of this article, for a member who had elected Selection B (Limited cost–of–living adjustment) under § 22–220 of this article.

26-401.

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, on retirement under this section, a member is entitled to receive a normal service retirement allowance that equals the number of years of the member's creditable service multiplied by 2% of the member's average final compensation.

(2) A member's normal service retirement allowance under paragraph (1) of this subsection may not exceed 65% of the member's average final compensation.

(3) (i) This paragraph applies only to a member who is not subject to the Law Enforcement Officers' Modified Pension Benefit under Subtitle 2, Part II of this title.

(ii) On retirement under this paragraph, the member is entitled to receive a normal service retirement allowance that equals:

1. 2.3% of the member's average final compensation multiplied by each year of the member's first 30 years of creditable service; and

2. 1% of the member's average final compensation multiplied

by each year of creditable service in excess of 30 years.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

### Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

## Chapter 266

### (Senate Bill 587)

AN ACT concerning

## State Police Retirement System and Law Enforcement Officers' Pension System – Member Contributions

FOR the purpose of providing that members of the State Police Retirement System no longer make member contributions after a certain amount of service credit is earned; providing that certain members of the Law Enforcement Officers' Pension System no longer make member contributions after a certain amount of service credit is earned; and generally relating to member contributions in the State Police Retirement System and the Law Enforcement Officers' Pension System.

BY repealing and reenacting, with amendments, Article – State Personnel and Pensions Section 24–205 and 26–204 Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments, Article – State Personnel and Pensions Section 24–401(d) and 26–401(b) Annotated Code of Maryland (2015 Replacement Volume and 2019 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**

#### 24 - 205.

(A) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A member's contribution rate is 8% of the member's earnable compensation.

(B) AFTER 28 YEARS OF SERVICE AS A MEMBER, A MEMBER DOES NOT MAKE ANY FURTHER CONTRIBUTIONS.

24-401.

(d) (1) Except as provided in paragraph (2) of this subsection, on retirement under this section, a member is entitled to receive a normal service retirement allowance that equals 2.55% of the member's average final compensation multiplied by each year of the member's years of creditable service.

(2) A member's normal service retirement allowance may not exceed 71.4% of the member's average final compensation.

26-204.

(a) (1) Except as provided in subsection (b) of this section, a member's contribution rate is:

[(1)] (I) 4% of the member's earnable compensation received before July 1, 2011;

[(2)] (II) 6% of the member's earnable compensation received from July 1, 2011 to June 30, 2012, both inclusive; and

[(3)] (III) 7% of the member's earnable compensation received on or after July 1, 2012.

(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, AFTER 32 YEARS AND 6 MONTHS OF SERVICE AS A MEMBER, A MEMBER DOES NOT MAKE ANY FURTHER CONTRIBUTIONS.

(b) (1) This subsection applies only to a member who:

(i) transferred to the Law Enforcement Officers' Pension System from the Employees' Retirement System on or after January 1, 2001, and on or before December 31, 2004; or

(ii) 1. transferred to the Law Enforcement Officers' Pension System from the Employees' Retirement System on or before December 31, 2000; and

2. did not elect to participate in the Law Enforcement Officers' Modified Pension Benefit on or before December 31, 2000 as provided in § 26–211 of this subtitle.

(2) The contribution rate for a member who has transferred from the Employees' Retirement System is the rate set under:

(i) Section 22–214(a) of this article, for a member who had elected Selection A (Additional member contributions) under § 22–219 of this article; or

(ii) Section 22-214(b) of this article, for a member who had elected Selection B (Limited cost-of-living adjustment) under § 22-220 of this article.

26-401.

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, on retirement under this section, a member is entitled to receive a normal service retirement allowance that equals the number of years of the member's creditable service multiplied by 2% of the member's average final compensation.

(2) A member's normal service retirement allowance under paragraph (1) of this subsection may not exceed 65% of the member's average final compensation.

(3) (i) This paragraph applies only to a member who is not subject to the Law Enforcement Officers' Modified Pension Benefit under Subtitle 2, Part II of this title.

(ii) On retirement under this paragraph, the member is entitled to receive a normal service retirement allowance that equals:

1. 2.3% of the member's average final compensation multiplied by each year of the member's first 30 years of creditable service; and

2. 1% of the member's average final compensation multiplied by each year of creditable service in excess of 30 years.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 267

(House Bill 596)

AN ACT concerning

<u>Edward T. and Mary A. Conroy Memorial, Jean B. Cryor Memorial, and</u> Veterans of the Afghanistan and Iraq Conflicts <del>Scholarship</del> <u>Scholarships</u> – <del>Graduate Students and Other Alterations</del> <u>Alterations</u> FOR the purpose of altering the eligibility eriteria for the Veterans of the Afghanistan and Iraq Conflicts Scholarship; authorizing the scholarship to be awarded to certain graduate students; establishing a certain time period for a graduate scholarship altering the eligibility requirements for the Edward T. and Mary A. Conroy Memorial Scholarship Program and the Jean B. Cryor Memorial Scholarship Program by removing the residency requirement for certain categories of individuals; altering the requirement of filing for federal and State financial aid for the Veterans of the Afghanistan and Iraq Conflicts Scholarship; prohibiting certain scholarships from being awarded after a certain date; authorizing certain scholarships to be renewed after a certain date; <u>altering a certain definition</u>; and generally relating to <del>graduate</del> <del>students</del> and the Veterans of the Afghanistan and Iraq Conflicts Scholarship

BY repealing and reenacting, with amendments, Article – Education

> Section <u>18–601(a)</u>, (d), and (g) and 18–604 Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,

<u>Article – Education</u> <u>Section 18–601(c)</u> <u>Annotated Code of Maryland</u> (2018 Replacement Volume and 2019 Supplement)

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

## Article – Education

<u>18–601.</u>

(a) (1) In this section the following words have the meanings indicated.

(2) <u>"Disabled public safety employee" means a State or local public safety</u> <u>employee who sustains an injury in the line of duty that:</u>

(i) <u>Precludes the individual from continuing to serve or be employed</u> as a State or local public safety employee; and

(ii) In the case of a volunteer member of a fire department or ambulance or rescue company or squad, precludes the member from continuing to be employed in the nonpublic safety occupation in which the member is engaged at the time of the injury.

### (3) <u>"Fund" means the Edward T. Conroy and Jean B. Cryor Scholarship</u> <u>Fund.</u>

(4) <u>"School employee" includes an employee of a public or nonpublic school</u> <u>in the State.</u>

(5) <u>"State or local public safety employee" means a person who is</u> EMPLOYED IN THE STATE AS:

- (i) <u>A career or volunteer member of a:</u>
  - <u>1.</u> Fire department;
  - <u>2.</u> <u>Ambulance company or squad; or</u>
  - <u>3.</u> <u>Rescue company or squad;</u>
- (ii) <u>A law enforcement officer;</u>
- (iii) <u>A correctional officer; or</u>

(iv) <u>A member of the Maryland National Guard who was a resident</u> of this State at the time of death.

(6) "Surviving spouse" means a person who has not remarried.

(7) <u>"Victim of the September 11, 2001, terrorist attacks" means a Maryland</u> resident who was killed as a result of the attacks on the World Trade Center in New York City, the attack on the Pentagon in Virginia, or the crash of United Airlines Flight 93 in Pennsylvania.

(c) (1) The program for military and public safety personnel and their eligible dependents is the Edward T. and Mary A. Conroy Memorial Scholarship Program.

(2) The program for eligible dependents of public and nonpublic school employees is the Jean B. Cryor Memorial Scholarship Program.

(d) (1) A person may apply to an eligible postsecondary institution for a scholarship under this section if the person:

(1) (i) Is a resident of Maryland at the time of application; or

(ii) <u>Was a resident of Maryland when an event described in</u> paragraph (3) of this subsection occurred;

(2)] (i) 1. Is accepted for admission or enrolled in the regular undergraduate, graduate or professional program at an eligible institution; or

[(ii)] 2. Is enrolled in a 2-year terminal certificate program in which the course work is acceptable for transfer credit for an accredited baccalaureate program in an eligible institution; [and]

### (II) IS AT LEAST 16 YEARS OLD; AND

### (III) MEETS THE OTHER ELIGIBILITY CRITERIA SPECIFIED IN N.

### THIS SECTION.

## (2) TO APPLY FOR A SCHOLARSHIP UNDER THIS SECTION, THE FOLLOWING PERSONS ARE REQUIRED TO BE A RESIDENT OF MARYLAND AT THE TIME OF APPLICATION OR AT THE TIME OF THE DISABLING OR FATAL EVENT:

[(3)] (i) [Is at least 16 years old and a] A son, daughter, stepson, or stepdaughter of a member of the armed forces who:

<u>1.</u> <u>Died as a result of military service after December 7, 1941;</u>

<u>after December 7, 1941; or</u> <u>Suffered a service connected 100% permanent disability</u>

<u>3.</u> <u>Was declared to be a prisoner of war or missing in action,</u> <u>if that occurred on or after January 1, 1960, as a result of the Vietnam conflict, and if the</u> <u>child was born prior to or while the parent was a prisoner of war or missing in action;</u>

(ii) [Was a] A prisoner of war or missing in action, if that occurred on or after January 1, 1960, as a result of the Vietnam conflict and was a resident of this State at the time the person was declared to be a prisoner of war or missing in action;

(iii) [1. Is at least 16 years old and a son, daughter, stepson, or stepdaughter of any State or local public safety employee killed in the line of duty; or

2. <u>Is the surviving spouse of any State or local public safety</u> employee killed in the line of duty;

(iv) <u>1.</u> <u>Is a disabled public safety employee:</u>

<u>2.</u> <u>Is at least 16 years old and a son, daughter, stepson, or</u> <u>stepdaughter of a disabled public safety employee who sustains an injury in the line of duty</u> <u>that renders the public safety employee 100% disabled; or</u>

<u>3.</u> <u>Is the surviving spouse of a disabled public safety</u> <u>employee who sustains an injury in the line of duty that renders the public safety employee</u> <u>100% disabled;</u>

<u>(v)</u> Government Article, who		A veteran, as defined under § 9–901 of the State
and	<u>1.</u>	Suffers a service connected disability of 25% or greater;
educational benefits;	<u>2.</u>	Has exhausted or is no longer eligible for federal veterans'
	(IV) vice co	<u>[Is the] THE surviving spouse of a member of the armed</u> nnected 100% permanent disability;
	<u>] (V)</u> e surviv	[Is at least 16 years old and a] A son, daughter, stepson, ving spouse of a victim of the September 11, 2001, terrorist
[(viii)] (VI) [Is at least 16 years old and a] A son, daughter, stepson, or stepdaughter of a school employee who, as a result of an act of violence:		
	<u>1.</u>	<u>Died in the line of duty; or</u>
<u>school employee 100% di</u>	<u>2.</u> sabled:	Sustained an injury in the line of duty that rendered the or
<u>[(ix)]</u> as a result of an act of vi		[Is the] THE surviving spouse of a school employee who,
	<u>1.</u>	<u>Died in the line of duty; or</u>
school employee 100% di	<u>2.</u> sabled	Sustained an injury in the line of duty that rendered the
(3) TO APPLY FOR A SCHOLARSHIP UNDER THIS SECTION, THE FOLLOWING PERSONS ARE NOT REQUIRED TO BE A RESIDENT OF MARYLAND AT THE TIME OF APPLICATION OR AT THE TIME OF THE DISABLING OR FATAL EVENT:		
(I) ANY STATE OR LOCAL	<u>1.</u> PUBLI	A SON, DAUGHTER, STEPSON, OR STEPDAUGHTER OF C SAFETY EMPLOYEE KILLED IN THE LINE OF DUTY; OR
PUBLIC SAFETY EMPLO	<u>2.</u> DYEE K	THE SURVIVING SPOUSE OF ANY STATE OR LOCAL ILLED IN THE LINE OF DUTY; OR
<u>(II)</u>	<u>1.</u>	A disabled public safety employee;

## 2. <u>A SON, DAUGHTER, STEPSON, OR STEPDAUGHTER OF</u> <u>A DISABLED PUBLIC SAFETY EMPLOYEE WHO SUSTAINS AN INJURY IN THE LINE OF</u> <u>DUTY THAT RENDERS THE PUBLIC SAFETY EMPLOYEE 100% DISABLED; OR</u>

### 3. <u>The surviving spouse of a disabled public</u> <u>safety employee who sustains an injury in the line of duty that renders</u> <u>the public safety employee 100% disabled.</u>

(g) (1) Each recipient of a scholarship under this section may hold the award for 5 years of full-time study or 8 years of part-time study.

(2) The number of eligible recipients under subsection [(d)(3)(v)] (D)(2)(III) of this section shall be limited to 15 each year.

(3) An award provided under subsection [(d)(3)(vii)] (D)(2)(V) of this section may not exceed the amount specified in subsection (e)(2) of this section when combined with any other scholarship received by a student based on the student's status as a child or spouse of a victim of the September 11, 2001, terrorist attacks.

18-604.

(a) For purposes of this section, an individual served in the Afghanistan or Iraq conflict if the individual was a member of the uniformed services of the United States who served in:

(1) Afghanistan or contiguous air space, as defined in federal regulations, on or after October 24, 2001, and before a terminal date to be prescribed by the United States Secretary of Defense; or

(2) Iraq or contiguous waters or air space, as defined in federal regulations, on or after March 19, 2003, and before a terminal date to be prescribed by the United States Secretary of Defense.

(b) There is a Veterans of the Afghanistan and Iraq Conflicts Scholarship.

(c) An individual may apply to the Office for a scholarship under this section if the individual:

(1) **[**Is a resident of] **LIVES IN** Maryland;

(2) (i) Is accepted for admission or enrolled in the regular undergraduate <del>OR GRADUATE</del> program at an eligible institution; or

(ii) Is accepted for admission or enrolled in a 2-year terminal certificate program in which the course work is acceptable for transfer credit for an accredited baccalaureate program in an eligible institution; and

(3) (i) 1. Is a veteran, as defined under § 9–901 of the State Government Article, who served in the Afghanistan or Iraq conflict;

2. Is an active duty member of the armed forces who served in the Afghanistan or Iraq conflict; or

3. Is a member of a reserve component of the armed forces of the United States or the Maryland National Guard who was activated as a result of the Afghanistan or Iraq conflict described in subsection (a) of this section; or

(ii) Is a son, daughter, or spouse of:

1. A veteran or active duty member of the armed forces who is serving or has served in the Afghanistan or Iraq conflict; or

2. A member of the reserve or Maryland National Guard who was activated as a result of the Afghanistan or Iraq conflict described in subsection (a) of this section.

(d) A scholarship awarded under this section [shall] MAY supplement, BUT IS NOT CONTINGENT ON, any federal education benefits for which a recipient qualifies as a result of an individual's military service or status as a dependent of a member of the armed forces or of a veteran of the armed forces.

(e) (1) Each scholarship may be used, at any eligible institution, to pay for educational expenses as defined by the Office, including:

- (i) Tuition and mandatory fees; and
- (ii) Room and board.

(2) The annual amount of a scholarship may not exceed 50% of the equivalent annual tuition, mandatory fees, and room and board of a resident undergraduate student OR A GRADUATE STUDENT at the 4-year public institution of higher education within the University System of Maryland, other than the University of Maryland Global Campus and University of Maryland, Baltimore Campus, with the highest annual expenses for a full-time resident undergraduate.

(f) A scholarship recipient shall maintain a grade point average of at least 2.5 on a 4.0 scale.

(g) Each recipient of a scholarship under this section may hold the award for:

(1) 5 years of full-time study or 8 years of part-time study **FOR UNDERGRADUATE STUDENTS; OR** 

(2) 3 YEARS OF FULL-TIME STUDY OR 6 YEARS OF PART-TIME STUDY FOR GRADUATE STUDENTS.

(h) (1) A scholarship recipient [shall file] IS NOT REQUIRED TO SUBMIT AN APPLICATION for federal [and] OR State financial aid.

(2) SCHOLARSHIP RECIPIENTS WHO FILE FOR FINANCIAL AID MUST FILE by March 1 of each year.

(i) (1) The Office may not award an initial scholarship to an individual after June 30, [2020] **2030**.

(2) The Office may renew a scholarship after June 30, [2020] **2030**, if the individual received an initial scholarship before that date.

(j) A Senator or Delegate may authorize the Office to award all or a portion of the funds authorized under Subtitles 4 and 5 of this title to eligible recipients of scholarships awarded under this section.

(k) (1) Funds for the Veterans of the Afghanistan and Iraq Conflicts Scholarship shall be as provided in the annual budget of the Commission by the Governor.

(2) (i) In this subsection, "Fund" means the Veterans of the Afghanistan and Iraq Conflicts Scholarship Fund.

(ii) There is a Veterans of the Afghanistan and Iraq Conflicts Scholarship Fund in the Commission.

(iii) The Commission shall administer the Fund.

(iv) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(v) The State Treasurer shall hold the Fund separately and the Comptroller shall account for the Fund.

(vi) The Commission:

1. May accept any gift or grant from any person or corporation for the Fund;

2. Shall use any gift or grant that it receives for a scholarship from the Fund; and

3. Shall deposit any gift or grant that it receives for the Fund with the State Treasurer.

(3) (i) At the end of the fiscal year, the Commission shall prepare an annual report on the Fund that includes an accounting of all financial receipts and expenditures to and from the Fund.

(ii) The Commission shall submit a copy of the report to the General Assembly as provided under 2-1257 of the State Government Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 268

## (House Bill 598)

AN ACT concerning

### Baltimore County Board of Education – Student Member – Scholarship

FOR the purpose of increasing the amount of the scholarship granted to a certain student member of the Baltimore County Board of Education; providing for the application of this Act; and generally relating to the student member of the Baltimore County Board of Education.

BY repealing and reenacting, with amendments, Article – Education Section 3–2B–06 Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

### Article – Education

3–2B–06.

(a) (1) Each nonstudent member of the county board is entitled to receive \$7,500 annually as compensation.

(2) A student member who completes a full term on the county board shall be granted a scholarship of [\$1,000] **\$7,500** to be applied toward the student's higher education costs.

(b) After submitting vouchers under the regulations adopted by the county board, a member is entitled to the allowances for travel and other expenses provided for in the Baltimore County budget.

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the scholarship amount for the student member of the Baltimore County Board of Education while serving in a term of office beginning before the effective date of this Act, but the provisions of this Act concerning the scholarship amount for the student member of the Baltimore County Board of Education shall take effect at the beginning of the next following term of office. This limitation does not apply to an individual appointed or elected after the effective date of this Act to fill out an unexpired term.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 269

(House Bill 599)

AN ACT concerning

# Baltimore County Board of Education – Student Member – Selection

FOR the purpose of requiring the student member of the Baltimore County Board of Education to be elected by certain middle school and high school students in accordance with procedures established by the Baltimore County <del>public school</del> <del>system</del> <u>student councils</u>; and generally relating to the student member of the Baltimore County Board of Education.

BY repealing and reenacting, with amendments,

Article – Education Section 3–2B–05(a) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

## Article – Education

3–2B–05.

(a) The student member shall:

(1) Be an 11th or a 12th grade student in the Baltimore County public school system **ELECTED BY THE MIDDLE SCHOOL AND HIGH SCHOOL STUDENTS OF THE COUNTY IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE** <del>SCHOOL</del> **SYSTEM BALTIMORE COUNTY STUDENT COUNCILS**;

- (2) Serve for 1 year; and
- (3) Advise the county board on the thoughts and feelings of students.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 270

### (House Bill 600)

AN ACT concerning

# Baltimore County - Motorcycles - Sunday Sales

FOR the purpose of authorizing a dealer in Baltimore County to sell, barter, deliver, give away, show, or offer for sale a motorcycle or certificate of title for a motorcycle on Sunday; and generally relating to Sunday motorcycle sales in Baltimore County.

BY repealing and reenacting, without amendments, Article – Business Regulation Section 18–101(d) Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Business Regulation Section 18–101(g) Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

Chapter 271

That the Laws of Maryland read as follows:

## **Article – Business Regulation**

18–101.

(d) Except in Howard, Montgomery, and Prince George's counties, and except as provided in subsections (g), (h), and (i) of this section, a new or used car dealer may not sell, barter, deliver, give away, show, or offer for sale a motor vehicle or certificate of title for a motor vehicle on Sunday.

(g) In Anne Arundel County, **BALTIMORE COUNTY**, and Worcester County, a dealer may sell, barter, deliver, give away, show, or offer for sale a motorcycle, as defined in § 11–136 of the Transportation Article, or certificate of title for a motorcycle on Sunday.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 271

(House Bill 601)

AN ACT concerning

### Health Insurance – Provider Panels – <del>Registered Psychology Associates</del> <u>Providers of Community–Based Health Services</u>

FOR the purpose of prohibiting a carrier from rejecting a provider who provides community-based health services for an accredited program solely because the provider <u>practices within the scope of the provider's license and</u> is a registered psychology associate; <u>altering the reason for which a carrier is prohibited from</u> <u>rejecting a certain provider for participation on the carrier's provider panel</u>; making a stylistic change; and generally relating to health insurance and provider panels.

BY repealing and reenacting, without amendments, Article – Insurance

Section 15–112(g)(1) Annotated Code of Maryland (2017 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Insurance Section 15–112(g)(2) Annotated Code of Maryland (2017 Replacement Volume and 2019 Supplement)

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

## Article – Insurance

15 - 112.

(g) (1) A provider that seeks to participate on a provider panel of a carrier shall submit an application to the carrier.

(2) (i) Subject to subparagraph (ii) of this paragraph and paragraph (3) of this subsection, the carrier, after reviewing the application, shall accept or reject the provider for participation on the carrier's provider panel.

(ii) A carrier may not reject a provider who provides community-based health services for a program accredited under COMAR 10.63.02 for participation on the carrier's provider panel <del>solely</del> because the provider <u>PRACTICES</u> <u>WITHIN THE SCOPE OF THE PROVIDER'S LICENSE AND</u> is:

1. a licensed graduate social worker or a licensed master social worker, as those terms are defined in § 19–101 of the Health Occupations Article; [or]

2. a licensed graduate alcohol and drug counselor, a licensed graduate marriage and family therapist, a licensed graduate professional art therapist, or a licensed graduate professional counselor, as those terms are defined in § 17–101 of the Health Occupations Article; **OR** 

# **3.** A REGISTERED PSYCHOLOGY ASSOCIATE, AS DEFINED IN § 18–101 OF THE HEALTH OCCUPATIONS ARTICLE.

(iii) If the carrier rejects the provider for participation on the carrier's provider panel, the carrier shall send to the provider at the address listed in the application written notice of the rejection.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 272

# (House Bill 604)

AN ACT concerning

## State Libraries – Library for the Blind and Physically Handicapped and State Library Board – Alterations

FOR the purpose of renaming the Maryland Library for the Blind and Physically Handicapped to be the Maryland Library for the Blind and Print Disabled; altering the appointed membership of the Maryland State Library Board to include a certain blind individual; making conforming changes; defining a certain term; and generally relating to the Maryland Library for the Blind and Physically Handicapped and the State Library Board.

BY repealing and reenacting, without amendments, Article – Education Section 11–901(a) and 23–107(a) and (b)(1) and (2) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Education Section 11–901(d), 11–902(a), 23–101, 23–106(b)(7), 23–107(b)(3), and 23–205(a)(3), (e), and (f)(1)(i) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

# Article – Education

11-901.

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

(d) "Library" means the Maryland Library for the Blind and [Physically Handicapped] **PRINT DISABLED**.

11-902.

(a) On or before December 1, 2007, in order to coordinate the distribution of instructional materials to blind and other print disabled students, the Maryland Library for the Blind and [Physically Handicapped] **PRINT DISABLED** shall convene an Instructional Materials Access Guidelines Committee.

### 23–101.

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

# (B) "PRINT DISABLED INDIVIDUAL" MEANS AN INDIVIDUAL WHO CANNOT EFFECTIVELY READ PRINT BECAUSE OF A VISUAL, PHYSICAL, PERCEPTUAL, DEVELOPMENTAL, COGNITIVE, OR LEARNING DISABILITY.

- [(b)] (C) "State Library Agency" means the Maryland State Library Agency.
- [(c)] (D) "State Library Board" means the Maryland State Library Board.

23 - 106.

- (b) The State Library Agency shall:
  - (7) Provide:

(i) Specialized library service to the blind and other [physically handicapped] **PRINT DISABLED** individuals in this State; and

(ii) Other desirable specialized library services;

### 23-107.

(a) There is a Maryland State Library Board.

(b) (1) The State Library Board consists of 12 members, 7 of whom are appointed by the Governor. Each member is entitled to participate fully and equally in the activities of the Board.

(2) Each member shall:

(i) Be a resident of this State;

(ii) Be an individual of ability and integrity who is experienced in public or library affairs; and

(iii) Represent the interests of the citizens of this State in better library services.

(3) (i) Of the appointed members:

1. [Five] **FOUR** shall be selected from the public at large;

- 2. One shall be a professional librarian; [and]
- 3. One shall be a library trustee; AND

# 4. ONE SHALL BE A BLIND PATRON OF THE MARYLAND LIBRARY FOR THE BLIND AND PRINT DISABLED.

(ii) The Governor shall ensure geographic diversity when appointing

23-205.

members.

(a) Each year, the State Library Board may include in its budget operating funds for:

(3) The Maryland Library for the Blind and [Physically Handicapped] **PRINT DISABLED**;

(e) Beginning in fiscal year 2016 and in each fiscal year thereafter, the Maryland Library for the Blind and [Physically Handicapped] **PRINT DISABLED** shall receive an amount equivalent to at least 25% of the amount received by the State Library Resource Center for the same fiscal year under subsection (d) of this section.

(f) (1) The State Library Board shall:

(i) Disburse funds to the State and regional resource centers, the Maryland Library for the Blind and [Physically Handicapped] **PRINT DISABLED**, and metropolitan cooperative service programs; and

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 273

(Senate Bill 326)

AN ACT concerning

State Libraries – Library for the Blind and Physically Handicapped and State Library Board – Alterations FOR the purpose of renaming the Maryland Library for the Blind and Physically Handicapped to be the Maryland Library for the Blind and Print Disabled; altering the appointed membership of the Maryland State Library Board to include a certain blind individual; making conforming changes; defining a certain term; and generally relating to the Maryland Library for the Blind and Physically Handicapped and the State Library Board.

BY repealing and reenacting, without amendments, Article – Education Section 11–901(a) and 23–107(a) and (b)(1) and (2) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Education Section 11–901(d), 11–902(a), 23–101, 23–106(b)(7), 23–107(b)(3), and 23–205(a)(3), (e), and (f)(1)(i) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

### Article – Education

11-901.

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

(d) "Library" means the Maryland Library for the Blind and [Physically Handicapped] **PRINT DISABLED**.

11-902.

(a) On or before December 1, 2007, in order to coordinate the distribution of instructional materials to blind and other print disabled students, the Maryland Library for the Blind and [Physically Handicapped] **PRINT DISABLED** shall convene an Instructional Materials Access Guidelines Committee.

23-101.

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

(B) "PRINT DISABLED INDIVIDUAL" MEANS AN INDIVIDUAL WHO CANNOT EFFECTIVELY READ PRINT BECAUSE OF A VISUAL, PHYSICAL, PERCEPTUAL, DEVELOPMENTAL, COGNITIVE, OR LEARNING DISABILITY.

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[(b)] (C) "State Library Agency" means the Maryland State Library Agency.

[(c)] (D) "State Library Board" means the Maryland State Library Board.

23 - 106.

- (b) The State Library Agency shall:
  - (7) Provide:

(i) Specialized library service to the blind and other [physically handicapped] **PRINT DISABLED** individuals in this State; and

(ii) Other desirable specialized library services;

23 - 107.

(a) There is a Maryland State Library Board.

(b) (1) The State Library Board consists of 12 members, 7 of whom are appointed by the Governor. Each member is entitled to participate fully and equally in the activities of the Board.

- (2) Each member shall:
  - (i) Be a resident of this State;

(ii) Be an individual of ability and integrity who is experienced in public or library affairs; and

(iii) Represent the interests of the citizens of this State in better library services.

- (3) (i) Of the appointed members:
  - 1. [Five] **FOUR** shall be selected from the public at large;
  - 2. One shall be a professional librarian; [and]
  - 3. One shall be a library trustee; AND

# 4. ONE SHALL BE A BLIND PATRON OF THE MARYLAND LIBRARY FOR THE BLIND AND PRINT DISABLED.

(ii) The Governor shall ensure geographic diversity when appointing

members.

23-205.

(a) Each year, the State Library Board may include in its budget operating funds for:

(3) The Maryland Library for the Blind and [Physically Handicapped] **PRINT DISABLED**;

(e) Beginning in fiscal year 2016 and in each fiscal year thereafter, the Maryland Library for the Blind and [Physically Handicapped] **PRINT DISABLED** shall receive an amount equivalent to at least 25% of the amount received by the State Library Resource Center for the same fiscal year under subsection (d) of this section.

(f) (1) The State Library Board shall:

(i) Disburse funds to the State and regional resource centers, the Maryland Library for the Blind and [Physically Handicapped] **PRINT DISABLED**, and metropolitan cooperative service programs; and

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 274

# (House Bill 616)

AN ACT concerning

# **Department of State Police – Alternative Workdays**

FOR the purpose of altering a certain authorization for certain Department of State Police <u>police</u> employees to work an alternative workday to provide that the authorization is for an alternative workday as approved by the Secretary of State Police; and generally relating to alternative workdays for certain Department of State Police employees.

BY repealing and reenacting, with amendments, Article – Public Safety Section 2–411(a) Annotated Code of Maryland SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

# Article – Public Safety

2-411.

(a) If authorized by the Secretary<del>, a police employee or a 40-hour civilian</del> employee may work an alternative workday-[of not more than 12 hours instead of an 8-hour workday] AS APPROVED BY THE SECRETARY:

# (1) <u>A POLICE EMPLOYEE MAY WORK AN ALTERNATIVE WORKDAY; OR</u>

# (2) <u>A 40-HOUR CIVILIAN EMPLOYEE MAY WORK AN ALTERNATIVE</u> WORKDAY OF NOT MORE THAN 12 HOURS INSTEAD OF AN 8-HOUR WORKDAY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 275

(Senate Bill 485)

AN ACT concerning

# **Department of State Police – Alternative Workdays**

FOR the purpose of altering a certain authorization for certain Department of State Police <u>police</u> employees to work an alternative workday to provide that the authorization is for an alternative workday as approved by the Secretary of State Police; and generally relating to alternative workdays for certain Department of State Police employees.

BY repealing and reenacting, with amendments,

Article – Public Safety Section 2–411(a) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

### Article – Public Safety

2-411.

(a) If authorized by the Secretary<del>, a police employee or a 40-hour civilian</del> employee may work an alternative workday [of not more than 12 hours instead of an 8-hour workday] AS APPROVED BY THE SECRETARY:

#### (1) <u>A POLICE EMPLOYEE MAY WORK AN ALTERNATIVE WORKDAY; OR</u>

### (2) <u>A 40-HOUR CIVILIAN EMPLOYEE MAY WORK AN ALTERNATIVE</u> WORKDAY OF NOT MORE THAN 12 HOURS INSTEAD OF AN 8-HOUR WORKDAY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 276

(House Bill 619)

AN ACT concerning

### Environment – Use of Fire–Fighting Foam Containing Perfluoroalkyl and Polyfluoroalkyl Substances – Prohibition and PFAS Chemicals

FOR the purpose of prohibiting, on or after a certain date, the use of <u>certain</u> fire-fighting foam <del>containing perfluoroalkyl and polyfluoroalkyl substances</del> for <del>firefighter</del> <u>certain</u> <u>testing or</u> training purposes; <u>providing that this Act does not restrict the</u> <u>manufacture, sale, or distribution of certain fire-fighting foam or the discharge or</u> <u>other use of certain fire-fighting foam in certain operations; requiring the use of</u> <u>certain foam for fire-fighting training;</u> establishing certain penalties for a violation of this Act; defining <del>a</del> certain <del>term terms;</del> providing for the application of this Act; and generally relating to <del>perfluoroalkyl and polyfluoroalkyl substances</del> <u>fire-fighting</u> <u>foam and PFAS chemicals</u>.

BY adding to

Article – Environment

Section 6–1601 through <u>6–1604</u> <u>6–1605</u> to be under the new subtitle "Subtitle 16. <u>Perfluoroalkyl and Polyfluoroalkyl Substances</u> <u>PFAS Chemicals</u>" Annotated Code of Maryland (2013 Replacement Volume and 2019 Supplement)

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

## Article – Environment

# SUBTITLE 16. PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES PFAS CHEMICALS.

6-1601.

## (A) IN THIS SUBTITLE, "PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES" MEANS MANUFACTURED CHEMICALS USED IN A WIDE VARIETY OF CONSUMER AND INDUSTRY PRODUCTS, INCLUDING:

- (1) STAIN-RESISTANT AND WATER-RESISTANT FABRICS;
- (2) CLEANING PRODUCTS;
- (3) PAINT; AND

(4) FIRE-FIGHTING FOAMS. THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) <u>"CLASS B FIRE-FIGHTING FOAM" MEANS A FOAM DESIGNED FOR</u> <u>FLAMMABLE LIQUID FIRE.</u>

(C) <u>"PFAS CHEMICALS" MEANS A CLASS OF FLUORINATED ORGANIC</u> <u>CHEMICALS THAT:</u>

(1) <u>CONTAIN AT LEAST ONE FULLY FLUORINATED CARBON ATOM,</u> <u>INCLUDING PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES; AND</u>

(2) ARE DESIGNED TO BE FULLY FUNCTIONAL IN CLASS B FIRE-FIGHTING FOAM FORMULATIONS.

6-1602.

(A) THIS SUBTITLE DOES NOT APPLY TO FIRE-FIGHTING FOAMS USED AT THE BALTIMORE-WASHINGTON INTERNATIONAL THURGOOD MARSHALL AIRPORT.

(B) THIS SUBTITLE DOES NOT RESTRICT:

(1) THE MANUFACTURE, SALE, OR DISTRIBUTION OF CLASS B FIRE-FIGHTING FOAM THAT CONTAINS INTENTIONALLY ADDED PFAS CHEMICALS; OR

## (2) THE DISCHARGE OR OTHER USE OF CLASS B FIRE-FIGHTING FOAM THAT CONTAINS INTENTIONALLY ADDED PFAS CHEMICALS IN EMERGENCY FIRE-FIGHTING OR FIRE PREVENTION OPERATIONS.

6-1603.

## ON OR AFTER OCTOBER 1, 2021, FIRE-FIGHTING FOAM CONTAINING PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES MAY NOT BE USED FOR FIREFIGHTER TRAINING PURPOSES CLASS B FIRE-FIGHTING FOAM THAT CONTAINS INTENTIONALLY ADDED PFAS CHEMICALS MAY NOT BE USED FOR:

(1) <u>TESTING PURPOSES, INCLUDING CALIBRATION TESTING,</u> <u>CONFORMANCE TESTING, AND FIXED-SYSTEM TESTING UNLESS:</u>

(I) THE USE IS REQUIRED BY LAW OR BY THE AGENCY HAVING JURISDICTION OVER THE TESTING FACILITY; AND

## (II) <u>THE TESTING FACILITY HAS IMPLEMENTED APPROPRIATE</u> <u>CONTAINMENT, TREATMENT, AND DISPOSAL MEASURES TO PREVENT RELEASES OF</u> <u>FOAM INTO THE ENVIRONMENT; OR</u>

(2) TRAINING PURPOSES.

6-1604.

### <u>NONFLUORINATED TRAINING FOAM SHALL BE USED FOR PURPOSES OF</u> <u>FIRE-FIGHTING TRAINING.</u>

<u>6–1605.</u>

A PERSON WHO VIOLATES THIS SUBTITLE IS SUBJECT TO:

(1) FOR A FIRST VIOLATION, A CIVIL PENALTY NOT EXCEEDING \$500; AND

(2) FOR A SECOND OR SUBSEQUENT VIOLATION, A CIVIL PENALTY NOT EXCEEDING \$1,000.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 277

(Senate Bill 420)

AN ACT concerning

# **Public Safety – Fire Fighting** Environment – Use of Fire–Fighting Foam and PFAS Chemicals

FOR the purpose of prohibiting, on or after a certain date, the use of certain fire fighting fire-fighting foam for certain testing or training purposes; providing that this Act does not restrict the manufacture, sale, or distribution of certain fire-fighting foam or the discharge or other use of certain fire-fighting foam in certain operations; requiring the use of certain for fire fighting fire-fighting training; providing that this Act does not restrict the manufacture, sale, or distribution of certain fire-fighting foam in certain operations; requiring the use of certain for fire fighting for fire-fighting training; providing that this Act does not restrict the manufacture, sale, or distribution of certain fire fighting foam in certain fire fighting foam or the discharge or other use of certain fire fighting foam in certain fire fighting foam or the discharge or other use of certain fire fighting foam in certain fire fighting foam in certain for fighting foam in certain for fighting foam or the discharge or other use of certain fire fighting foam in certain fire fighting foam in certain for fighting foam in certain for fighting foam in certain for fighting foam or the discharge or other use of certain fire fighting foam in certain for fighting foam in certain penalties for a violation of this Act; requiring the Department of the Environment to conduct a certain study and report the findings to the General Assembly on or before a certain date; defining certain terms; providing for the application of this Act; providing for a delayed effective date; and generally relating to fire fighting fire-fighting foam and PFAS chemicals.

### BY adding to

Article – Public Safety Section 9–1002 Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

### BY adding to

<u>Article – Environment</u> <u>Section 6–1601 through <del>6–1604</del> 6–1605</u> to be under the new subtitle "Subtitle 16. <u>PFAS Chemicals"</u> <u>Annotated Code of Maryland</u> (2013 Replacement Volume and 2019 Supplement)

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

### Article - Public Safety Environment

### SUBTITLE 16. PFAS CHEMICALS.

<del>9–1002.</del> <u>6–1601.</u>

(A) (1) IN THIS <u>SECTION</u> <u>SUBTITLE</u> THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (B) "CLASS B <del>fire fighting</del> <u>fire-fighting</u> foam" means a foam designed for flammable liquid <del>fires</del> <u>fire</u>.

(3) (1) (C) "PFAS CHEMICALS" MEANS A CLASS OF FLUORINATED ORGANIC CHEMICALS CONTAINING AT LEAST ONE FULLY FLUORINATED CARBON ATOM AND DESIGNED TO BE FULLY FUNCTIONAL IN CLASS B FIRE FIGHTING FOAM FORMULATIONS, INCLUDING PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.

(II) "PFAS CHEMICALS" INCLUDES PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.

(4) "TESTING" INCLUDES CALIBRATION TESTING, CONFORMANCE TESTING, AND FIXED SYSTEM TESTING.

(C) <u>"PFAS CHEMICALS" MEANS A CLASS OF FLUORINATED ORGANIC</u> CHEMICALS THAT:

(1) <u>CONTAIN AT LEAST ONE FULLY FLUORINATED CARBON ATOM,</u> INLUDING PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES; AND

(2) ARE DESIGNED TO BE FULLY FUNCTIONAL IN CLASS B FIRE-FIGHTING FOAM FORMULATIONS.

<u>6–1602.</u>

(A) <u>This subtitle does not apply to fire-fighting foams used at</u> <u>The Baltimore-Washington International Thurgood Marshall Airport.</u>

(B) <u>THIS SUBTITLE DOES NOT RESTRICT:</u>

(1) <u>The manufacture, sale, or distribution of Class B</u> <u>FIRE-FIGHTING FOAM THAT CONTAINS INTENTIONALLY ADDED PFAS CHEMICALS;</u> <u>OR</u>

(2) <u>The discharge or other use of Class B fire-fighting</u> <u>FOAM THAT CONTAINS INTENTIONALLY ADDED PFAS CHEMICALS IN EMERGENCY</u> <u>FIRE-FIGHTING OR FIRE PREVENTION OPERATIONS.</u>

## <del>(B) 6–1602.</del> 6–1603.

ON OR AFTER OCTOBER 1, 2021, CLASS B FIRE FIGHTING FIRE-FIGHTING FOAM THAT CONTAINS INTENTIONALLY ADDED PFAS CHEMICALS MAY NOT BE USED FOR:

TESTING TESTING PURPOSES, INCLUDING CALIBRATION <del>(1)</del> TESTING. CONFORMANCE TESTING. AND FIXED SYSTEM TESTING. UNLESS:

<del>(I)</del> THE USE IS REQUIRED BY LAW OR BY THE AGENCY HAVING JURISDICTION OVER THE TESTING FACILITY; AND OR

<del>(III)</del> THE TESTING FACILITY HAS IMPLEMENTED APPROPRIATE CONTAINMENT, TREATMENT, AND DISPOSAL MEASURES TO PREVENT UNCONTROLLED RELEASES OF FOAM TO THE ENVIRONMENT; OR

TESTING PURPOSES, INCLUDING CALIBRATION TESTING, (1) CONFORMANCE TESTING, AND FIXED-SYSTEM TESTING UNLESS:

THE USE IS REQUIRED BY LAW OR BY THE AGENCY HAVING *(I)* JURISDICTION OVER THE TESTING FACILITY: AND

(II) THE TESTING FACILITY HAS IMPLEMENTED APPROPRIATE CONTAINMENT, TREATMENT, AND DISPOSAL MEASURES TO PREVENT RELEASES OF FOAM INTO THE ENVIRONMENT: OR

(2) TRAINING PURPOSES.

<del>6–1603.</del> *6–1604*.

(C) NONFLUORINATED TRAINING FOAM SHALL BE USED FOR PURPOSES OF FIRE FIGHTING FIRE-FIGHTING TRAINING.

**THIS SECTION DOES NOT RESTRICT:** <del>(D)</del>

(1) THE MANUFACTURE, SALE, OR DISTRIBUTION OF CLASS B FIRE FIGHTING FOAM THAT CONTAINS INTENTIONALLY ADDED PFAS CHEMICALS: OR

THE DISCHARGE OR OTHER USE OF CLASS B FIRE FIGHTING FOAM <del>(2)</del> THAT CONTAINS INTENTIONALLY ADDED PFAS CHEMICALS IN EMERGENCY FIRE FIGHTING OR FIRE PREVENTION OPERATIONS.

<del>6-1604.</del> 6-1605.

### A PERSON WHO VIOLATES THIS SUBTITLE IS SUBJECT TO:

# (1) FOR A FIRST VIOLATION, A CIVIL PENALTY NOT EXCEEDING \$500; AND

## (2) FOR A SECOND OR SUBSEQUENT VIOLATION, A CIVIL PENALTY NOT EXCEEDING \$1,000.

#### SECTION 2. AND BE IT FURTHER ENACTED, That, on:

(a) <u>In this section, "PFAS chemicals" means a class of fluorinated organic</u> <u>chemicals containing at least one fully fluorinated carbon atom, including perfluoroalkyl</u> <u>and polyfluoroalkyl substances.</u>

(b) <u>On</u> or before January 1, 2023, the Department of the Environment shall:

(1) conduct a study to:

(i) assess each application of a PFAS chemical <u>chemicals</u> in food packaging and <u>that is made of</u>, in <u>substantial part</u>, <u>paper</u>, <u>paperboard</u>, <u>or other materials</u> <u>originally derived from plant fibers</u>; <u>and</u>

(ii) determine whether a safer alternative to the chemical <u>PFAS</u> <u>chemicals</u> is available for each assessed application; and

(2) submit a report to the Governor and <u>and, in accordance with § 2–1257</u> of the State Government Article, the General Assembly, in accordance with § 2–1257 of the State Government Article, on the findings of the study required under item (1) of this section <u>subsection</u>.

SECTION <del>3.</del> <u>2.</u> AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2021 October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 278

# (House Bill 620)

AN ACT concerning

Baltimore–Washington International Thurgood Marshall Airport – Security Screening Checkpoint – Charitable Donations

### Chapter 279

FOR the purpose of requiring the Executive Director of the Maryland Aviation Administration to place work with a certain charitable entity to install secure donation boxes at the entrance to each security screening checkpoint at the Baltimore–Washington International Thurgood Marshall Airport; requiring that money deposited in the donation boxes be appropriated to the Department of Disabilities to be used only to support its education programs used only to support a certain charitable entity; defining a certain term; and generally relating to donation boxes and the Baltimore–Washington International Thurgood Marshall Airport.

BY adding to

Article – Transportation Section 5–413.1 Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

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

### **Article – Transportation**

### 5-413.1.

(A) IN THIS SECTION, "DONATION BOX" MEANS A CLEARLY MARKED RECEPTACLE FOR THE CHARITABLE DONATION OF MONEY BY THE PUBLIC.

(B) THE EXECUTIVE DIRECTOR SHALL PLACE AND MAINTAIN WORK WITH HOUSE OF RUTH MARYLAND TO INSTALL SECURE DONATION BOXES AT THE ENTRANCE TO EACH SECURITY SCREENING CHECKPOINT AT THE BALTIMORE–WASHINGTON INTERNATIONAL THURGOOD MARSHALL AIRPORT.

## (C) THE MONEY DEPOSITED IN THE DONATION BOXES REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE APPROPRIATED TO THE DEPARTMENT OF DISABILITIES TO BE USED ONLY TO SUPPORT ITS EDUCATION PROGRAMS USED ONLY TO SUPPORT HOUSE OF RUTH MARYLAND.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 279

(House Bill 631)

## AN ACT concerning

## State Board of Examiners of Nursing Home Administrators – Board Membership and Provisional Licensing Requirements

FOR the purpose of repealing the requirement that the Secretary of Health make certain recommendations for the appointment of certain members of the State Board of Examiners of Nursing Home Administrators after consulting with certain associations and societies; requiring the Secretary to recommend to the Governor professionals who have certain qualifications for certain appointments to the Board; authorizing the Board to issue a provisional license for less than a certain number of days; clarifying the length of a certain provisional period; making conforming changes; and generally relating to the State Board of Examiners of Nursing Home Administrators.

BY repealing and reenacting, with amendments,

Article – Health Occupations Section 9–202(a) and (b) <del>and 9–301</del> Annotated Code of Maryland (2014 Replacement Volume and 2019 Supplement)

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

# Article – Health Occupations

9-202.

(a) (1) The Board consists of 14 members.

(2) Of the 14 Board members:

(i) Six [members] shall be licensed nursing home administrators [who are practicing actively and have at least 5 years' experience as licensed nursing home administrators], one of whom has experience with the Eden Alternative Green House or a similar program, if practicable;

(ii) Two shall be individuals who are not nursing home administrators but who are engaged actively in professions that are concerned with the care of chronically ill, infirm, or aged individuals;

(iii) One shall be a physician or a nurse practitioner who specializes

in geriatrics;

(iv) One shall be a geriatric social worker;

(v) One shall be the State Long–Term Care Ombudsman designated under 10-903 of the Human Services Article; and

(vi) Two shall be consumer members.

(3) Not more than three members may be officials or full-time employees of this State or of any of its political subdivisions.

(4) A representative of the Office of Health Care Quality shall serve as an ex officio member.

(b) (1) The Governor shall appoint the consumer members with the advice of the Secretary and the advice and consent of the Senate.

(2) (i) Except for the consumer members and the State Long–Term Care Ombudsman, the Governor shall appoint each Board member, with the advice of the Secretary.

(ii) The Secretary shall [make each recommendation after consulting with the associations and societies appropriate to the disciplines and professions representative] **RECOMMEND A PROFESSIONAL WHO:** 

1. IS ACTIVELY PRACTICING;

2. HAS A MINIMUM OF 5 YEARS OF APPROPRIATE PRACTICE EXPERIENCE IN THE DISCIPLINE of the vacancy to be filled; AND

SECTION.

3. OTHERWISE MEETS THE REQUIREMENTS OF THIS

SECTION.

<del>9-301.</del>

(a) Except as otherwise provided in this section, an individual shall be licensed by the Board before the individual may practice as a nursing home administrator in this State.

(b) (1) Except as provided in paragraph (2) of this subsection, if a licensee leaves or is removed from a position as a nursing home administrator by death or for any other unexpected cause, the owner of the nursing home or other appropriate nursing home authority shall immediately:

(i) Designate a licensed nursing home administrator to serve in that

<del>capacity; and</del>

(ii) Notify the Board of the designated licensed nursing home administrator's name.

(2) (i) 1. In the event a licensed nursing home administrator is not available, the owner or other appropriate nursing home authority shall immediately appoint a nonlicensed person to serve in the capacity of interim nursing home administrator.

2. The appointed nonlicensed person may act as the interim nursing home administrator on filing an application with the Board requesting a provisional license to practice as the interim nursing home administrator for a period not to exceed 90 days.

(ii) 1. The owner or other appropriate nursing home authority shall immediately notify the Board of the appointment and forward the credentials of the person appointed to the Board for evaluation to assure that the person appointed is experienced, trained, and competent.

2. The Board may issue a provisional license to the applicant if the Board determines, in its discretion, that the applicant is of good moral character and capable of adequately administering the nursing home for the provisional period.

**3.** THE BOARD, IN ITS DISCRETION, MAY ISSUE A PROVISIONAL LICENSE FOR A PERIOD OF LESS THAN **90** DAYS.

[3.] 4. If the Board denies an application submitted in accordance with subparagraph (i)2 of this paragraph:

A. The nonlicensed person shall immediately cease acting as the interim nursing home administrator; and

B. If a licensed nursing home administrator remains unavailable, the owner or other appropriate nursing home authority shall immediately appoint another nonlicensed person to act as the interim nursing home administrator.

[4.] 5. A person appointed under subsubparagraph [3] 4 of this subparagraph shall file an application for a provisional license with the Board in accordance with this paragraph.

(iii) The [90-day] PROVISIONAL period begins on the date that the licensee leaves or is removed from the position as a nursing home administrator.

(iv) The Board, on request and for good cause shown, may extend the [90-day] INITIAL PROVISIONAL period for a further period of not more than 30 days.

(3) A licensed nursing home administrator designated under paragraph (1) of this subsection shall submit to a criminal history records check in accordance with  $\frac{9-302.1}{9-302.1}$  of this subtitle.

(4) A person appointed in accordance with paragraph (2) of this subsection shall submit to a criminal history records check in accordance with § 9–302.1 of this subtitle.

(5) The Board may deny approval of an appointment under paragraph (1) or (2) of this subsection based on the results of a criminal history records check required under paragraph (3) or (4) of this subsection after consideration of the factors listed in 9-308(b)(1) of this subtitle.

(6) Paragraphs (3) and (4) of this subsection do not apply to a person licensed by a health occupations board who previously has completed a criminal history records check required for licensure.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 280

(Senate Bill 444)

AN ACT concerning

### State Board of Examiners of Nursing Home Administrators – Board Membership and Provisional Licensing Requirements

FOR the purpose of repealing the requirement that the Secretary of Health make certain recommendations for the appointment of certain members of the State Board of Examiners of Nursing Home Administrators after consulting with certain associations and societies; requiring the Secretary to recommend to the Governor professionals who have certain qualifications for certain appointments to the Board; authorizing the Board to issue a provisional license for less than a certain number of days; clarifying the length of a certain provisional period; making conforming changes; and generally relating to the State Board of Examiners of Nursing Home Administrators.

BY repealing and reenacting, with amendments, Article – Health Occupations Section 9–202(a) and (b) <del>and 9–301</del> Annotated Code of Maryland (2014 Replacement Volume and 2019 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

## **Article – Health Occupations**

9-202.

(a) (1) The Board consists of 14 members.

(2) Of the 14 Board members:

(i) Six [members] shall be licensed nursing home administrators [who are practicing actively and have at least 5 years experience as licensed nursing home administrators], one of whom has experience with the Eden Alternative Green House or a similar program, if practicable;

(ii) Two shall be individuals who are not nursing home administrators but who are engaged actively in professions that are concerned with the care of chronically ill, infirm, or aged individuals;

(iii) One shall be a physician or a nurse practitioner who specializes in geriatrics;

(iv) One shall be a geriatric social worker;

(v) One shall be the State Long–Term Care Ombudsman designated under 10-903 of the Human Services Article; and

(vi) Two shall be consumer members.

(3) Not more than three members may be officials or full-time employees of this State or of any of its political subdivisions.

(4) A representative of the Office of Health Care Quality shall serve as an ex officio member.

(b) (1) The Governor shall appoint the consumer members with the advice of the Secretary and the advice and consent of the Senate.

(2) (i) Except for the consumer members and the State Long–Term Care Ombudsman, the Governor shall appoint each Board member, with the advice of the Secretary.

(ii) The Secretary shall [make each recommendation after consulting with the associations and societies appropriate to the disciplines and professions representative] **RECOMMEND A PROFESSIONAL WHO:** 

#### **1. IS ACTIVELY PRACTICING;**

### 2. HAS A MINIMUM OF 5 YEARS OF APPROPRIATE PRACTICE EXPERIENCE IN THE DISCIPLINE of the vacancy to be filled; AND

3. OTHERWISE MEETS THE REQUIREMENTS OF THIS SECTION.

<del>9-301.</del>

(a) Except as otherwise provided in this section, an individual shall be licensed by the Board before the individual may practice as a nursing home administrator in this State.

(b) (1) Except as provided in paragraph (2) of this subsection, if a licensee leaves or is removed from a position as a nursing home administrator by death or for any other unexpected cause, the owner of the nursing home or other appropriate nursing home authority shall immediately:

(i) Designate a licensed nursing home administrator to serve in that capacity; and

(ii) Notify the Board of the designated licensed nursing home administrator's name.

(2) (i) 1. In the event a licensed nursing home administrator is not available, the owner or other appropriate nursing home authority shall immediately appoint a nonlicensed person to serve in the capacity of interim nursing home administrator.

2. The appointed nonlicensed person may act as the interim nursing home administrator on filing an application with the Board requesting a provisional license to practice as the interim nursing home administrator for a period not to exceed 90 days.

(ii) 1. The owner or other appropriate nursing home authority shall immediately notify the Board of the appointment and forward the credentials of the person appointed to the Board for evaluation to assure that the person appointed is experienced, trained, and competent.

2. The Board may issue a provisional license to the applicant if the Board determines, in its discretion, that the applicant is of good moral character and capable of adequately administering the nursing home for the provisional period. **3.** THE BOARD, IN ITS DISCRETION, MAY ISSUE A PROVISIONAL LICENSE FOR A PERIOD OF LESS THAN **90** DAYS.

[3.] 4. If the Board denies an application submitted in accordance with subparagraph (i)2 of this paragraph:

A. The nonlicensed person shall immediately cease acting as the interim nursing home administrator; and

B. If a licensed nursing home administrator remains unavailable, the owner or other appropriate nursing home authority shall immediately appoint another nonlicensed person to act as the interim nursing home administrator.

[4.] 5. A person appointed under subsubparagraph [3] 4 of this subparagraph shall file an application for a provisional license with the Board in accordance with this paragraph.

(iii) The [90-day] **PROVISIONAL**-period begins on the date that the licensee leaves or is removed from the position as a nursing home administrator.

(iv) The Board, on request and for good cause shown, may extend the [90-day] INITIAL-PROVISIONAL period for a further period of not more than 30 days.

(3) A licensed nursing home administrator designated under paragraph (1) of this subsection shall submit to a criminal history records check in accordance with 9-302.1 of this subtitle.

(4) A person appointed in accordance with paragraph (2) of this subsection shall submit to a criminal history records check in accordance with § 9-302.1 of this subtitle.

(5) The Board may deny approval of an appointment under paragraph (1) or (2) of this subsection based on the results of a criminal history records check required under paragraph (3) or (4) of this subsection after consideration of the factors listed in 9-308(b)(1) of this subtitle.

(6) Paragraphs (3) and (4) of this subsection do not apply to a person licensed by a health occupations board who previously has completed a criminal history records check required for licensure.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 281

## (Senate Bill 534)

AN ACT concerning

### Courts - Discovery - In-Custody Witness Testimony

FOR the purpose of requiring a State's Attorney to record certain information if a State's Attorney obtains certain testimony from an in-custody witness and to report certain information to the Governor's Office of Crime Control and Prevention; requiring the Governor's Office of Crime Control and Prevention to securely store and maintain certain information; providing that the Governor's Office of Crime Control and Prevention to certain persons; specifying that certain information is not subject to disclosure under the Maryland Public Information Act; requiring a State's Attorney to comply with certain discovery requirements; authorizing a court to grant a certain hearing at the request of the defendant to determine whether testimony of an in-custody witness is admissible at trial; requiring a State's Attorney to disclose certain information to a certain victim; defining certain terms; providing for the application of this Act; and generally relating to in-custody witness testimony.

BY adding to

Article – Courts and Judicial Proceedings Section 10–924 Annotated Code of Maryland (2013 Replacement Volume and 2019 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**

### 10-924.

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

(2) (I) "BENEFIT" MEANS ANY CONSIDERATION GIVEN TO AN IN-CUSTODY WITNESS, OR TO A THIRD PARTY AT THE REQUEST OF OR ON BEHALF OF THE IN-CUSTODY WITNESS, IN RETURN FOR TESTIMONY FROM THE IN-CUSTODY WITNESS IN A CRIMINAL PROCEEDING AGAINST A SUSPECT OR DEFENDANT.

(II) "BENEFIT" INCLUDES AN OFFER BY A STATE'S ATTORNEY TO:

1. RECOMMEND OR AGREE NOT TO OPPOSE A MORE FAVORABLE RELEASE STATUS;

2. RECOMMEND OR AGREE NOT TO OPPOSE A MOTION FOR MODIFICATION OR REDUCTION OF A SENTENCE;

**3.** PROVIDE INFORMATION TO THE DIVISION OF PAROLE AND PROBATION TO ASSIST THE IN-CUSTODY WITNESS OR A THIRD PARTY IN OBTAINING A FAVORABLE ACTION BY A PROBATION AGENT, A PAROLE OFFICER, OR THE PAROLE COMMISSION;

4. **PROVIDE IMMUNITY IN A CRIMINAL PROCEEDING;** 

5. DISMISS OUTSTANDING CRIMINAL CHARGES, CRIMINAL PROSECUTIONS, OR PAROLE OR PROBATION VIOLATIONS;

6. **PROVIDE FINANCIAL ASSISTANCE; OR** 

7. PROVIDE ANY ASSISTANCE IN OBTAINING AN AMELIORATION OF CUSTODIAL CONDITIONS, STATUS, OR CONDITIONS OF INCARCERATION.

(3) (I) "IN-CUSTODY WITNESS" MEANS AN INDIVIDUAL, OTHER THAN AN ACCOMPLICE OR A CO-DEFENDANT, WHO:

1. IS INCARCERATED AT THE TIME THAT THE INDIVIDUAL OFFERS OR PROVIDES TESTIMONY AGAINST A SUSPECT OR DEFENDANT; AND

2. Receives, or has an expectation of receiving, a benefit in return for the testimony.

(II) "IN-CUSTODY WITNESS" DOES NOT INCLUDE A CONFIDENTIAL INFORMANT WHO DOES NOT PROVIDE TESTIMONY AGAINST A SUSPECT OR DEFENDANT.

(B) (1) IF A STATE'S ATTORNEY OBTAINS TESTIMONY FROM AN IN-CUSTODY WITNESS, THE STATE'S ATTORNEY SHALL RECORD <u>IN WRITING</u>:

(I) THE SUBSTANCE OF THE IN-CUSTODY WITNESS'S TESTIMONY, EVEN IF THE TESTIMONY IS NOT PRESENTED IN A COURT PROCEEDING;

(II) THE PURPOSE FOR WHICH THE STATE'S ATTORNEY USED THE TESTIMONY; AND

(III) WHETHER THE IN-CUSTODY WITNESS RECEIVED A BENEFIT AND, IF SO, WHAT THE BENEFIT IS OR WILL BE.

(2) A STATE'S ATTORNEY SHALL REPORT ANY INFORMATION RECORDED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.

(3) THE INFORMATION RECORDED AND REPORTED UNDER THIS SUBSECTION IS NOT SUBJECT TO DISCLOSURE UNDER THE MARYLAND PUBLIC INFORMATION ACT.

(C) (1) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL SECURELY STORE AND MAINTAIN THE INFORMATION REPORTED UNDER SUBSECTION (B)(2) OF THIS SECTION.

(2) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION MAY DISCLOSE THE INFORMATION STORED AND MAINTAINED UNDER PARAGRAPH (1) OF THIS SUBSECTION ONLY TO:

(I) <u>A STATE'S ATTORNEY, OR A STATE'S ATTORNEY'S</u> DESIGNEE;

(II) <u>THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S</u> <u>DESIGNEE; AND</u>

(III) THE STATE PROSECUTOR, OR THE STATE PROSECUTOR'S

DESIGNEE.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, WITHIN 30 DAYS AFTER THE EARLIER OF THE APPEARANCE OF COUNSEL OR THE FIRST APPEARANCE OF THE DEFENDANT BEFORE THE COURT, THE STATE'S ATTORNEY SHALL DISCLOSE TO THE DEFENDANT, OR AN ATTORNEY FOR THE DEFENDANT, ALL MATERIAL AND INFORMATION THAT MAY IMPEACH A STATE'S WITNESS WHETHER OR NOT ADMISSIBLE AS EVIDENCE REQUIRED FOR DISCLOSURE UNDER MARYLAND RULE 4–263, INCLUDING:

(I) ANY BENEFITS AN IN-CUSTODY WITNESS HAS RECEIVED, OR EXPECTS TO RECEIVE, IN EXCHANGE FOR PROVIDING TESTIMONY;

(II) THE SUBSTANCE, TIME, AND PLACE OF ANY STATEMENT:

1. ALLEGEDLY MADE BY A SUSPECT OR DEFENDANT TO THE IN-CUSTODY WITNESS; OR

2. MADE BY AN IN-CUSTODY WITNESS TO LAW ENFORCEMENT IMPLICATING THE SUSPECT OR DEFENDANT; AND

(III) OTHER CASES IN WHICH THE IN-CUSTODY WITNESS TESTIFIED, PROVIDED THAT THE TESTIMONY CAN BE ASCERTAINED THROUGH REASONABLE INQUIRY, AND WHETHER THE IN-CUSTODY WITNESS RECEIVED A BENEFIT IN EXCHANGE FOR PROVIDING THE TESTIMONY IN THOSE OTHER CASES.

(2) (I) THE COURT MAY GRANT THE STATE'S ATTORNEY AN EXTENSION UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE COURT FINDS THAT THE MATERIAL OR INFORMATION COULD NOT HAVE BEEN DISCOVERED OR OBTAINED BY THE STATE AFTER THE EXERCISE OF DUE DILIGENCE WITHIN THE PRESCRIBED PERIOD OF TIME.

(II) ON A FINDING OF GOOD CAUSE, THE COURT MAY:

1. SET A REASONABLE PERIOD OF TIME FOR DISCLOSURE; OR

2. CONTINUE THE TRIAL TO ALLOW FOR A REASONABLE PERIOD OF TIME FOR DISCLOSURE.

(D) (E) PRIOR TO ADMITTING TESTIMONY OF AN IN-CUSTODY WITNESS, THE COURT SHALL CONDUCT A HEARING, AT THE REQUEST OF THE DEFENDANT, TO ENSURE THAT THE STATE'S ATTORNEY HAS DISCLOSED ALL MATERIAL AND INFORMATION RELATED TO THE IN-CUSTODY WITNESS AS REQUIRED UNDER SUBSECTION (C) (D) OF THIS SECTION AND MARYLAND RULE 4–263.

(E) (F) IF AN IN-CUSTODY WITNESS RECEIVES A SENTENCE REDUCTION OR MODIFICATION, A FAVORABLE RELEASE STATUS, IMMUNITY IN A CRIMINAL PROCEEDING, DISMISSAL OR A CRIMINAL CHARGE, OR OTHER LENIENCY <u>OR</u> <u>INCENTIVE</u> IN EXCHANGE FOR TESTIMONY, THIS INFORMATION SHALL BE PROVIDED TO ANY VICTIM IN THE IN-CUSTODY WITNESS'S CASE.

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 criminal trial or hearing before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 282

(House Bill 637)

AN ACT concerning

# Courts - Discovery - In-Custody Witness Testimony

FOR the purpose of requiring a State's Attorney to record certain information if a State's Attorney obtains certain testimony from an in-custody witness and to report certain information to the Governor's Office of Crime Control and Prevention, Youth, and Victim Services; requiring the Governor's Office of Crime Prevention, Youth, and Victim Services to securely store and maintain certain information; providing that the Governor's Office of Crime Prevention, Youth, and Victim Services may disclose certain information only to certain persons; specifying that certain information is not subject to disclosure under the Maryland Public Information Act; requiring a State's Attorney to comply with certain discovery requirements; authorizing a court to grant a certain extension under certain circumstances; requiring a State's Attorney to disclose certain information to a certain victim; defining certain terms; providing for the application of this Act; and generally relating to in-custody witness testimony.

BY adding to

Article – Courts and Judicial Proceedings Section 10–924 Annotated Code of Maryland (2013 Replacement Volume and 2019 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

### 10-924.

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

(2) (I) "BENEFIT" MEANS ANY CONSIDERATION GIVEN TO AN IN-CUSTODY WITNESS, OR TO A THIRD PARTY AT THE REQUEST OF OR ON BEHALF

OF THE IN-CUSTODY WITNESS, IN RETURN FOR TESTIMONY FROM THE IN-CUSTODY WITNESS IN A CRIMINAL PROCEEDING AGAINST A SUSPECT OR DEFENDANT.

(II) "BENEFIT" INCLUDES AN OFFER BY A STATE'S ATTORNEY

TO:

1. RECOMMEND OR AGREE NOT TO OPPOSE A MORE FAVORABLE RELEASE STATUS;

2. RECOMMEND OR AGREE NOT TO OPPOSE A MOTION FOR MODIFICATION OR REDUCTION OF A SENTENCE;

3. PROVIDE INFORMATION TO THE DIVISION OF PAROLE AND PROBATION TO ASSIST THE IN-CUSTODY WITNESS OR A THIRD PARTY IN OBTAINING A FAVORABLE ACTION BY A PROBATION AGENT, A PAROLE OFFICER, OR THE PAROLE COMMISSION;

4. **PROVIDE IMMUNITY IN A CRIMINAL PROCEEDING;** 

5. DISMISS OUTSTANDING CRIMINAL CHARGES, CRIMINAL PROSECUTIONS, OR PAROLE OR PROBATION VIOLATIONS;

6. **PROVIDE FINANCIAL ASSISTANCE; OR** 

7. PROVIDE ANY ASSISTANCE IN OBTAINING AN AMELIORATION OF CUSTODIAL CONDITIONS, STATUS, OR CONDITIONS OF INCARCERATION.

(3) (I) "IN-CUSTODY WITNESS" MEANS AN INDIVIDUAL, OTHER THAN AN ACCOMPLICE OR A CO-DEFENDANT, WHO:

1. IS INCARCERATED AT THE TIME THAT THE INDIVIDUAL OFFERS OR PROVIDES TESTIMONY AGAINST A SUSPECT OR DEFENDANT; AND

2. RECEIVES, OR HAS AN EXPECTATION OF RECEIVING, A BENEFIT IN RETURN FOR THE TESTIMONY.

(II) "IN-CUSTODY WITNESS" DOES NOT INCLUDE A CONFIDENTIAL INFORMANT WHO DOES NOT PROVIDE TESTIMONY AGAINST A SUSPECT OR DEFENDANT.

(B) (1) IF A STATE'S ATTORNEY OBTAINS TESTIMONY FROM AN IN-CUSTODY WITNESS, THE STATE'S ATTORNEY SHALL RECORD <u>IN WRITING</u>:

(I) THE SUBSTANCE OF THE IN-CUSTODY WITNESS'S TESTIMONY, EVEN IF THE TESTIMONY IS NOT PRESENTED IN A COURT PROCEEDING;

(II) THE PURPOSE FOR WHICH THE STATE'S ATTORNEY USED THE TESTIMONY; AND

(III) WHETHER THE IN-CUSTODY WITNESS RECEIVED A BENEFIT AND, IF SO, WHAT THE BENEFIT IS OR WILL BE.

(2) A STATE'S ATTORNEY SHALL REPORT ANY INFORMATION RECORDED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION, YOUTH, AND VICTIM SERVICES.

(3) THE INFORMATION RECORDED AND REPORTED UNDER THIS SUBSECTION IS NOT SUBJECT TO DISCLOSURE UNDER THE MARYLAND PUBLIC INFORMATION ACT.

(C) (1) THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES SHALL SECURELY STORE AND MAINTAIN THE INFORMATION REPORTED UNDER SUBSECTION (B)(2) OF THIS SECTION.

(2) <u>THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND</u> <u>VICTIM SERVICES MAY DISCLOSE THE INFORMATION STORED AND MAINTAINED</u> <u>UNDER PARAGRAPH (1) OF THIS SUBSECTION ONLY TO:</u>

(I) <u>A STATE'S ATTORNEY, OR A STATE'S ATTORNEY'S</u> <u>DESIGNEE;</u>

(II) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S

DESIGNEE; AND

(III) THE STATE PROSECUTOR, OR THE STATE PROSECUTOR'S

**DESIGNEE.** 

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, WITHIN 30 DAYS AFTER THE EARLIER OF THE APPEARANCE OF COUNSEL OR THE FIRST APPEARANCE OF THE DEFENDANT BEFORE THE COURT, THE STATE'S ATTORNEY SHALL DISCLOSE TO THE DEFENDANT, OR AN ATTORNEY FOR THE DEFENDANT, ALL MATERIAL AND INFORMATION THAT MAY IMPEACH A STATE'S WITNESS WHETHER OR NOT ADMISSIBLE AS EVIDENCE REQUIRED FOR DISCLOSURE UNDER MARYLAND RULE 4–263, INCLUDING: (I) ANY BENEFITS AN IN-CUSTODY WITNESS HAS RECEIVED, OR EXPECTS TO RECEIVE, IN EXCHANGE FOR PROVIDING TESTIMONY;

(II) THE SUBSTANCE, TIME, AND PLACE OF ANY STATEMENT:

1. Allegedly made by a suspect or defendant to the in-custody witness; or

2. MADE BY AN IN-CUSTODY WITNESS TO LAW ENFORCEMENT IMPLICATING THE SUSPECT OR DEFENDANT; AND

(III) OTHER CASES IN WHICH THE IN-CUSTODY WITNESS TESTIFIED, PROVIDED THAT THE TESTIMONY CAN BE ASCERTAINED THROUGH REASONABLE INQUIRY, AND WHETHER THE IN-CUSTODY WITNESS RECEIVED A BENEFIT IN EXCHANGE FOR PROVIDING THE TESTIMONY IN THOSE OTHER CASES.

(2) (I) THE COURT MAY GRANT THE STATE'S ATTORNEY AN EXTENSION UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE COURT FINDS THAT THE MATERIAL OR INFORMATION COULD NOT HAVE BEEN DISCOVERED OR OBTAINED BY THE STATE AFTER THE EXERCISE OF DUE DILIGENCE WITHIN THE PRESCRIBED PERIOD OF TIME.

(II) ON A FINDING OF GOOD CAUSE, THE COURT MAY:

1. SET A REASONABLE PERIOD OF TIME FOR DISCLOSURE; OR

2. CONTINUE THE TRIAL TO ALLOW FOR A REASONABLE PERIOD OF TIME FOR DISCLOSURE.

(D) (E) PRIOR TO ADMITTING TESTIMONY OF AN IN-CUSTODY WITNESS, THE COURT SHALL CONDUCT A HEARING, AT THE REQUEST OF THE DEFENDANT, TO ENSURE THAT THE STATE'S ATTORNEY HAS DISCLOSED ALL MATERIAL AND INFORMATION RELATED TO THE IN-CUSTODY WITNESS AS REQUIRED UNDER SUBSECTION (C) (D) OF THIS SECTION AND MARYLAND RULE 4–263.

(E) (F) IF AN IN-CUSTODY WITNESS RECEIVES A SENTENCE REDUCTION OR MODIFICATION, A FAVORABLE RELEASE STATUS, IMMUNITY IN A CRIMINAL PROCEEDING, DISMISSAL OR A CRIMINAL CHARGE, OR OTHER LENIENCY <u>OR</u> <u>INCENTIVE</u> IN EXCHANGE FOR TESTIMONY, THIS INFORMATION SHALL BE PROVIDED TO ANY VICTIM IN THE IN-CUSTODY WITNESS'S CASE. 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 criminal trial or hearing before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 283

(House Bill 638)

AN ACT concerning

### Anne Arundel County – Alcoholic Beverages – License Application Subject to Creditor Claim

FOR the purpose of limiting the types of creditor claims for which the Board of License Commissioners for Anne Arundel County is required to adhere to certain guidelines before approving certain related license applications; authorizing the Board to approve an application for the transfer or issuance of a license that is subject to a certain claim by a creditor under certain circumstances; and generally relating to the transfer or issuance of a license subject to a creditor claim.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages Section 11–102 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Alcoholic Beverages Section 11–1702 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

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

### **Article – Alcoholic Beverages**

11 - 102.

This title applies only in Anne Arundel County.

11 - 1702.

(a) (1) Subject to subsection (b) of this section, the Board may not approve an application for the transfer of a license unless:

(i) all obligations of the transferor pertaining to the licensed establishment have been paid; or

(ii) an arrangement concerning debts and obligations satisfactory to the transferor's creditors has been made.

(2) Paragraph (1) of this subsection also applies to approval of an application for a new license if the Board believes that the application is being used to avoid provisions regarding the transfer of a license.

(b) (1) The Board is not bound by subsection (a) of this section unless:

[(1)] (I) a creditor submits a claim, under affidavit, to the Board before the hearing held on the transfer; and

[(2)] (II) the claim involves an indebtedness incurred [in the operation of] THROUGH THE PURCHASE OR SALE OF ALCOHOLIC BEVERAGES IN CONNECTION WITH the licensed premises.

(2) IF THE BOARD DETERMINES THAT A PROPERLY FILED CLAIM IS OUTSIDE THE EXPERTISE OF THE BOARD, THE BOARD MAY APPROVE AN APPLICATION FOR THE TRANSFER OF A LICENSE OR AN APPLICATION FOR A NEW LICENSE IF THERE IS:

(I) AN AMICABLE RESOLUTION OF THE CLAIM; OR

# (II) A JUDICIAL DETERMINATION ON THE CLAIM.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 284

(Senate Bill 143)

# Anne Arundel County – Alcoholic Beverages – License Application Subject to Creditor Claim

FOR the purpose of limiting the types of creditor claims for which the Board of License Commissioners for Anne Arundel County is required to adhere to certain guidelines before approving certain related license applications; authorizing the Board to approve an application for the transfer or issuance of a license that is subject to a certain claim by a creditor under certain circumstances; and generally relating to the transfer or issuance of a license subject to a creditor claim.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages Section 11–102 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Alcoholic Beverages Section 11–1702 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

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

# **Article – Alcoholic Beverages**

11 - 102.

This title applies only in Anne Arundel County.

11 - 1702.

(a) (1) Subject to subsection (b) of this section, the Board may not approve an application for the transfer of a license unless:

(i) all obligations of the transferor pertaining to the licensed establishment have been paid; or

(ii) an arrangement concerning debts and obligations satisfactory to the transferor's creditors has been made.

(2) Paragraph (1) of this subsection also applies to approval of an application for a new license if the Board believes that the application is being used to avoid provisions regarding the transfer of a license.

(b) (1) The Board is not bound by subsection (a) of this section unless:

[(1)] (I) a creditor submits a claim, under affidavit, to the Board before the hearing held on the transfer; and

[(2)] (II) the claim involves an indebtedness incurred [in the operation of] THROUGH THE PURCHASE OR SALE OF ALCOHOLIC BEVERAGES IN CONNECTION WITH the licensed premises.

(2) IF THE BOARD DETERMINES THAT A PROPERLY FILED CLAIM IS OUTSIDE THE EXPERTISE OF THE BOARD, THE BOARD MAY APPROVE AN APPLICATION FOR THE TRANSFER OF A LICENSE OR AN APPLICATION FOR A NEW LICENSE IF THERE IS:

(I) AN AMICABLE RESOLUTION OF THE CLAIM; OR

#### (II) A JUDICIAL DETERMINATION ON THE CLAIM.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 285

(Senate Bill 461)

AN ACT concerning

# **Carroll County – Public Facilities Bond**

FOR the purpose of authorizing and empowering the County Commissioners of Carroll County, from time to time, to borrow not more than \$38,250,000 in order to finance the construction, improvement, or development of certain public facilities in Carroll County, including water and sewer projects, to finance loans for fire or emergency-related equipment, buildings, and other facilities of volunteer fire departments in the County, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like paramount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; providing that such borrowing may be undertaken by the County in the form of installment purchase obligations executed and delivered by the County for the purpose of acquiring agricultural land and woodland preservation easements; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, County, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and generally relating to the issuance and sale of such bonds.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND. That, as used herein, the term "County" means the body politic and corporate of the State of Maryland known as the County Commissioners of Carroll County, and the term "construction, improvement, or development of public facilities" means the acquisition, alteration, construction, reconstruction, enlargement, equipping, expansion, extension, improvement, rehabilitation, renovation, upgrading, and repair of public buildings and facilities and public works projects, including, but not limited to, public works projects such as roads, bridges and storm drains, public school buildings and facilities, landfills, Carroll Community College buildings and facilities, public operational buildings and facilities such as buildings and facilities for County administrative use, public safety, health and social services, libraries, refuse disposal buildings and facilities, water and sewer infrastructure facilities, easements or similar or related rights in land that restrict the use of agricultural land or woodland to maintain the character of the land as agricultural land or woodland. and parks and recreation buildings and facilities, together with the costs of acquiring land or interests in land as well as any related architectural, financial, legal, planning, or engineering services.

SECTION 2. AND BE IT FURTHER ENACTED, That the County is hereby authorized to finance any part or all of the costs of the construction, improvements or development of public facilities described in Section 1 of this Act, to make loans to each and every volunteer fire department in the County upon such terms and conditions as may be determined by the County for the purpose of financing certain fire or emergency-related equipment, buildings, or other facilities of volunteer fire departments, and to borrow money and incur indebtedness for those purposes, at one time or from time to time, in an amount not exceeding, in the aggregate, \$38,250,000 and to evidence such borrowing by the issuance and sale upon its full faith and credit of general obligation bonds in like paramount, which may be issued at one time or from time to time, in one or more groups or series, as the County may determine.

SECTION 3. AND BE IT FURTHER ENACTED, That the bonds shall be issued in accordance with a resolution of the County, which shall describe generally the construction, improvement, or development of public facilities, including water and sewer projects, the fire or emergency-related equipment, buildings, or other facilities of volunteer fire departments in the County for which the proceeds of the bond sale are intended and the amount needed for those purposes. The County shall have and is hereby granted full and complete authority and discretion in the resolution to fix and determine with respect to the bonds of any issue: the designation, date of issue, denomination or denominations, form or

forms, and tenor of the bonds which, without limitation, may be issued in registered form within the meaning of § 19–204 of the Local Government Article, as amended; the rate or rates of interest payable thereon, or the method of determining the same, which may include a variable rate; the date or dates and amount or amounts of maturity, which need not be in equal par amounts or in consecutive annual installments, provided only that no bond of any issue shall mature later than 30 years from the date of its issue; the manner of selling the bonds, which may be at either public or private sale, for such price or prices as may be determined to be for the best interests of Carroll County; the manner of executing and sealing the bonds, which may be by facsimile; the terms and conditions of any loans made to volunteer fire departments; the terms and conditions, if any, under which bonds may be tendered for payment or purchase prior to their stated maturity; the terms or conditions, if any, under which bonds may or shall be redeemed prior to their stated maturity; the place or places of payment of the principal of and the interest on the bonds, which may be at any bank or trust company within or without the State of Maryland; covenants relating to compliance with applicable requirements of federal income tax law, including (without limitation) covenants regarding the payment of rebate or penalties in lieu of rebate; covenants relating to compliance with applicable requirements of federal or State securities laws; and generally all matters incident to the terms, conditions, issuance, sale, and delivery thereof.

The bonds may be made redeemable before maturity, at the option of the County, at such price or prices and under such terms and conditions as may be fixed by the County prior to the issuance of the bonds, either in the resolution or in subsequent resolutions. The bonds may be issued in registered form, and provision may be made for the registration of the principal only. In case any officer whose signature appears on any bond ceases to be such officer before the delivery thereof, such signature shall nevertheless be valid and sufficient for all purposes as if the officer had remained in office until such delivery. The bonds and the issuance and sale thereof shall be exempt from the provisions of §§ 19–205 and 19–206 of the Local Government Article, as amended.

The borrowing authorized by this Act may also be undertaken by the County in the form of installment purchase obligations executed and delivered by the County for the purpose of acquiring easements or similar or related rights in land that restrict the use of agricultural land or woodland to maintain the character of the land as agricultural or woodland. The form of installment purchase obligations, the manner of accomplishing the acquisition of easements, which may be the direct exchange of installment purchase obligations for easement, and all matters incident to the execution and delivery of the installment purchase obligations of this Act would be inapplicable to installment purchase obligations, the term "bonds" used in this Act shall include installment purchase obligations and matters pertaining to the bonds under this Act, such as the security for the payment of the bonds, the exemption of the bonds from State, County, municipal, or other taxation, and authorization to issue refunding bonds and the limitation on the aggregate principal amount of bonds authorized for issuance, shall be applicable to installment purchase obligations.

The County may enter into agreements with agents, banks, fiduciaries, insurers, or

others for the purpose of enhancing the marketability of any security for the bonds and for the purpose of securing any tender option that may be granted to holders of the bonds, all as may be determined and presented in the aforesaid resolution, which may (but need not) state as security for the performance by the County of any monetary obligations under such agreements the same security given by the County to bondholders for the performance by the County of its monetary obligations under the bonds.

If the County determines in the resolution to offer any of the bonds by solicitation of competitive bids at public sale, the resolution shall fix the terms and conditions of the public sale and shall adopt a form of notice of sale, which shall outline the terms and conditions, and a form of advertisement, which shall be published in one or more daily or weekly newspapers having a general circulation in the County and which may also be published in one or more journals having a circulation primarily among banks and investment bankers. At least one publication of the advertisement shall be made not less than 10 days before the sale of the bonds.

Upon delivery of any bonds to the purchaser or purchasers, payment therefor shall be made to the Comptroller of Carroll County or such other official of Carroll County as may be designated to receive such payment in a resolution passed by the County before such delivery.

SECTION 4. AND BE IT FURTHER ENACTED, That the net proceeds of the sale of bonds shall be used and applied exclusively and solely for the acquisition, construction, improvement, or development of public facilities, including water and sewer projects, to make loans to volunteer fire departments for the financing of fire or emergency-related equipment, buildings, or other facilities of volunteer fire departments in the County for which the bonds are sold. If the amounts borrowed shall prove inadequate to finance the projects described in the resolution, the County may issue additional bonds with the limitations hereof for the purpose of evidencing the borrowing of additional funds for such financing, provided the resolution authorizing the sale of additional bonds shall so recite, but if the net proceeds of the sale of any issue of bonds exceed the amount needed to finance the projects described in the resolution, the excess funds so borrowed and not expended shall be applied to the payment of the next principal maturity of the bonds or to the redemption of any part of the bonds which have been made redeemable or to the purchase and cancellation of bonds, unless the County shall adopt a resolution allocating the excess funds to the acquisition, construction, improvement, or development of other public facilities, including water and sewer projects, or to the making of loans for fire or emergency-related equipment, buildings, or other facilities of volunteer fire departments in the County, as defined and within the limits set forth in this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That the bonds hereby authorized shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest on the bonds as and when they become payable. In each and every fiscal year that any of the bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all the assessable property within the corporate limits of the County in rate and amount sufficient to provide for or assure the payment, when due, of the principal of and

interest on all the bonds maturing in each such fiscal year and, in the event the proceeds from the taxes so levied in any such fiscal year shall prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any such deficiency. The County may apply to the payment of the principal of and interest on any bonds issued hereunder any funds received by it as loan repayments from volunteer fire departments and any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality thereof, or from any other source, if such funds are granted for the purpose of assisting the County in financing the acquisition, construction, improvement, or development of the public facilities defined in this Act, including the water and sewer projects or the making of loans for the aforementioned fire or emergency–related equipment, buildings, or other facilities for volunteer fire departments in the County and, to the extent of any such funds received or receivable in any fiscal year, the taxes that are required to be levied may be reduced accordingly.

SECTION 6. AND BE IT FURTHER ENACTED. That the County is further authorized and empowered, at any time and from time to time, to issue its bonds in the manner herein above described for the purpose of refunding, by payment at maturity or upon purchase or redemption, any bonds issued hereunder. The validity of any such refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the obligations so refunded. The powers herein granted with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds. Such refunding bonds may be issued by the County for the purpose of providing it with funds to pay any of its outstanding bonds issued hereunder at maturity, for the purpose of providing it with funds to purchase in the open market any of its outstanding bonds issued hereunder, prior to the maturity thereof, or for the purpose of providing it with funds for the redemption prior to maturity of any outstanding bonds issued hereunder which are, by their terms, redeemable, for the purpose of providing it with funds to pay interest on any outstanding bonds issued hereunder prior to their payment at maturity of purchase or redemption in advance of maturity, or for the purpose of providing it with funds to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds issued hereunder. The proceeds of the sale of any such refunding bonds shall be segregated and set apart by the County as a separate trust fund to be used solely for the purpose of paying the purchase or redemption prices of the bonds to be refunded.

SECTION 7. AND BE IT FURTHER ENACTED, That the County may, prior to the preparation of definitive bonds, issue interim certificates or temporary bonds, exchangeable for definitive bonds when such bonds have been executed and are available for such delivery, provided, however, that any such interim certificates or temporary bonds shall be issued in all respects subject to the restrictions and requirements set forth in this Act. The County may, by appropriate resolution, provide for the replacement of any bonds issued hereunder which shall have become mutilated or lost or destroyed upon such conditions and after receiving such indemnity as the County may require.

SECTION 8. AND BE IT FURTHER ENACTED, That any and all obligations issued pursuant to the authority of this Act, their transfer, the interest payable thereon, and any income derived therefrom in the hands of the holders thereof from time to time (including any profit made in the sale thereof) shall be and are hereby declared to be at all times exempt from State, County, municipal, or other taxation of every kind and nature whatsoever within the State of Maryland. Nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes.

SECTION 9. AND BE IT FURTHER ENACTED, That the authority to borrow money and issue bonds conferred on the County by this Act shall be deemed to provide an additional and alternative authority for borrowing money and shall be regarded as supplemental and additional to powers conferred upon the County by other laws and shall not be regarded as in derogation of any power now existing; and all Acts of the General Assembly of Maryland heretofore passed authorizing the County to borrow money are hereby continued to the extent that the powers contained in such Acts have not been exercised, and nothing contained in this Act may be construed to impair, in any way, the validity of any bonds that may have been issued by the County under the authority of any said Acts, and the validity of the bonds is hereby ratified, confirmed, and approved. This Act, being necessary for the welfare of the inhabitants of Carroll County, shall be liberally construed to effect the purposes hereof. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 286

#### (House Bill 646)

AN ACT concerning

#### Vehicle Registration - Special Plates for Veterans - Fees

FOR the purpose of requiring the Motor Vehicle Administration to charge a certain additional fee on the issuance of special registration plates for recipients of an individually earned, combat-related armed forces medal; requiring that the additional fee under this Act be credited to the Maryland Veterans Trust Fund; making technical corrections; and generally relating to the fees charged for certain special registration plates for veterans.

BY repealing and reenacting, without amendments, Article – State Government Section 9–913(e) Annotated Code of Maryland (2014 Replacement Volume and 2019 Supplement) BY repealing and reenacting, with amendments, Article – State Government Section 9–913(g) Annotated Code of Maryland (2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Transportation Section 13–619.1 Annotated Code of Maryland (2012 Replacement Volume and 2019 Supplement)

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

#### Article - State Government

9-913.

families.

(e) (1) There is a Maryland Veterans Trust established for the purpose of providing monetary and other assistance to:

(i) veterans and their families; and

(ii) public and private programs that support veterans and their

(2) There is a Maryland Veterans Trust Fund.

(g) The Fund consists of:

(1) gifts and grants that the Trust receives under § 9-914.2(a)(1) of this subtitle; and

(2) contributions to the Fund from:

(i) the sale of tickets from instant ticket lottery machines under § 9-112(d) of this title; [and]

(ii) the donations from video lottery facility players under § 9-1A-04(d)(19) of this [article] TITLE; AND

(III) THE DESIGNATED FEES FROM SPECIAL REGISTRATION PLATES FOR RECIPIENTS OF AN INDIVIDUALLY EARNED, COMBAT-RELATED ARMED FORCES MEDAL UNDER § 13–619.1 OF THE TRANSPORTATION ARTICLE.

#### Article – Transportation

13-619.1.

(a) (1) The owner of a motor vehicle, or a lessee of the vehicle under a lease not intended as security, or a director, officer, employee, or partner of a business entity that owns the vehicle may apply to the Administration for the assignment of a special registration number and special registration plates under this section for a vehicle included in one of the following classes:

(i) A Class A (passenger) vehicle;

(ii) A Class E (truck) vehicle with a one ton or less manufacturer's rated capacity;

(iii) A Class M (multipurpose) vehicle; or

(iv) A Class D (motorcycle) vehicle.

(2) To be eligible for a special registration described under subsection (c)(2)(i) of this section, an applicant shall provide proof that is satisfactory to the Administration that the applicant is a recipient of an individually earned, combat-related[,] armed forces medal.

(3) To be eligible for a special registration described under subsection (c)(2)(ii) of this section, an applicant shall provide proof that is satisfactory to the Administration that the applicant is an honorably discharged veteran of a branch of the armed forces of the United States.

(4) To be eligible for a special registration described under subsection (c)(2)(iii) of this section, an applicant shall provide proof that is satisfactory to the Administration that the applicant is a recipient of the U.S. Department of Defense Gold Star for surviving spouses, parents, and next of kin of members of the armed forces who lost their lives in combat.

(b) (1) In addition to the annual registration fee otherwise required under this title, an owner of a vehicle assigned a special registration under this section shall pay a fee as determined by the Administration each time new registration plates are issued for the vehicle.

(2) The fee shall be calculated to [recover]:

(I) **RECOVER** the costs incurred by the Administration in carrying out the provisions of this section; AND

(II) RESULT IN A SURPLUS OF AT LEAST \$10 FOR EACH

#### ISSUANCE OF NEW REGISTRATION PLATES UNDER THIS SECTION.

[(2) The additional fee charged under this section shall be retained by the Administration for the purpose of recovering the Administration's costs under this section, and may not be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8–403 or § 8–404 of this article.]

(3) (I) THE PORTION OF THE ADDITIONAL FEE CHARGED UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION SHALL BE RETAINED BY THE ADMINISTRATION FOR THE PURPOSE OF RECOVERING THE ADMINISTRATION'S COSTS UNDER THIS SECTION.

(II) THE PORTION OF THE ADDITIONAL FEE CHARGED UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION:

1. MAY NOT BE RETAINED BY OR TRANSFERRED TO ANY AGENCY OF THE STATE FOR ANY PURPOSE; AND

2. SHALL BE CREDITED TO THE MARYLAND VETERANS TRUST FUND ESTABLISHED UNDER § 9–913 OF THE STATE GOVERNMENT ARTICLE.

(III) NO PORTION OF THE ADDITIONAL FEE CHARGED UNDER THIS SUBSECTION MAY BE CREDITED TO THE GASOLINE AND MOTOR VEHICLE REVENUE ACCOUNT FOR DISTRIBUTION UNDER § 8–403 OR § 8–404 OF THIS ARTICLE.

(c) Special registration plates issued under this section:

(1) May consist of any combination of letters, numerals, or both; and

(2) Shall include:

(i) For registration plates issued for an applicant described in subsection (a)(2) of this section:

1. An emblem or logo as authorized by the Administration that depicts the applicant's armed forces medal; and

2. Except on plates issued for Class D (motorcycle) vehicles, words describing the medal printed across the bottom of the plates;

(ii) Words or an emblem or logo indicating that the special registration plate holder is an honorably discharged veteran of a branch of the armed forces of the United States; or

(iii) An emblem or logo indicating that the registration plate holder is the recipient of the U.S. Department of Defense Gold Star.

(d) (1) The Administration, in consultation with the U.S. Department of Defense and appropriate representatives of the various branches of the armed forces, shall adopt regulations specifying those armed forces medals that are of the type described in subsection (a)(2) of this section and which, when awarded to an individual, qualify that individual to apply for special registration under this section.

(2) The Administration may adopt other regulations as necessary to govern the issuance of special registration numbers and special registration plates under this section.

(e) If, whether by act of the parties or by operation of law, the title or ownership interest in a vehicle assigned a special registration under this section is transferred from the joint names of a husband and wife to the individual name of either spouse, the transferee may continue to use the same special registration plates issued under this section on the vehicle after the transfer.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 287

# (Senate Bill 80)

AN ACT concerning

# Maryland Intrastate Emergency Management Assistance Compact

- FOR the purpose of renaming the Maryland Emergency Management Assistance Compact to be the Maryland Intrastate Emergency Management Assistance Compact; altering the purpose of the Compact; requiring a certain official to designate more than one authorized representative for a certain purpose; altering the information that must be provided by a certain written request; repealing the authority of a certain official to advise the Maryland Emergency Management Agency of certain requests and provide copies of certain requests; altering the circumstances under which certain provisions of law take effect and continue in effect; altering certain definitions; making stylistic changes; and generally relating to the Maryland Intrastate Emergency Management Assistance Compact.
- BY repealing and reenacting, with amendments, Article – Public Safety

Section 14–801 through 14–803 <u>to be under the amended subtitle "Subtitle 8.</u> <u>Maryland Intrastate Emergency Management Assistance Compact"</u> Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

# Article – Public Safety

# Subtitle 8. Maryland INTRASTATE Emergency Management Assistance Compact.

14-801.

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

(b) "Authorized representative" means an employee of a local jurisdiction authorized by the senior elected official of that jurisdiction to request, offer, or provide assistance under the terms of the [compact] COMPACT.

(c) "Compact" means the Maryland **INTRASTATE** Emergency Management Assistance Compact.

(d) (1) "Emergency responder" means an individual who is sent or directed by a party jurisdiction in response to a request for assistance by another party jurisdiction.

(2) "Emergency responder" includes a:

(i) career or volunteer firefighter [within this State] OF A FIRE, RESCUE, OR EMERGENCY MEDICAL SERVICES ENTITY;

(ii) career or volunteer emergency medical services provider, as defined in § 13–516 of the Education Article, within this State;

(iii) career or volunteer rescue squad member [within this State] OF A FIRE, RESCUE, OR EMERGENCY MEDICAL SERVICES ENTITY;

(iv) county **OR MUNICIPAL** employee who is performing an emergency support function described in § [14-803(2)(b)(5)(ii)] **14-803(2)(B)(5)(I)** of this subtitle; and

(v) law enforcement officer as defined in § 3–101 of this article.

(e) "Jurisdictions" means the 23 counties within Maryland, Baltimore City, the City of Annapolis, and Ocean City.

(F) "PARTY JURISDICTION" MEANS A JURISDICTION THAT ENACTS THE COMPACT IN A FORM SUBSTANTIALLY SIMILAR TO THE COMPACT SET FORTH IN THIS SUBTITLE.

[(f)] (G) "Senior elected official" means:

- (1) the mayor;
- (2) the county executive; or

(3) for a county that does not have a county executive, the president **OR CHAIRPERSON** of the board of county commissioners or county council or other chief executive officer of the county.

14-802.

The Maryland **INTRASTATE** Emergency Management Assistance Compact is entered into with all other jurisdictions that adopt the Compact in a form substantially similar to the Compact set forth in this subtitle.

14-803.

(a) (1) The purpose of this Compact is to provide for EMERGENCY MANAGEMENT mutual assistance between the jurisdictions entering into this Compact [in managing an emergency].

(2) This Compact also shall provide for mutual cooperation in [emergency-related] EMERGENCY MANAGEMENT-RELATED exercises, testing, or other training activities [using equipment or personnel simulating performance of any aspect of the giving and receiving of aid by party jurisdictions during emergencies].

(2) Article 2. Requests for Assistance.

(b) (1) The senior elected official of each jurisdiction shall designate [an] authorized [representative] **REPRESENTATIVES**. [The] **AN** authorized representative of a party jurisdiction may request assistance [of] **FROM** another party jurisdiction by contacting [the] **AN** authorized representative of that jurisdiction.

(2) The provisions of this Compact shall apply only to requests for assistance made by and to authorized representatives.

(3) Requests may be verbal or in writing.

<sup>(1)</sup> Article 1. Purpose.

(4) If verbal, the request shall be confirmed in writing at the earliest possible date, but no later than 10 calendar days following the verbal request.

(5) Written requests shall provide the following information:

(i) [A description of the emergency support function for which assistance is needed;

(ii) The emergency support function shall include, but not be limited to,] THE FUNCTIONAL AREAS FOR WHICH ASSISTANCE IS NEEDED, INCLUDING fire services, law enforcement, emergency medical services, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue;

[(iii) The amount and type of personnel, equipment, materials, and supplies needed and a reasonable estimate of the length of time they will be needed; and

(iv) The specific place and time for staging of the assisting party's response and a point of contact at that location.]

(II) THE MISSION, CAPABILITY, SIZE, AND AMOUNT OF THE REQUESTED AID; AND

(III) THE LOGISTICS, LOCATION, AND TIME FOR STAGING THE AID FROM A RESPONDING PARTY JURISDICTION.

(6) There shall be frequent consultations between the Maryland Emergency Management Agency and appropriate representatives of the party jurisdictions with [free] THE UNHINDERED exchange of information and plans generally relating to emergency [capabilities] MANAGEMENT.

(7) [A senior elected official or an] AN authorized representative OF THE REQUESTING PARTY JURISDICTION will advise the Maryland Emergency Management Agency of verbal requests and provide copies of written requests.

(3) Article 3. Limitations.

(c) (1) Any jurisdiction which is a party to this Compact and which receives a request for assistance shall take such actions as are necessary to provide requested resources.

(2) Any **PARTY** jurisdiction may withhold resources to the extent necessary to provide reasonable protection to its own jurisdiction.

(3) Each party jurisdiction shall afford to the emergency responders of any party jurisdiction operating within the requesting jurisdiction under the terms and conditions of this Compact, the same powers, duties, rights, and privileges as are afforded those of the jurisdiction in which they are performing emergency services.

(4) Emergency responders will continue under the command and control of their regular leaders, but the organizational units will come under the operational control of the emergency services authorities of the requesting jurisdiction.

(5) Emergency responders shall have the same powers, duties, rights, and privileges as personnel of the requesting jurisdiction correspondent to performing the same function.

(6) [(i)] The provisions of this article shall only [take effect]:

[1. Subsequent to a local declaration of a state of emergency by the requesting jurisdiction; or

mutual aid.

- 2. Upon commencement of exercises, testing, or training for
- (ii) The provisions of this article shall continue as long as:
- 1. The exercises, testing, or training for the mutual aid are

in progress;

2. The state of emergency or the disaster remains in effect;

or

3. Loaned resources remain in the requesting jurisdiction.]

(I) TAKE EFFECT WHEN RESOURCES LOANED UNDER THE TERMS AND CONDITIONS OF THIS COMPACT BY THE RESPONDING PARTY JURISDICTION ARRIVE IN THE REQUESTING PARTY JURISDICTION; AND

(II) CONTINUE IN EFFECT AS LONG AS RESOURCES LOANED UNDER THE TERMS AND CONDITIONS OF THIS COMPACT BY THE RESPONDING PARTY JURISDICTION REMAIN IN THE REQUESTING PARTY JURISDICTION.

(4) Article 4. Liability.

(d) (1) Officers or emergency responders of a party jurisdiction rendering aid in another jurisdiction pursuant to this Compact shall be considered agents of the requesting **PARTY** jurisdiction for tort liability and immunity purposes.

(2) No party jurisdiction or its officers or emergency responders rendering aid in another **PARTY** jurisdiction pursuant to this Compact shall be liable on account of any act or omission in good faith on the part of responding personnel while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith.

(3) Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.

- (5) Article 5. Supplementary Agreements.
  - (e) (1) Nothing in this Compact shall:

(i) Preclude any jurisdiction from entering into supplementary agreements with another jurisdiction; or

- (ii) Affect any other agreements between jurisdictions.
- (2) Supplementary agreements may include, but are not limited to:
- (i) Provisions for evacuation and reception of injured and other persons; and

(ii) The exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation, and communications personnel, equipment, and supplies.

(6) Article 6. Reimbursement.

(f) (1) Each party jurisdiction shall provide for the payment of workers' compensation and death benefits to injured members of the emergency responders of its own jurisdiction.

(2) The requesting **PARTY** jurisdiction will reimburse the responding **PARTY** jurisdiction for all reasonable and necessary expenses incurred by the responding **PARTY** jurisdiction provided that any responding jurisdiction may:

(i) Assume in whole or in part such loss, damage, expense, or

(ii) Loan equipment or donate services to the requesting **PARTY** jurisdiction without charge or cost; and

(iii) Agree to any allocation of expenses between the responding and requesting [jurisdiction] **PARTY JURISDICTIONS**.

other cost;

(3) Any two or more **PARTY** jurisdictions may enter into supplemental agreements establishing a different allocation of costs among those **PARTY** jurisdictions.

(4) Records of expenses incurred in sufficient detail to satisfy auditing requirements shall be submitted **TO THE REQUESTING PARTY JURISDICTION** by the responding **PARTY** jurisdiction as soon as possible following the termination of the assistance provided.

(7) Article 7. Implementation.

(g) (1) Party jurisdictions are encouraged to consult frequently with each other and with the Maryland Emergency Management Agency and to exchange information and plans relating to emergency management.

(2) (I) This Compact shall become effective immediately upon its enactment into law by [local] ANY TWO jurisdictions IN A FORM SUBSTANTIALLY SIMILAR TO THE COMPACT SET FORTH IN THIS SUBTITLE.

(II) THEREAFTER, THIS COMPACT SHALL BECOME EFFECTIVE AS TO ANY OTHER JURISDICTION UPON ITS ENACTMENT BY THAT JURISDICTION.

(3) Any party jurisdiction may withdraw from this Compact by enacting a repeal of the same but no such withdrawal shall take effect until 30 days after the senior elected official of the withdrawing jurisdiction has given notice in writing of such withdrawal to the senior elected officials of all party jurisdictions.

(4) Withdrawal from the Compact shall not relieve the withdrawing jurisdiction from obligations assumed under Article 4 or Article 6 of this Compact prior to the effective date of withdrawal.

(5) Authenticated copies of this Compact and of such supplementary agreements as may be entered into shall at the time of their approval be retained by each party jurisdiction and with the Maryland Emergency Management Agency.

(8) Article 8. Validity.

(h) (1) This Compact shall be construed to effect uate the purposes stated in Article 1 hereof.

(2) If any part or provision of this Compact or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Compact which can be given effect without the invalid provision or application, and for this purpose the provisions of this Compact are declared severable. SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

# Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 288

# (House Bill 648)

AN ACT concerning

# Maryland Emergency Management Agency – Definitions and Authority

FOR the purpose of altering the authority and responsibilities of the Maryland Emergency Management Agency (MEMA); altering a certain explanation of purpose for certain provisions of law; stating the policy of the State with regard to certain emergency management activities and operations; requiring MEMA to prepare for certain emergency management activities and operations; providing for the circumstances under which MEMA may assume authority for responding to an emergency; defining certain terms; altering certain defined terms; altering the applicability of certain definitions; making conforming changes; and generally relating to the Maryland Emergency Management Agency.

BY repealing and reenacting, with amendments, Article – Public Safety Section 14–101 through 14–103 and 14–801 Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

BY adding to

Article – Public Safety Section 14–101.1 Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

# Article – Public Safety

14–101.

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

- (b) "Director" means the Director of MEMA.
- (c) "Emergency" means the **IMMINENT** threat or occurrence of [:

(1) a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, landslide, mudslide, snowstorm, drought, fire, explosion, and any other disaster in any part of the State that requires State assistance to supplement local efforts in order to save lives and protect public health and safety; or

(2) an enemy attack, act of terrorism, or public health catastrophe] SEVERE OR WIDESPREAD LOSS OF LIFE, INJURY, OR OTHER HEALTH IMPACTS, PROPERTY DAMAGE OR DESTRUCTION, SOCIAL OR ECONOMIC DISRUPTION, OR ENVIRONMENTAL DEGRADATION FROM NATURAL, TECHNOLOGICAL, OR HUMAN-MADE CAUSES.

(d) (1) "Emergency management" means the [preparation for and carrying out of functions in an emergency in order to save lives and to minimize and repair injury and damage that result from emergencies beyond the capabilities of local authorities] PLANNING, IMPLEMENTING, AND CONDUCTING OF RISK REDUCTION AND CONSEQUENCE MANAGEMENT ACTIVITIES ACROSS THE MISSION AREAS OF PREVENTION, PROTECTION, MITIGATION, RESPONSE, AND RECOVERY TO ENHANCE PREPAREDNESS, SAVE LIVES, PRESERVE PUBLIC HEALTH AND SAFETY, PROTECT PUBLIC AND PRIVATE PROPERTY, AND MINIMIZE OR REPAIR INJURY AND DAMAGE THAT RESULTS OR MAY RESULT FROM EMERGENCIES.

(2) "Emergency management" does not include the preparation for and carrying out of functions in an emergency for which military forces are primarily responsible.

(e) ["Local organization for emergency management" means an organization established by a political subdivision or other local authority under § 14–109 of this subtitle.

- (f) "MEMA" means the Maryland Emergency Management Agency.
- (g)] "Political subdivision" means a county or municipal corporation of the State.

# (F) "SENIOR ELECTED OFFICIAL" MEANS:

- (1) THE MAYOR;
- (2) THE COUNTY EXECUTIVE;  $\Theta R$

# (3) FOR A COUNTY THAT DOES NOT HAVE A COUNTY EXECUTIVE, THE PRESIDENT OF THE BOARD OF COUNTY COMMISSIONERS OR COUNTY COUNCIL OR OTHER CHIEF EXECUTIVE OFFICER OF THE COUNTY <u>; OR</u>

#### (4) FOR A MUNICIPAL CORPORATION THAT DOES NOT HAVE A MAYOR, THE BURGESS, CHAIRPERSON, OR PRESIDENT OF THE MUNICIPAL GOVERNING BODY OR OTHER CHIEF EXECUTIVE OFFICER OF THE MUNICIPAL CORPORATION.

14-101.1.

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

(B) "LOCAL ORGANIZATION FOR EMERGENCY MANAGEMENT" MEANS AN ORGANIZATION ESTABLISHED BY A POLITICAL SUBDIVISION OR OTHER LOCAL AUTHORITY UNDER § 14–109 OF THIS SUBTITLE.

(C) "MEMA" MEANS THE MARYLAND EMERGENCY MANAGEMENT AGENCY.

14-102.

(a) To ensure that the State will be adequately prepared to deal with emergencies [that are beyond the capabilities of local authorities, to provide for the common defense], to protect the public peace, health, and safety IN THE STATE, [and] to preserve the lives and property of the people of the State, AND TO ENSURE THE SOCIAL AND ECONOMIC RESILIENCE OF THE STATE, it is necessary to:

(1) establish a Maryland Emergency Management Agency;

(2) authorize the establishment of local organizations for emergency management in the political subdivisions;

(3) confer on the Governor and on the [executive heads] SENIOR ELECTED OFFICIALS or governing bodies of the political subdivisions the emergency powers provided in this subtitle; [and]

(4) provide for the rendering of mutual aid among the political subdivisions and with other states in carrying out emergency management functions; **AND** 

(5) AUTHORIZE A COMPREHENSIVE EMERGENCY MANAGEMENT SYSTEM THAT EMPOWERS ALL STATE DEPARTMENTS AND AGENCIES TO SYSTEMATICALLY PREPARE FOR, MITIGATE, RESPOND TO, AND RECOVER FROM POTENTIAL OR ACTUAL EMERGENCIES THROUGH RISK REDUCTION AND CONSEQUENCE MANAGEMENT.

(b) It is the policy of the State and the purpose of this subtitle to coordinate, to the maximum extent possible, all emergency management functions of the State with the

comparable functions of the federal government, other states, **POLITICAL SUBDIVISIONS**, other localities, and private agencies, so that the most effective preparation and use may be made of the resources and facilities available for dealing with any **POTENTIAL OR ACTUAL** emergency.

(C) (1) IT IS THE POLICY OF THE STATE THAT THE INITIAL GOVERNMENTAL AUTHORITY AND RESPONSIBILITY FOR EMERGENCY MANAGEMENT ACTIVITIES AND OPERATIONS BE PLACED AT THE LOCAL LEVEL.

(2) THE STATE SHALL PREPARE FOR EMERGENCY MANAGEMENT ACTIVITIES AND OPERATIONS<del>, BUT MAY NOT ASSUME</del> <u>AND COORDINATE ACTIVITY IN</u> <u>SUPPORT OF THE RESPONSE, BUT MAY NOT PREEMPT LOCAL</u> AUTHORITY FOR RESPONDING TO AN EMERGENCY UNLESS:

(I) <u>1.</u> THE EMERGENCY INVOLVES MORE THAN ONE POLITICAL SUBDIVISION;  $\Theta R$  AND

2. <u>ONE OR MORE OF THE POLITICAL SUBDIVISIONS</u> INVOLVED MAKES A REQUEST FOR STATE-LEVEL AUTHORITY TO COORDINATE OR INTERVENE;

(II) THE POLITICAL SUBDIVISION <u>OR SUBDIVISIONS</u> IN WHICH THE EMERGENCY OCCURS: <u>ISSUES A REQUEST FROM THE SENIOR ELECTED</u> OFFICIAL FOR THE STATE TO ASSUME AUTHORITY FOR THE EMERGENCY;

1.IS NOT CAPABLE OF APPROPRIATELY RESPONDING TOTHE EMERGENCY; OR

2. FAILS TO ACT IN RESPONSE TO THE EMERGENCY.

# (III) EVIDENCE EXISTS THAT THE POLITICAL SUBDIVISION IS OVERWHELMED BY THE EMERGENCY; OR

# (IV) THE GOVERNOR OR THE GOVERNOR'S DESIGNEE DETERMINES THAT ADDITIONAL RESOURCES ARE NECESSARY TO PROTECT THE PUBLIC INTEREST.

14–103.

(a) There is a Maryland Emergency Management Agency in the Military Department.

(b) MEMA is a unit of State government.

(C) MEMA HAS PRIMARY RESPONSIBILITY AND AUTHORITY FOR DEVELOPING EMERGENCY MANAGEMENT POLICIES AND IS RESPONSIBLE FOR COORDINATING DISASTER RISK REDUCTION, CONSEQUENCE MANAGEMENT, AND DISASTER RECOVERY ACTIVITIES.

**(D) MEMA MAY ACT TO:** 

(1) REDUCE THE DISASTER RISK AND VULNERABILITY OF PERSONS AND PROPERTY LOCATED IN THE STATE;

(2) DEVELOP AND COORDINATE EMERGENCY PLANNING AND PREPAREDNESS; AND

(3) COORDINATE EMERGENCY MANAGEMENT ACTIVITIES AND OPERATIONS:

(I) RELATING TO AN EMERGENCY THAT INVOLVES TWO OR MORE STATE AGENCIES;

(II) BETWEEN STATE AGENCIES AND POLITICAL SUBDIVISIONS;

(III) WITH LOCAL GOVERNMENTS;

(IV) WITH AGENCIES OF THE FEDERAL GOVERNMENT AND OTHER STATES; AND

(V) WITH PRIVATE AND NONPROFIT ENTITIES.

14 - 801.

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

(b) "Authorized representative" means an employee of a local jurisdiction authorized by the senior elected official of that jurisdiction to request, offer, or provide assistance under the terms of the compact.

(c) "Compact" means the Maryland Emergency Management Assistance Compact.

(d) (1) "Emergency responder" means an individual who is sent or directed by a party jurisdiction in response to a request for assistance by another party jurisdiction.

(2) "Emergency responder" includes a:

(i) career or volunteer firefighter within this State;

(ii) career or volunteer emergency medical services provider, as defined in 13–516 of the Education Article, within this State;

(iii) career or volunteer rescue squad member within this State;

(iv) county employee who is performing an emergency support function described in § 14-803(2)(b)(5)(ii) of this subtitle; and

(v) law enforcement officer as defined in § 3–101 of this article.

(e) "Jurisdictions" means the 23 counties within Maryland, Baltimore City, the City of Annapolis, and Ocean City.

[(f) "Senior elected official" means:

- (1) the mayor;
- (2) the county executive; or

(3) for a county that does not have a county executive, the president of the board of county commissioners or county council or other chief executive officer of the county.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 289

(House Bill 662)

AN ACT concerning

# Department of General Services – Energy Consumption Goals and Energy Performance Contracts

FOR the purpose of repealing a requirement that the Department of General Services cooperate with the Maryland Energy Administration when projecting certain costs and performing a certain analysis during a certain phase of the renovation or construction of certain buildings; repealing a requirement that the Department cooperate with the Administration in setting standards for certain energy performance indices; requiring the Department, in cooperation with the Administration, to assist State agencies in reducing by a certain date the average

energy consumption of State buildings by a certain percentage; repealing a requirement that State agencies conduct a certain analysis of gas and electricity consumption and cost of certain buildings; repealing a requirement that State agencies update and file certain energy conservation plans; requiring the Department each year to conduct an energy efficiency analysis of State buildings and conduct an energy audit of at least a certain square footage of the least energy-efficient State buildings; specifying the contents of a certain energy audit; requiring the Department to provide a copy of the energy audit to certain persons; requiring certain units to implement certain measures identified in a certain energy audit to a certain extent; requiring the Department, for a certain time following the implementation of certain measures, to monitor a certain unit's energy usage, track certain changes resulting from the measures, and calculate certain savings; requiring the Department to establish and maintain a certain Comprehensive Utility Records Management Database for a certain purpose; requiring certain units to make certain data available to the Department each month; requiring each unit to implement projects and initiatives to conserve energy and reduce energy consumption; requiring certain State agencies to collaborate on designing and implementing certain energy savings initiatives; requiring certain requests for proposals, beginning on a certain date, to include provisions promoting the State's energy efficiency goals; requiring the Department, with the advice and assistance of the Administration, to report to the Governor each year regarding the State's progress toward meeting a certain energy consumption goal; requiring a unit to consult with the Department during the development phase of a certain project; requiring a unit that is pursuing an energy performance contract to receive final approval from the Department before submitting the proposed contract to the Board of Public Works for approval; requiring a unit that has entered into an energy performance contract to submit certain required reports to the Department each year; defining a certain term; and generally relating to energy performance contracts and State energy efficiency goals.

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement Section 4–803, 4–806, 12–301(a), and 12–302 Annotated Code of Maryland (2015 Replacement Volume and 2019 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**

4 - 803.

(a) To save both cost and energy, the Department[, in cooperation with the Maryland Energy Administration,] shall project life-cycle costs and perform an energy consumption analysis during the preliminary design phase of the construction or renovation of any building.

(b) Each construction appropriation shall require a State agency, including a district school board, to obtain a projection of life–cycle costs and an energy consumption analysis from the Department.

4-806.

(a) So that it can audit and evaluate competing design proposals, the Department[, in cooperation with the Maryland Energy Administration,] shall set standards for energy performance indices.

(b) As experience develops on the energy performance achieved in State buildings, the energy performance indices will serve as a measure of building performance with respect to energy consumption.

(c) The Department, in cooperation with the Maryland Energy Administration, shall [set energy performance standards that require the average energy consumption in State buildings be reduced from the level in 2005 as follows:

(1) 5% by 2009; and

# (2) 10% by 2010] ASSIST STATE AGENCIES IN REDUCING, BY 2029, THE AVERAGE ENERGY CONSUMPTION IN STATE BUILDINGS BY 10% FROM THE LEVEL IN FISCAL YEAR 2018.

[(d) (1) (i) Except as provided in subsection (f) of this section, by December 31, 2007, each State agency shall conduct an analysis on each of the buildings under its jurisdiction of its gas and electric consumption and the cost of this consumption under the direction of the Maryland Energy Administration and in coordination with the Department of General Services.

(ii) The analysis required in subparagraph (i) of this paragraph shall include an examination of methods to achieve energy and costs savings, including:

1. the installation of more efficient lighting systems, including relamping;

2. the installation of more efficient heating and cooling

systems;

- 3. the installation of water conservation devices;
- 4. weatherization; and

5. modification of lighting, heating, and cooling practices such as turning off lights when not in use and better thermostatic controls.

(2) (i) By July 1, 2008, each State agency shall upgrade its energy conservation plan developed in consultation with the Maryland Energy Administration and the Department of General Services to achieve the energy performance standards set under subsection (c) of this section.

(ii) The plan required under subparagraph (i) of this paragraph shall include provisions for the training of State personnel, including management and maintenance personnel, in conservation practices that reduce the consumption of energy and assist the agency in achieving the standards set under subsection (c) of this section.

(iii) In the development and implementation of the provisions of subparagraph (ii) of this paragraph, each agency shall consider alternative financing opportunities in shared savings and performance contracting as administered by the Maryland Energy Administration and include an analysis of the payback and cost advantage to the State of shared savings and performance contracting.

(e) (1) All plans developed in accordance with subsection (d) of this section shall be filed with the Maryland Energy Administration.

(2) The Maryland Energy Administration, in coordination with the Department of General Services, shall review and analyze these plans and submit to the Governor the plans and proposals to implement the plans.

(f) (1) Except as provided in paragraph (2) of this subsection, this section does not apply to a building under the jurisdiction of the Department of Transportation.

(2) The Department of Transportation shall comply with the requirements of this section for any office building under its jurisdiction, if the building contains:

(i) the Department's headquarters; or

(ii) the administrative offices of a Modal Administration in the Department of Transportation.]

# (D) EACH YEAR, THE DEPARTMENT SHALL:

# (1) ANALYZE ALL STATE–OWNED BUILDINGS TO IDENTIFY WHICH BUILDINGS ARE THE LEAST ENERGY–EFFICIENT; AND

(2) CONDUCT AN ENERGY AUDIT OF AT LEAST 2,000,000 SQUARE FEET OF THE LEAST ENERGY-EFFICIENT STATE-OWNED BUILDINGS.

(E) THE ENERGY AUDIT SHALL IDENTIFY LOW-COST MEASURES FOR INCREASING ENERGY EFFICIENCY THAT, OVER THE FOLLOWING 5 YEARS, WILL

RESULT IN ENERGY COST SAVINGS THAT MEET OR EXCEED THE COSTS OF THE MEASURES.

(F) THE DEPARTMENT SHALL PROVIDE A COPY OF THE ENERGY AUDIT TO THE HEAD OF EACH UNIT OF STATE GOVERNMENT THAT OCCUPIES THE SPACES AUDITED.

(G) EACH UNIT OF STATE GOVERNMENT THAT OCCUPIES THE SPACE AUDITED SHALL IMPLEMENT THE MEASURES IDENTIFIED IN THE ENERGY AUDIT TO THE FULLEST EXTENT PRACTICABLE.

(H) FOR 1 YEAR FOLLOWING THE IMPLEMENTATION OF THE MEASURES IDENTIFIED IN THE ENERGY AUDIT, THE DEPARTMENT SHALL:

- (1) MONITOR THE UNIT'S ENERGY USE;
- (2) TRACK ANY CHANGES RESULTING FROM THE MEASURES; AND
- (3) CALCULATE ANY SAVINGS ON ENERGY COSTS.

(I) (1) IN THIS SUBSECTION, "DATABASE" MEANS THE COMPREHENSIVE UTILITY RECORDS MANAGEMENT DATABASE.

(2) THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN THE COMPREHENSIVE UTILITY RECORDS MANAGEMENT DATABASE FOR THE PURPOSE OF TRACKING THE CHANGES IN ENERGY CONSUMPTION RESULTING FROM THE IMPLEMENTATION OF THE MEASURES IDENTIFIED IN THE ENERGY AUDIT.

(3) THE DEPARTMENT SHALL COLLECT THE DATA AND INFORMATION NECESSARY TO FULLY POPULATE, UPDATE, AND MAINTAIN THE DATABASE.

(4) EACH MONTH, EACH UNIT OF STATE GOVERNMENT SHALL MAKE AVAILABLE TO THE DEPARTMENT ALL AVAILABLE DATA ABOUT ITS FACILITIES AND COPIES OF THE UNIT'S UTILITY BILLS.

(J) EACH UNIT OF STATE GOVERNMENT SHALL, IN SUPPORT OF THE UNIT'S CORE MISSIONS, IMPLEMENT PROJECTS AND INITIATIVES TO CONSERVE ENERGY AND REDUCE ENERGY CONSUMPTION.

(K) THE DEPARTMENT, THE MARYLAND ENERGY ADMINISTRATION, THE DEPARTMENT OF BUDGET AND MANAGEMENT, AND THE DEPARTMENT OF INFORMATION TECHNOLOGY SHALL COLLABORATE ON DESIGNING AND IMPLEMENTING OTHER COST-EFFECTIVE AND ENERGY-EFFICIENT SAVINGS INITIATIVES.

(L) BEGINNING JULY 1, 2020, PROVISIONS PROMOTING THE STATE'S ENERGY EFFICIENCY GOALS SHALL BE INCLUDED IN REQUESTS FOR PROPOSALS THAT:

(1) ARE FOR THE LEASING OF SPACE TO THE STATE; AND

(2) WOULD OBLIGATE THE STATE TO PAY THE UTILITY BILLS FOR THE LEASED SPACE.

(M) EACH FISCAL YEAR, WITH THE ADVICE AND ASSISTANCE OF THE MARYLAND ENERGY ADMINISTRATION, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR ON THE STATE'S PROGRESS TOWARD ACHIEVING THE GOAL OF REDUCING ENERGY CONSUMPTION IN STATE BUILDINGS BY 10%.

12 - 301.

(a) (1) **(I) A** UNIT SHALL CONSULT WITH THE DEPARTMENT OF GENERAL SERVICES DURING THE DEVELOPMENT PHASE OF A PROJECT THAT WILL REQUIRE AN ENERGY PERFORMANCE CONTRACT.

(II) Before issuing a request for proposals for an energy performance contract, a unit shall consult with the Department of General Services and the Chief Procurement Officer.

(2) The Department of General Services shall review the proposed request to ensure that it meets with the State energy [standards,] STANDARDS AND preserves the State's flexibility to investigate and use economically justifiable new technologies[, and is in conformance with the unit's energy conservation plan that has been developed in accordance with § 4–806 of this article].

# (3) A UNIT PURSUING AN ENERGY CONTRACT MUST RECEIVE FINAL APPROVAL FROM THE DEPARTMENT OF GENERAL SERVICES BEFORE SUBMITTING THE PROPOSED CONTRACT TO THE BOARD OF PUBLIC WORKS FOR APPROVAL.

12-302.

(A) The Department of General Services shall be responsible for monitoring the status of active energy performance contracts and reporting that status to the Board annually.

# (B) A UNIT THAT HAS ENTERED INTO AN ENERGY PERFORMANCE CONTRACT SHALL SUBMIT TO THE DEPARTMENT OF GENERAL SERVICES FOR REVIEW ANY

#### REQUIRED ANNUAL MEASUREMENT AND VERIFICATION REPORTS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

#### Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 290

#### (House Bill 663)

AN ACT concerning

#### Prescription Drug Monitoring Program – Out–of–State Pharmacists and Discipline for Noncompliance

FOR the purpose of altering the definition of the term "pharmacist" in provisions of law regarding the Prescription Drug Monitoring Program to include pharmacists licensed in other states to dispense monitored prescription drugs; altering the grounds for which a certain health occupations board and certain disciplinary panels are authorized to take disciplinary action against certain licensed dentists or applicants for a license to practice dentistry, certain licensed physician assistants, and certain licensed physicians for failing to comply with the requirements of the Program; and generally relating to the Prescription Drug Monitoring Program.

BY repealing and reenacting, without amendments, Article – Health – General

Section 21–2A–01(a) Annotated Code of Maryland (2019 Replacement Volume)

BY repealing and reenacting, with amendments, Article – Health – General Section 21–2A–01(i) Annotated Code of Maryland (2019 Replacement Volume)

BY repealing and reenacting, with amendments, Article – Health Occupations Section 4–315(a)(34) and (35), 14–404(a)(44) and (45), and 15–314(a)(42) and (43) Annotated Code of Maryland (2014 Replacement Volume and 2019 Supplement)

#### BY adding to Article – Health Occupations

Section 4–315(a)(36), 14–404(a)(46), and 15–314(a)(44) Annotated Code of Maryland (2014 Replacement Volume and 2019 Supplement)

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

# Article – Health – General

21-2A-01.

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

(i) "Pharmacist" means an individual who is licensed under Title 12 of the Health Occupations Article, **OR BY ANOTHER STATE**, to dispense a monitored prescription drug.

#### **Article – Health – Occupations**

4 - 315.

(a) Subject to the hearing provisions of § 4–318 of this subtitle, the Board may deny a general license to practice dentistry, a limited license to practice dentistry, or a teacher's license to practice dentistry to any applicant, reprimand any licensed dentist, place any licensed dentist on probation, or suspend or revoke the license of any licensed dentist, if the applicant or licensee:

(34) Willfully and without legal justification, fails to cooperate with a lawful investigation conducted by the Board; [or]

(35) Fails to comply with § 1–223 of this article; OR

# (36) FAILS TO COMPLY WITH THE REQUIREMENTS OF THE PRESCRIPTION DRUG MONITORING PROGRAM IN TITLE 21, SUBTITLE 2A OF THE HEALTH – GENERAL ARTICLE.

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:

(44) Fails to meet the qualifications for licensure under Subtitle 3 of this title; [or]

(45) Fails to comply with § 1-223 of this article; OR

(46) FAILS TO COMPLY WITH THE REQUIREMENTS OF THE PRESCRIPTION DRUG MONITORING PROGRAM IN TITLE 21, SUBTITLE 2A OF THE HEALTH – GENERAL ARTICLE.

15 - 314.

Subject to the hearing provisions of § 15–315 of this subtitle, a disciplinary (a) panel, on the affirmative vote of a majority of the quorum, may reprimand any physician assistant, place any physician assistant on probation, or suspend or revoke a license if the physician assistant:

(42)Performs delegated medical acts without the supervision of a physician;

or

(43)Fails to submit to a criminal history records check under § 14–308.1 of this article; OR

(44) FAILS TO COMPLY WITH THE REQUIREMENTS OF THE PRESCRIPTION DRUG MONITORING PROGRAM IN TITLE 21, SUBTITLE 2A OF THE HEALTH – GENERAL ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 291

(House Bill 667)

AN ACT concerning

# **Child Support – Annual Collection Fee**

FOR the purpose of conforming the maximum amount of a certain annual fee for the collection of child support by the Child Support Administration to the amount authorized under a certain federal law; and generally relating to child support collection fees.

BY repealing and reenacting, with amendments, Article – Family Law Section 10–110 Annotated Code of Maryland

(2019 Replacement Volume)

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

# Article – Family Law

10-110.

(a) The Administration may:

(i)

(1) charge an initial application fee of not more than \$ 25 for support services;

(2) deduct from the child support payment to defray the cost of providing support enforcement services under:

and

the Income Tax Refund Intercept Program under this subtitle;

(ii) the Federal Treasury Offset Program;

(3) collect fees from the obligor to defray the costs of providing support enforcement services; and

(4) deduct from child support payments an annual collection fee [of \$ 25] IN AN AMOUNT NOT EXCEEDING THE AMOUNT AUTHORIZED UNDER 42 U.S.C. § 654(6)(B)(II) for cases in which the family never received temporary cash assistance and has received at least \$ 3,500 in child support payments during the federal fiscal year.

(b) Except as provided in subsection (a) of this section, the Administration may not:

- (1) collect fees from the child support obligee; or
- (2) deduct fees from the child support payment.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 292

(House Bill 668)

# AN ACT concerning

#### Corporations and Associations – Corporations and Real Estate Investment Trusts – Miscellaneous

FOR the purpose of providing for the effective date of certain articles of incorporation filed with the State Department of Assessments and Taxation for record; authorizing certain articles of incorporation to contain a provision providing for the effective date of the articles; authorizing indemnification of a board of directors by a certain vote of certain directors or by a certain vote of a committee of the board; providing that certain stockholders' rights of inspection do not apply to certain corporations; requiring a certain charter amendment by a Maryland corporation to be approved in a certain manner; requiring articles of merger to include a restatement if the restatement is to be effected as part of the merger; requiring a dissolution of a certain Maryland corporation to be approved in a certain manner; authorizing the charter or bylaws of a certain corporation to authorize voting in a certain manner and regulate certain matters; defining a certain term; making conforming changes; making stylistic changes; and generally relating to corporations and real estate investment trusts.

# BY repealing and reenacting, with amendments,

Article – Corporations and Associations Section 2–102(b), 2–104(b), 2–406(b), 2–408(a), 2–418(e), 2–513, 2–604, 3–104(a), 3–105(a), 3–109(d), 3–403, 3–903, 5–202, 8–205(b), 8–601.1, and 8–703 Annotated Code of Maryland (2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,

Article – Corporations and Associations Section 8–101(a) Annotated Code of Maryland (2014 Replacement Volume and 2019 Supplement)

# BY adding to

Article – Corporations and Associations Section 8–101(e) Annotated Code of Maryland (2014 Replacement Volume and 2019 Supplement)

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

# **Article – Corporations and Associations**

(b) (1) [When the Department accepts articles of incorporation for record, the] A proposed corporation becomes a body corporate under the name and subject to the purposes, conditions, and provisions stated in the articles OF INCORPORATION, EFFECTIVE AS OF THE LATER OF:

(I) THE TIME THE DEPARTMENT ACCEPTS THE ARTICLES FOR RECORD; OR

# (II) THE TIME ESTABLISHED UNDER THE ARTICLES, NOT LATER THAN 30 DAYS AFTER THE DEPARTMENT ACCEPTS THE ARTICLES FOR RECORD.

(2) Except in a proceeding by the State for forfeiture of a corporation's charter, acceptance of the articles for record by the Department is conclusive evidence of the formation of the corporation.

(3) (1) The Department may not accept articles of incorporation from a fire or rescue organization to be located in Frederick County for the purpose of providing fire or rescue service in Frederick County unless the articles are accompanied by a written resolution of the governing body of Frederick County indicating approval of the proposed incorporation.

(II) Incorporated municipalities in Frederick County with primary responsibility for governmental funding for fire service shall within their jurisdiction hold those powers assigned to the governing body of Frederick County in this [section] **PARAGRAPH**.

2 - 104.

(b) The articles of incorporation may include:

(1) Any provision not inconsistent with law that defines, limits, or regulates the powers of the corporation, its directors and stockholders, any class of its stockholders, or the holders of any bonds, notes, or other securities that it may issue;

(2) Any restriction not inconsistent with law on the transferability of stock of any class;

(3) Any provision authorized by this article to be included in the bylaws;

(4) Any provision that requires for any purpose the concurrence of a greater proportion of the votes of all classes **OR SERIES** or of any class **OR SERIES** of stock than the proportion required by this article for that purpose;

(5) A provision that requires for any purpose a lesser proportion of the votes of all classes **OR SERIES** or of any class **OR SERIES** of stock than the proportion

required by this article for that purpose, but this proportion may not be less than a majority of all the votes entitled to be cast on the matter;

(6) A provision that divides its directors into classes **OR SERIES** and specifies the term of office of each class **OR SERIES**;

(7) A provision for minority representation through cumulative voting in the election of directors and the terms on which cumulative voting rights may be exercised;

(8) A provision that varies in accordance with § 2-405.2 of this title the standards for liability of the directors and officers of a corporation for money damages; [and]

(9) A provision that allows the board of directors, in considering a potential acquisition of control of the corporation, to consider the effect of the potential acquisition of control on:

(i) Stockholders, employees, suppliers, customers, and creditors of the corporation; and

(ii) Communities in which offices or other establishments of the corporation are located; AND

# (10) A PROVISION THAT CONTAINS A FUTURE EFFECTIVE DATE FOR THE ARTICLES OF INCORPORATION THAT IS NOT LATER THAN 30 DAYS AFTER THE ARTICLES ARE ACCEPTED BY THE DEPARTMENT FOR RECORD.

2-406.

(b) Unless the charter of the corporation provides otherwise:

(1) If the stockholders of any class or series are entitled separately to elect one or more directors, a director elected by [a] STOCKHOLDERS OF THAT class or series may not be removed without cause except by the affirmative vote of a majority of all the votes of that class or series;

(2) If a corporation has cumulative voting for the election of directors and fewer than all directors are to be removed, a director may not be removed without cause if the votes cast against the director's removal would be sufficient to elect the director if then cumulatively voted at an election of the entire board of directors, or, if there is more than one class of directors, at an election of the class of directors of which the director is a member; and

(3) If the directors have been divided into classes, a director may not be removed without cause.

2-408.

(a) Unless [this article or] the charter or bylaws of the corporation require a greater proportion **OR THIS ARTICLE REQUIRES A DIFFERENT PROPORTION**, the action of a majority of the directors present at a meeting at which a quorum is present is the action of the board of directors.

#### 2-418.

(e) (1) Indemnification under subsection (b) of this section may not be made by the corporation unless authorized for a specific proceeding after a determination has been made that indemnification of the director is permissible in the circumstances because the director has met the standard of conduct set forth in subsection (b) of this section.

(2) Such determination shall be made:

(i) By the board of directors by a majority vote of a quorum consisting of directors not, at the time, parties to the proceeding, or[, if such a quorum cannot be obtained, then] by a majority vote of a committee of the board consisting solely of one or more directors not, at the time, parties to such proceeding and who were duly designated to act in the matter by a majority vote of the [entire board of directors in which the designated] directors who are **NOT** parties [may participate] **TO THE PROCEEDING**;

(ii) By special legal counsel selected by the board of directors or a committee of the board by vote as set forth in [subparagraph] ITEM (i) of this paragraph, or, if the requisite quorum of the full board cannot be obtained therefor and the committee cannot be established, by a majority vote of the full board in which directors who are parties may participate; or

(iii) By the stockholders.

(3) Authorization of indemnification and determination as to reasonableness of expenses shall be made in the same manner as the determination that indemnification is permissible. However, if the determination that indemnification is permissible is made by special legal counsel, authorization of indemnification and determination as to reasonableness of expenses shall be made in the manner specified in paragraph (2)(ii) of this subsection for selection of such counsel.

(4) Shares held by directors who are parties to the proceeding may not be voted on the subject matter under this subsection.

2-513.

#### (a) UNLESS THE CHARTER OF A CORPORATION PROVIDES OTHERWISE BY REFERENCE TO THIS SECTION OR THE SUBJECT MATTER OF THIS SECTION, THIS SECTION DOES NOT APPLY, IN WHOLE OR IN PART, TO HOLDERS OF ANY SHARES OR

#### ANY CLASS OR SERIES OF STOCK, OTHER THAN COMMON STOCK, THAT IS CLASSIFIED OR RECLASSIFIED BY ARTICLES OF SUPPLEMENTARY, OR CREATED BY ARTICLES OF INCORPORATION OR AN AMENDMENT TO THE CHARTER, ACCEPTED FOR RECORD BY THE DEPARTMENT ON OR AFTER OCTOBER 1, 2020.

(B) One or more persons who together are and for at least [six] 6 months have been stockholders of record or holders of voting trust certificates of at least [5 percent] 5% of the outstanding [stock] SHARES of any class OR SERIES OF STOCK of a corporation may:

(1) In person or by agent, on request in writing or by electronic transmission, inspect and copy during usual business hours the corporation's books of account and its stock ledger;

(2) Provide to any officer of the corporation, the resident agent of the corporation, or any agent designated by the corporation to maintain corporate documents on the corporation's behalf, a request in writing or by electronic transmission for a statement of its affairs; and

(3) In the case of any corporation which does not maintain the original or a duplicate stock ledger at its principal office, provide to any officer of the corporation, the resident agent of the corporation, or any agent designated by the corporation to maintain corporate documents on the corporation's behalf, a request in writing or by electronic transmission for a list of its stockholders.

[(b)] (C) Within 20 days after a request for information is made under subsection [(a)] (B) of this section, the corporation shall prepare and have available on file at its principal office or make available by electronic transmission:

(1) In the case of a request for a statement of affairs, a statement verified under oath by its president or treasurer or one of its vice-presidents or assistant treasurers which sets forth in reasonable detail the corporation's assets and liabilities as of a reasonably current date; and

(2) In the case of a request for a list of stockholders, a list verified under oath by one of its officers or its stock transfer agent or registrar which sets forth the name and address of each stockholder and the number of shares of each class **OR SERIES OF STOCK** which the stockholder holds.

#### 2-604.

(a) This section does not apply to a charter amendment by the board of directors in accordance with § 2-105(a)(13) or § 2-309(e) of this title.

#### (b) A CHARTER AMENDMENT BY A MARYLAND CORPORATION REGISTERED AS AN OPEN-END INVESTMENT COMPANY UNDER THE INVESTMENT COMPANY ACT OF 1940 SHALL BE APPROVED BY A MAJORITY OF THE ENTIRE BOARD OF DIRECTORS

### OR AND IN THE MANNER AND BY THE VOTE REQUIRED UNDER THE INVESTMENT COMPANY ACT OF 1940.

(C) If there is any stock outstanding or subscribed for and entitled to be voted on the charter amendment, it shall be approved as provided in this section.

[(c)] (D) Except as provided in § 2–112 of this title AND SUBSECTION (B) OF THIS SECTION, the board of directors of a corporation proposing a charter amendment shall:

(1)  $% \left( Adopt \ a \ resolution \ which \ sets \ forth \ the \ proposed \ amendment \ and \ declares that it is advisable; and \ % \left( Adopt \ a \ resolution \ bar{a} \right) \right)$ 

(2) Direct that the proposed amendment be submitted for consideration at either an annual or a special meeting of the stockholders.

[(d)] (E) (1) Notice which states that a purpose of the meeting will be to act on the proposed amendment shall be given by the corporation in the manner required by Subtitle 5 of this title to:

and

(i) Each stockholder entitled to vote on the proposed amendment;

(ii) Each stockholder not entitled to vote on the proposed amendment if the contract rights of his stock, as expressly set forth in the charter, would be altered by the amendment.

(2) The notice shall:

(i) Include a copy of the amendment or a summary of the changes it will effect; or

(ii) 1. Identify a [Web site] **WEBSITE** at which the amendment or a summary of the changes it will effect may be accessed; and

2. Include a telephone number or an address where the stockholder may request a paper copy of the amendment or summary without charge.

[(e)] (F) [The] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE proposed amendment shall be approved by the stockholders of the corporation by the affirmative vote of two thirds of all the votes entitled to be cast on the matter.

3-104.

(a) Notwithstanding any other provision of this subtitle, unless the charter or bylaws of a corporation provide otherwise by reference to this section or the subject matter of this section, the approval of the stockholders is not required for any:

(1) Transfer of assets by a corporation in the ordinary course of business actually conducted by it or as a distribution as defined in § 2–301 of this article;

(2) Mortgage, pledge, or creation of any other security interest in any or all of the assets of a corporation, whether or not in the ordinary course of its business;

(3) Transfer of assets by a corporation to one or more persons if all of the equity interests of the person or persons are owned, directly or indirectly, by the corporation;

(4) Transfer of assets by a corporation registered as an open-end investment company under the Investment Company Act of 1940, INCLUDING A TRANSFER BETWEEN OR AMONG CLASSES OR SERIES OF STOCK OF A CORPORATION; or

(5) Transfer of assets by a corporation that is dissolved.

3–105.

(a) A consolidation, merger, share exchange, or transfer of assets shall be approved in the manner provided by this section, except that:

(1) A merger of a [90 percent] 90% or more owned subsidiary with or into its parent need be approved only in accordance with the provisions of § 3–106 of this subtitle;

(2) A merger of a Maryland corporation in accordance with § 3-106.1 of this subtitle need be approved only in the manner provided in § 3-106.1 of this subtitle;

(3) A share exchange need be approved by a Maryland successor only by its board of directors and by any other action required by its charter;

(4) A transfer of assets need be approved by a Maryland transferee corporation only by its board of directors and by any other action required by its charter;

(5) A foreign corporation party to the transaction shall have the transaction advised, authorized, and approved in the manner and by the vote required by its charter and the laws of the place where it is organized;

(6) A merger need be approved by a Maryland successor corporation only by a majority of its entire board of directors if:

(i) The merger does not reclassify or change the terms of any class or series of its stock that is outstanding immediately before the merger becomes effective or otherwise amend its charter and the number of its shares of stock of such class or series outstanding immediately after the effective time of the merger does not increase by more than [20 percent] 20% of the number of its shares of the class or series of stock that is outstanding immediately before the merger becomes effective; or

(ii) There is no stock outstanding or subscribed for and entitled to be voted on the merger; [and]

(7) A business trust party to a merger shall have the merger advised, authorized, and approved in the manner and by the vote required by its declaration of trust and the laws of the place where it is organized; AND

(8) A CONSOLIDATION, MERGER, OR SHARE EXCHANGE <u>NEED</u> <u>SHALL</u> BE APPROVED BY A MARYLAND CORPORATION REGISTERED AS AN OPEN-END INVESTMENT COMPANY UNDER THE INVESTMENT COMPANY ACT OF 1940 ONLY BY <u>A MAJORITY OF</u> <del>ITS</del> <u>THE ENTIRE</u> BOARD OF DIRECTORS <del>OR</del> <u>AND</u> IN THE MANNER AND BY THE VOTE REQUIRED UNDER THE INVESTMENT COMPANY ACT OF 1940.

3–109.

(d) In addition to the requirements of subsection (b) of this section, articles of merger shall include:

(1) **(I)** Any amendment to the charter, certificate of limited partnership, articles of organization [of a limited liability company], or declaration of trust of the successor to be effected as part of the merger; **AND** 

#### (II) THE RESTATEMENT, IF A RESTATEMENT OF THE CHARTER, THE CERTIFICATE OF LIMITED PARTNERSHIP, ARTICLES OF ORGANIZATION, OR DECLARATION OF TRUST OF THE SUCCESSOR IS TO BE EFFECTED AS A PART OF THE MERGER;

(2) As to each corporation party to the articles:

(i) The total number of shares of stock of all classes **OR SERIES** which the corporation has authority to issue;

(ii) The number of shares of stock of each class **OR SERIES**;

(iii) The par value of the shares of stock of each class **OR SERIES** or a statement that the shares are without par value; and

(iv) If there are any shares of stock with par value, the aggregate par value of all the shares of all classes **OR SERIES**;

(3) As to each business trust party to the articles:

(i) The total number of shares of beneficial interest of all classes AND SERIES which the business trust has authority to issue; and

(ii) The number of shares of beneficial interest of each class AND

SERIES;

(4) As to each limited partnership party to the articles:

(i) The percentages of partnership interest of each class **OR SERIES** of partnership interest of the limited partnership; and

(ii) The class of partners and the respective percentage of partnership interests in each class **OR SERIES** of partnership interest;

(5) As to each limited liability company party to the articles:

(i) The percentages of membership interest of each class **OR SERIES** of membership interest of the limited liability company; and

(ii) The class of members and the respective percentage of membership interests in each class **OR SERIES** of membership interest;

(6) As to each partnership party to the articles:

(i) The percentages of partnership interest of each class **OR SERIES** of partnership interest of the partnership; and

(ii) The class of partners and the respective percentage of partnership interests in each class **OR SERIES** of partnership interest;

(7) If the charter, certificate of limited partnership, articles of organization [of a limited liability company], or declaration of trust of the successor is amended in a manner which changes any of the information required by items (2) through (5) of this subsection, that information as it was both immediately before and as changed by the merger; and

(8) The manner and basis of converting or exchanging issued SHARES OF stock of the merging corporations, outstanding partnership interest of the merging business trusts into different stock of a corporation, partnership interest of a partnership or limited partnership interest of a partnership or limited partnership interest of a partnership or limited partnership interest of a limited liability company, shares of

beneficial interest of a business trust, or other consideration, and the treatment of any issued **SHARES OF** stock of the merging corporations, partnership interest of the merging partnership or limited partnerships, membership interest of the merging limited liability company, or shares of beneficial interest of the merging business trusts not to be converted or exchanged, any or all of which may be made dependent on facts ascertainable outside the articles of merger.

3-403.

(a) If there is any stock entitled to be voted on the dissolution either outstanding or subscribed for, the dissolution shall be approved as provided in this section.

#### (b) A DISSOLUTION OF A MARYLAND CORPORATION REGISTERED AS AN OPEN-END INVESTMENT COMPANY UNDER THE INVESTMENT COMPANY ACT OF 1940 SHALL BE APPROVED BY A MAJORITY OF THE ENTIRE BOARD OF DIRECTORS OR AND IN THE MANNER AND BY THE VOTE REQUIRED UNDER THE INVESTMENT COMPANY ACT OF 1940.

(C) Except as provided in § 2–112 of this article AND SUBSECTION (B) OF THIS SECTION, a majority of the entire board of directors of a corporation proposing to dissolve shall:

(1) Adopt a resolution which declares that dissolution of the corporation is advisable; and

(2) Direct that the proposed dissolution be submitted for consideration at either an annual or a special meeting of the stockholders.

[(c)] (D) Notice which states that a purpose of the meeting will be to act on the proposed dissolution shall be given by the corporation in the manner required by Title 2 of this article to each stockholder entitled to vote on the proposed dissolution.

[(d)] (E) [The] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE proposed dissolution shall be approved by the stockholders of the corporation by the affirmative vote of two-thirds of all the votes entitled to be cast on the matter.

3-903.

(a) In this section, "facts ascertainable outside the articles of conversion" includes:

(1) An action or a determination by any person, including:

(i) The corporation or other entity, as applicable;

(ii) The directors, partners, members, trustees, officers, or other agents of the corporation or other entity; and

(iii) Any other person affiliated with the corporation or other entity;

and

(2) Any other event.

(b) Articles of conversion shall be filed for record with the Department.

(c) In a conversion of a Maryland corporation to an other entity, the articles of conversion shall set forth:

(1) The name of the Maryland corporation and the date of filing of its original articles of incorporation with the Department;

(2) The name of the other entity to which the Maryland corporation will be converted and the place of incorporation or organization of the other entity;

(3) A statement that the conversion has been approved in accordance with the provisions of this subtitle;

(4) The manner and basis of converting or exchanging outstanding shares of stock of the corporation into shares of stock, membership interests, partnership interests, beneficial interests, or other ownership interests of the other entity, or other consideration, and the treatment of any issued shares of stock not to be converted or exchanged, any of which may be made dependent on facts ascertainable outside the articles of conversion;

[(5) The future effective time, which shall be a time certain, of the articles of conversion, if the articles of conversion are not to be effective on the acceptance for record of the articles of conversion;]

[(6)] (5) If the other entity is not organized under the laws of this State:

(i) The location of the principal office in the place where it is organized; and

(ii) The name and address of the resident agent in this State; and

[(7)] (6) Any other provision necessary to effect the conversion.

(d) In a conversion of an other entity to a Maryland corporation, the articles of conversion shall set forth:

(1) The name of the other entity, the date on which the other entity was first created, and the place of incorporation or organization of the other entity;

(2) The name of the Maryland corporation to which the other entity will be converted;

(3) A statement that the conversion has been approved in accordance with the provisions of this subtitle;

(4) The manner and basis of converting or exchanging any outstanding shares of stock, membership interests, partnership interests, beneficial interests, or other ownership interests of the other entity into shares of stock of the Maryland corporation or other consideration, and the treatment of any outstanding shares of stock, membership interests, partnership interests, beneficial interests, or other ownership interests not to be converted or exchanged, any of which may be made dependent on facts ascertainable outside the articles of conversion; **AND** 

[(5) The future effective time, which shall be a time certain, of the articles of conversion, if the articles of conversion are not to be effective on the acceptance for record of the articles of conversion; and]

[(6)] (5) Any other provision necessary to effect the conversion.

(e) The articles of conversion may contain a future effective time for the articles of conversion that is not later than 30 days after the articles of conversion are accepted for record.

5-202.

(a) The charter of each nonstock corporation formed after June 1, 1951, shall provide that the corporation has no authority to issue capital stock.

(b) Notwithstanding any other provision of this article, the charter or bylaws of a nonstock corporation may:

(1) Divide the directors or members of the corporation into classes;

(2) Prescribe the tenure and conditions of [office] SERVICE of its directors, but no class of [director] DIRECTORS may be elected to serve for a period shorter than the interval between annual meetings unless:

(i) All or a class of directors must be members; and

(ii) Qualifications for membership have the effect of shortening their tenure of [office] SERVICE;

(3) Prescribe the rights, privileges, and qualifications of its members;

(4) Prescribe the manner of giving notice of any meeting of its members;

(5) Provide for the number or proportion of voting members whose presence in person or by proxy constitutes a quorum at any meeting of its members;

(6) Provide that any action may be taken or authorized by any number or proportion of the votes of all its members or all its directors entitled to vote;

(7) Deny or limit the right of its members to vote by proxy; [and]

(8) Provide for the right of members to vote by mail **OR BY ELECTRONIC TRANSMISSION** on a stated proposal or for the election of directors or any officers who are elected by members;

(9) REGULATE THE MANAGEMENT OF THE BUSINESS AND AFFAIRS OF THE CORPORATION; AND

#### (10) **REGULATE THE EXERCISE OR ALLOCATION OF VOTING POWER** BETWEEN OR AMONG THE DIRECTORS AND MEMBERS.

8–101.

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

# (E) "SHAREHOLDER" MEANS A PERSON WHO IS A RECORDED HOLDER OF SHARES.

8–205.

(b) Unless the declaration of trust of the real estate investment trust provides otherwise:

(1) If the shareholders of any class or series are entitled separately to elect one or more trustees, a trustee elected by [a] SHAREHOLDERS OF THAT class or series may not be removed without cause except by the affirmative vote of a majority of all the votes of that class or series;

(2) If a real estate investment trust has cumulative voting for the election of trustees and less than the entire board is to be removed, a trustee may not be removed without cause if the votes cast against the trustee's removal would be sufficient to elect the trustee if then cumulatively voted at an election of the entire board of trustees, or, if there is more than one class of trustees, at an election of the class of trustees of which the trustee is a member; and

(3) If the trustees have been divided into classes, a trustee may not be removed without cause.

8-601.1.

Sections 2–113, 2–201(c), **2–309(A)** AND (E), 2–313, 2–502(e), and 2–504(f) of this article and, except as otherwise provided in § 8–601 of this subtitle or in the declaration of trust, § 2–405.1 of this article shall apply to real estate investment trusts.

8-703.

(a) In this section, "facts ascertainable outside the articles of conversion" includes:

(1) An action or a determination by any person, including:

(i) The real estate investment trust or other entity, as applicable;

(ii) The trustees, directors, partners, members, officers, or other agents of the real estate investment trust or other entity; and

(iii) Any other person affiliated with the real estate investment trust or other entity; and

(2) Any other event.

(b) Articles of conversion shall be filed for record with the Department.

(c) In a conversion of a real estate investment trust to an other entity, the articles of conversion shall set forth:

(1) The name of the real estate investment trust and the date of filing of the original declaration of trust with the Department;

(2) The name of the other entity to which the real estate investment trust will be converted and the place of incorporation or organization of the other entity;

(3) A statement that the conversion has been approved in accordance with the provisions of this subtitle;

(4) The manner and basis of converting or exchanging issued shares of beneficial interest of the real estate investment trust into shares of stock, membership interests, partnership interests, beneficial interests, or other ownership interests of the other entity, or other consideration, and the treatment of any issued shares of beneficial interest not to be converted or exchanged, any of which may be made dependent on facts ascertainable outside the articles of conversion;

[(5) The future effective time, which shall be a time certain, of the articles of conversion, if the articles of conversion are not to be effective on the acceptance for record of the articles of conversion;]

[(6)] (5) If the other entity is not organized under the laws of this State:

(i) The location of the principal office in the place where it is organized; and

(ii) The name and address of the resident agent in this State; and

[(7)] (6) Any other provision necessary to effect the conversion.

(d) In a conversion of an other entity to a real estate investment trust, the articles of conversion shall set forth:

(1) The name of the other entity, the date on which the other entity was first created, and the place of incorporation or organization of the other entity;

(2) The name of the real estate investment trust to which the other entity will be converted;

(3) A statement that the conversion has been approved in accordance with the provisions of this subtitle;

(4) The manner and basis of converting or exchanging any outstanding shares of stock, membership interests, partnership interests, beneficial interests, or other ownership interests of the other entity into shares of beneficial interest of the real estate investment trust, or other consideration, and the treatment of any outstanding shares of stock, membership interests, partnership interests, beneficial interests, or other ownership interests not to be converted or exchanged, any of which may be made dependent on facts ascertainable outside the articles of conversion; **AND** 

[(5) The future effective time, which shall be a time certain, of the articles of conversion, if the articles of conversion are not to be effective on the acceptance for record of the articles of conversion; and]

[(6)] (5) Any other provision necessary to effect the conversion.

(e) The articles of conversion may contain a future effective time of the articles of conversion that is not later than 30 days after the articles of conversion are accepted for record.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

### Chapter 293

#### (Senate Bill 469)

AN ACT concerning

#### Corporations and Associations – Corporations and Real Estate Investment Trusts – Miscellaneous

FOR the purpose of providing for the effective date of certain articles of incorporation filed with the State Department of Assessments and Taxation for record; authorizing certain articles of incorporation to contain a provision providing for the effective date of the articles; authorizing indemnification of a board of directors by a certain vote of certain directors or by a certain vote of a committee of the board; providing that certain stockholders' rights of inspection do not apply to certain corporations; requiring a certain charter amendment by a Maryland corporation to be approved in a certain manner; requiring articles of merger to include a restatement if the restatement is to be effected as part of the merger; requiring a dissolution of a certain Maryland corporation to be approved in a certain manner; authorizing the charter or bylaws of a certain corporation to authorize voting in a certain manner and regulate certain matters; defining a certain term; making conforming changes; making stylistic changes; and generally relating to corporations and real estate investment trusts.

BY repealing and reenacting, with amendments,

Article – Corporations and Associations Section 2–102(b), 2–104(b), 2–406(b), 2–408(a), 2–418(e), 2–513, 2–604, 3–104(a), 3–105(a), 3–109(d), 3–403, 3–903, 5–202, 8–205(b), 8–601.1, and 8–703 Annotated Code of Maryland (2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments, Article – Corporations and Associations

Section 8–101(a) Annotated Code of Maryland (2014 Replacement Volume and 2019 Supplement)

#### BY adding to

Article – Corporations and Associations Section 8–101(e) Annotated Code of Maryland (2014 Replacement Volume and 2019 Supplement)

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

#### Article - Corporations and Associations

2-102.

(b) (1) [When the Department accepts articles of incorporation for record, the] A proposed corporation becomes a body corporate under the name and subject to the purposes, conditions, and provisions stated in the articles OF INCORPORATION, EFFECTIVE AS OF THE LATER OF:

# (I) THE TIME THE DEPARTMENT ACCEPTS THE ARTICLES FOR RECORD; OR

# (II) THE TIME ESTABLISHED UNDER THE ARTICLES, NOT LATER THAN 30 DAYS AFTER THE DEPARTMENT ACCEPTS THE ARTICLES FOR RECORD.

(2) Except in a proceeding by the State for forfeiture of a corporation's charter, acceptance of the articles for record by the Department is conclusive evidence of the formation of the corporation.

(3) (I) The Department may not accept articles of incorporation from a fire or rescue organization to be located in Frederick County for the purpose of providing fire or rescue service in Frederick County unless the articles are accompanied by a written resolution of the governing body of Frederick County indicating approval of the proposed incorporation.

(II) Incorporated municipalities in Frederick County with primary responsibility for governmental funding for fire service shall within their jurisdiction hold those powers assigned to the governing body of Frederick County in this [section] **PARAGRAPH**.

2-104.

(b) The articles of incorporation may include:

(1) Any provision not inconsistent with law that defines, limits, or regulates the powers of the corporation, its directors and stockholders, any class of its stockholders, or the holders of any bonds, notes, or other securities that it may issue;

(2) Any restriction not inconsistent with law on the transferability of stock of any class;

(3) Any provision authorized by this article to be included in the bylaws;

(4) Any provision that requires for any purpose the concurrence of a greater proportion of the votes of all classes **OR SERIES** or of any class **OR SERIES** of stock than the proportion required by this article for that purpose;

(5) A provision that requires for any purpose a lesser proportion of the votes of all classes **OR SERIES** or of any class **OR SERIES** of stock than the proportion required by this article for that purpose, but this proportion may not be less than a majority of all the votes entitled to be cast on the matter;

(6) A provision that divides its directors into classes **OR SERIES** and specifies the term of office of each class **OR SERIES**;

(7) A provision for minority representation through cumulative voting in the election of directors and the terms on which cumulative voting rights may be exercised;

(8) A provision that varies in accordance with § 2-405.2 of this title the standards for liability of the directors and officers of a corporation for money damages; [and]

(9) A provision that allows the board of directors, in considering a potential acquisition of control of the corporation, to consider the effect of the potential acquisition of control on:

(i) Stockholders, employees, suppliers, customers, and creditors of the corporation; and

(ii) Communities in which offices or other establishments of the corporation are located; AND

#### (10) A PROVISION THAT CONTAINS A FUTURE EFFECTIVE DATE FOR THE ARTICLES OF INCORPORATION THAT IS NOT LATER THAN 30 DAYS AFTER THE ARTICLES ARE ACCEPTED BY THE DEPARTMENT FOR RECORD.

2-406.

(b) Unless the charter of the corporation provides otherwise:

(1) If the stockholders of any class or series are entitled separately to elect one or more directors, a director elected by [a] STOCKHOLDERS OF THAT class or series may not be removed without cause except by the affirmative vote of a majority of all the votes of that class or series;

(2) If a corporation has cumulative voting for the election of directors and fewer than all directors are to be removed, a director may not be removed without cause if the votes cast against the director's removal would be sufficient to elect the director if then cumulatively voted at an election of the entire board of directors, or, if there is more than one class of directors, at an election of the class of directors of which the director is a member; and

(3) If the directors have been divided into classes, a director may not be removed without cause.

#### 2-408.

(a) Unless [this article or] the charter or bylaws of the corporation require a greater proportion **OR THIS ARTICLE REQUIRES A DIFFERENT PROPORTION**, the action of a majority of the directors present at a meeting at which a quorum is present is the action of the board of directors.

#### 2-418.

(e) (1) Indemnification under subsection (b) of this section may not be made by the corporation unless authorized for a specific proceeding after a determination has been made that indemnification of the director is permissible in the circumstances because the director has met the standard of conduct set forth in subsection (b) of this section.

(2) Such determination shall be made:

(i) By the board of directors by a majority vote of a quorum consisting of directors not, at the time, parties to the proceeding, or[, if such a quorum cannot be obtained, then] by a majority vote of a committee of the board consisting solely of one or more directors not, at the time, parties to such proceeding and who were duly designated to act in the matter by a majority vote of the [entire board of directors in which the designated] directors who are **NOT** parties [may participate] **TO THE PROCEEDING**;

(ii) By special legal counsel selected by the board of directors or a committee of the board by vote as set forth in [subparagraph] ITEM (i) of this paragraph, or, if the requisite quorum of the full board cannot be obtained therefor and the committee cannot be established, by a majority vote of the full board in which directors who are parties may participate; or

(iii) By the stockholders.

(3) Authorization of indemnification and determination as to reasonableness of expenses shall be made in the same manner as the determination that indemnification is permissible. However, if the determination that indemnification is permissible is made by special legal counsel, authorization of indemnification and determination as to reasonableness of expenses shall be made in the manner specified in paragraph (2)(ii) of this subsection for selection of such counsel.

(4) Shares held by directors who are parties to the proceeding may not be voted on the subject matter under this subsection.

2-513.

(a) UNLESS THE CHARTER OF A CORPORATION PROVIDES OTHERWISE BY REFERENCE TO THIS SECTION OR THE SUBJECT MATTER OF THIS SECTION, THIS SECTION DOES NOT APPLY, IN WHOLE OR IN PART, TO HOLDERS OF ANY SHARES OR ANY CLASS OR SERIES OF STOCK, OTHER THAN COMMON STOCK, THAT IS CLASSIFIED OR RECLASSIFIED BY ARTICLES OF SUPPLEMENTARY, OR CREATED BY ARTICLES OF INCORPORATION OR AN AMENDMENT TO THE CHARTER, ACCEPTED FOR RECORD BY THE DEPARTMENT ON OR AFTER OCTOBER 1, 2020.

(B) One or more persons who together are and for at least [six] 6 months have been stockholders of record or holders of voting trust certificates of at least [5 percent] 5% of the outstanding [stock] SHARES of any class OR SERIES OF STOCK of a corporation may:

(1) In person or by agent, on request in writing or by electronic transmission, inspect and copy during usual business hours the corporation's books of account and its stock ledger;

(2) Provide to any officer of the corporation, the resident agent of the corporation, or any agent designated by the corporation to maintain corporate documents on the corporation's behalf, a request in writing or by electronic transmission for a statement of its affairs; and

(3) In the case of any corporation which does not maintain the original or a duplicate stock ledger at its principal office, provide to any officer of the corporation, the resident agent of the corporation, or any agent designated by the corporation to maintain corporate documents on the corporation's behalf, a request in writing or by electronic transmission for a list of its stockholders.

[(b)] (C) Within 20 days after a request for information is made under subsection [(a)] (B) of this section, the corporation shall prepare and have available on file at its principal office or make available by electronic transmission:

(1) In the case of a request for a statement of affairs, a statement verified under oath by its president or treasurer or one of its vice-presidents or assistant treasurers which sets forth in reasonable detail the corporation's assets and liabilities as of a reasonably current date; and

(2) In the case of a request for a list of stockholders, a list verified under oath by one of its officers or its stock transfer agent or registrar which sets forth the name and address of each stockholder and the number of shares of each class **OR SERIES OF STOCK** which the stockholder holds.

2-604.

(a) This section does not apply to a charter amendment by the board of directors in accordance with 2-105(a)(13) or 2-309(e) of this title.

(C) If there is any stock outstanding or subscribed for and entitled to be voted on the charter amendment, it shall be approved as provided in this section.

[(c)] (D) Except as provided in § 2–112 of this title AND SUBSECTION (B) OF THIS SECTION, the board of directors of a corporation proposing a charter amendment shall:

(1)  $% \left( Adopt a resolution which sets forth the proposed amendment and declares that it is advisable; and$ 

(2) Direct that the proposed amendment be submitted for consideration at either an annual or a special meeting of the stockholders.

[(d)] (E) (1) Notice which states that a purpose of the meeting will be to act on the proposed amendment shall be given by the corporation in the manner required by Subtitle 5 of this title to:

and

(ii) Each stackholder not entitled to yote on the proposed

Each stockholder entitled to vote on the proposed amendment;

(ii) Each stockholder not entitled to vote on the proposed amendment if the contract rights of his stock, as expressly set forth in the charter, would be altered by the amendment.

(2) The notice shall:

(i)

(i) Include a copy of the amendment or a summary of the changes it will effect; or

(ii) 1. Identify a [Web site] **WEBSITE** at which the amendment or a summary of the changes it will effect may be accessed; and

2. Include a telephone number or an address where the stockholder may request a paper copy of the amendment or summary without charge.

[(e)] (F) [The] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE proposed amendment shall be approved by the stockholders of the corporation by the affirmative vote of two thirds of all the votes entitled to be cast on the matter.

3-104.

(a) Notwithstanding any other provision of this subtitle, unless the charter or bylaws of a corporation provide otherwise by reference to this section or the subject matter of this section, the approval of the stockholders is not required for any:

(1) Transfer of assets by a corporation in the ordinary course of business actually conducted by it or as a distribution as defined in § 2–301 of this article;

(2) Mortgage, pledge, or creation of any other security interest in any or all of the assets of a corporation, whether or not in the ordinary course of its business;

(3) Transfer of assets by a corporation to one or more persons if all of the equity interests of the person or persons are owned, directly or indirectly, by the corporation;

(4) Transfer of assets by a corporation registered as an open-end investment company under the Investment Company Act of 1940, INCLUDING A TRANSFER BETWEEN OR AMONG CLASSES OR SERIES OF STOCK OF A CORPORATION; or

(5) Transfer of assets by a corporation that is dissolved.

3 - 105.

(a) A consolidation, merger, share exchange, or transfer of assets shall be approved in the manner provided by this section, except that:

(1) A merger of a [90 percent] 90% or more owned subsidiary with or into its parent need be approved only in accordance with the provisions of § 3–106 of this subtitle;

(2) A merger of a Maryland corporation in accordance with 3–106.1 of this subtitle need be approved only in the manner provided in § 3–106.1 of this subtitle;

(3) A share exchange need be approved by a Maryland successor only by its board of directors and by any other action required by its charter;

(4) A transfer of assets need be approved by a Maryland transferee corporation only by its board of directors and by any other action required by its charter;

(5) A foreign corporation party to the transaction shall have the transaction advised, authorized, and approved in the manner and by the vote required by its charter and the laws of the place where it is organized;

(6) A merger need be approved by a Maryland successor corporation only by a majority of its entire board of directors if:

(i) The merger does not reclassify or change the terms of any class or series of its stock that is outstanding immediately before the merger becomes effective or otherwise amend its charter and the number of its shares of stock of such class or series outstanding immediately after the effective time of the merger does not increase by more than [20 percent] **20%** of the number of its shares of the class or series of stock that is outstanding immediately before the merger becomes effective; or

(ii) There is no stock outstanding or subscribed for and entitled to be voted on the merger; [and]

(7) A business trust party to a merger shall have the merger advised, authorized, and approved in the manner and by the vote required by its declaration of trust and the laws of the place where it is organized; AND

(8) A CONSOLIDATION, MERGER, OR SHARE EXCHANGE <u>NEED</u> <u>SHALL</u> BE APPROVED BY A MARYLAND CORPORATION REGISTERED AS AN OPEN-END INVESTMENT COMPANY UNDER THE INVESTMENT COMPANY ACT OF 1940 ONLY BY <u>A MAJORITY OF</u> <del>ITS</del> <u>THE ENTIRE</u> BOARD OF DIRECTORS <del>OR</del> <u>AND</u> IN THE MANNER AND BY THE VOTE REQUIRED UNDER THE INVESTMENT COMPANY ACT OF 1940.

3–109.

(d) In addition to the requirements of subsection (b) of this section, articles of merger shall include:

(1) **(I)** Any amendment to the charter, certificate of limited partnership, articles of organization [of a limited liability company], or declaration of trust of the successor to be effected as part of the merger; **AND** 

#### (II) THE RESTATEMENT, IF A RESTATEMENT OF THE CHARTER, THE CERTIFICATE OF LIMITED PARTNERSHIP, ARTICLES OF ORGANIZATION, OR DECLARATION OF TRUST OF THE SUCCESSOR IS TO BE EFFECTED AS A PART OF THE MERGER;

(2) As to each corporation party to the articles:

(i) The total number of shares of stock of all classes **OR SERIES** which the corporation has authority to issue;

(ii) The number of shares of stock of each class **OR SERIES**;

(iii) The par value of the shares of stock of each class **OR SERIES** or a statement that the shares are without par value; and

(iv) If there are any shares of stock with par value, the aggregate par value of all the shares of all classes **OR SERIES**;

(3) As to each business trust party to the articles:

(i) The total number of shares of beneficial interest of all classes AND SERIES which the business trust has authority to issue; and

(ii) The number of shares of beneficial interest of each class AND

SERIES;

(4) As to each limited partnership party to the articles:

(i) The percentages of partnership interest of each class **OR SERIES** of partnership interest of the limited partnership; and

(ii) The class of partners and the respective percentage of partnership interests in each class **OR SERIES** of partnership interest;

(5) As to each limited liability company party to the articles:

(i) The percentages of membership interest of each class **OR SERIES** of membership interest of the limited liability company; and

(ii) The class of members and the respective percentage of membership interests in each class **OR SERIES** of membership interest;

(6) As to each partnership party to the articles:

(i) The percentages of partnership interest of each class **OR SERIES** of partnership interest of the partnership; and

(ii) The class of partners and the respective percentage of partnership interests in each class **OR SERIES** of partnership interest;

(7) If the charter, certificate of limited partnership, articles of organization [of a limited liability company], or declaration of trust of the successor is amended in a manner which changes any of the information required by items (2) through (5) of this subsection, that information as it was both immediately before and as changed by the merger; and

(8) The manner and basis of converting or exchanging issued SHARES OF stock of the merging corporations, outstanding partnership interest of the merging business trusts into different stock of a corporation, partnership interest of a partnership or limited partnership interest of a partnership or limited partnership interest of a partnership or limited partnership interest of a business of a limited liability company, shares of

beneficial interest of a business trust, or other consideration, and the treatment of any issued **SHARES OF** stock of the merging corporations, partnership interest of the merging partnership or limited partnerships, membership interest of the merging limited liability company, or shares of beneficial interest of the merging business trusts not to be converted or exchanged, any or all of which may be made dependent on facts ascertainable outside the articles of merger.

3-403.

(a) If there is any stock entitled to be voted on the dissolution either outstanding or subscribed for, the dissolution shall be approved as provided in this section.

#### (b) A DISSOLUTION OF A MARYLAND CORPORATION REGISTERED AS AN OPEN-END INVESTMENT COMPANY UNDER THE INVESTMENT COMPANY ACT OF 1940 SHALL BE APPROVED BY A MAJORITY OF THE ENTIRE BOARD OF DIRECTORS OR AND IN THE MANNER AND BY THE VOTE REQUIRED UNDER THE INVESTMENT COMPANY ACT OF 1940.

(C) Except as provided in § 2–112 of this article AND SUBSECTION (B) OF THIS SECTION, a majority of the entire board of directors of a corporation proposing to dissolve shall:

(1) Adopt a resolution which declares that dissolution of the corporation is advisable; and

(2) Direct that the proposed dissolution be submitted for consideration at either an annual or a special meeting of the stockholders.

[(c)] (D) Notice which states that a purpose of the meeting will be to act on the proposed dissolution shall be given by the corporation in the manner required by Title 2 of this article to each stockholder entitled to vote on the proposed dissolution.

[(d)] (E) [The] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE proposed dissolution shall be approved by the stockholders of the corporation by the affirmative vote of two-thirds of all the votes entitled to be cast on the matter.

3-903.

(a) In this section, "facts ascertainable outside the articles of conversion" includes:

(1) An action or a determination by any person, including:

(i) The corporation or other entity, as applicable;

 $(\mathrm{ii})$   $\,$  The directors, partners, members, trustees, officers, or other agents of the corporation or other entity; and

(iii) Any other person affiliated with the corporation or other entity;

and

(2) Any other event.

(b) Articles of conversion shall be filed for record with the Department.

(c) In a conversion of a Maryland corporation to an other entity, the articles of conversion shall set forth:

(1) The name of the Maryland corporation and the date of filing of its original articles of incorporation with the Department;

(2) The name of the other entity to which the Maryland corporation will be converted and the place of incorporation or organization of the other entity;

(3) A statement that the conversion has been approved in accordance with the provisions of this subtitle;

(4) The manner and basis of converting or exchanging outstanding shares of stock of the corporation into shares of stock, membership interests, partnership interests, beneficial interests, or other ownership interests of the other entity, or other consideration, and the treatment of any issued shares of stock not to be converted or exchanged, any of which may be made dependent on facts ascertainable outside the articles of conversion;

[(5) The future effective time, which shall be a time certain, of the articles of conversion, if the articles of conversion are not to be effective on the acceptance for record of the articles of conversion;]

[(6)] (5) If the other entity is not organized under the laws of this State:

(i) The location of the principal office in the place where it is organized; and

(ii) The name and address of the resident agent in this State; and

[(7)] (6) Any other provision necessary to effect the conversion.

(d) In a conversion of an other entity to a Maryland corporation, the articles of conversion shall set forth:

(1) The name of the other entity, the date on which the other entity was first created, and the place of incorporation or organization of the other entity;

(2) The name of the Maryland corporation to which the other entity will be converted;

(3) A statement that the conversion has been approved in accordance with the provisions of this subtitle;

(4) The manner and basis of converting or exchanging any outstanding shares of stock, membership interests, partnership interests, beneficial interests, or other ownership interests of the other entity into shares of stock of the Maryland corporation or other consideration, and the treatment of any outstanding shares of stock, membership interests, partnership interests, beneficial interests, or other ownership interests not to be converted or exchanged, any of which may be made dependent on facts ascertainable outside the articles of conversion; AND

[(5) The future effective time, which shall be a time certain, of the articles of conversion, if the articles of conversion are not to be effective on the acceptance for record of the articles of conversion; and]

[(6)] (5) Any other provision necessary to effect the conversion.

(e) The articles of conversion may contain a future effective time for the articles of conversion that is not later than 30 days after the articles of conversion are accepted for record.

5-202.

(a) The charter of each nonstock corporation formed after June 1, 1951, shall provide that the corporation has no authority to issue capital stock.

(b) Notwithstanding any other provision of this article, the charter or bylaws of a nonstock corporation may:

(1) Divide the directors or members of the corporation into classes;

(2) Prescribe the tenure and conditions of [office] SERVICE of its directors, but no class of [director] DIRECTORS may be elected to serve for a period shorter than the interval between annual meetings unless:

(i) All or a class of directors must be members; and

(ii) Qualifications for membership have the effect of shortening their tenure of [office] SERVICE;

(3) Prescribe the rights, privileges, and qualifications of its members;

(4) Prescribe the manner of giving notice of any meeting of its members;

(5) Provide for the number or proportion of voting members whose presence in person or by proxy constitutes a quorum at any meeting of its members;

(6) Provide that any action may be taken or authorized by any number or proportion of the votes of all its members or all its directors entitled to vote;

(7) Deny or limit the right of its members to vote by proxy; [and]

(8) Provide for the right of members to vote by mail **OR BY ELECTRONIC TRANSMISSION** on a stated proposal or for the election of directors or any officers who are elected by members;

(9) **REGULATE THE MANAGEMENT OF THE BUSINESS AND AFFAIRS OF THE CORPORATION; AND** 

(10) REGULATE THE EXERCISE OR ALLOCATION OF VOTING POWER BETWEEN OR AMONG THE DIRECTORS AND MEMBERS.

8–101.

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

### (E) "SHAREHOLDER" MEANS A PERSON WHO IS A RECORDED HOLDER OF SHARES.

8-205.

(b) Unless the declaration of trust of the real estate investment trust provides otherwise:

(1) If the shareholders of any class or series are entitled separately to elect one or more trustees, a trustee elected by [a] SHAREHOLDERS OF THAT class or series may not be removed without cause except by the affirmative vote of a majority of all the votes of that class or series;

(2) If a real estate investment trust has cumulative voting for the election of trustees and less than the entire board is to be removed, a trustee may not be removed without cause if the votes cast against the trustee's removal would be sufficient to elect the trustee if then cumulatively voted at an election of the entire board of trustees, or, if there is more than one class of trustees, at an election of the class of trustees of which the trustee is a member; and

(3) If the trustees have been divided into classes, a trustee may not be removed without cause.

8-601.1.

Sections 2–113, 2–201(c), **2–309(A)** AND (E), 2–313, 2–502(e), and 2–504(f) of this article and, except as otherwise provided in § 8–601 of this subtitle or in the declaration of trust, § 2–405.1 of this article shall apply to real estate investment trusts.

8-703.

(a) In this section, "facts ascertainable outside the articles of conversion" includes:

(1) An action or a determination by any person, including:

(i) The real estate investment trust or other entity, as applicable;

(ii) The trustees, directors, partners, members, officers, or other agents of the real estate investment trust or other entity; and

(iii) Any other person affiliated with the real estate investment trust or other entity; and

(2) Any other event.

(b) Articles of conversion shall be filed for record with the Department.

(c) In a conversion of a real estate investment trust to an other entity, the articles of conversion shall set forth:

(1) The name of the real estate investment trust and the date of filing of the original declaration of trust with the Department;

(2) The name of the other entity to which the real estate investment trust will be converted and the place of incorporation or organization of the other entity;

(3) A statement that the conversion has been approved in accordance with the provisions of this subtitle;

(4) The manner and basis of converting or exchanging issued shares of beneficial interest of the real estate investment trust into shares of stock, membership interests, partnership interests, beneficial interests, or other ownership interests of the other entity, or other consideration, and the treatment of any issued shares of beneficial interest not to be converted or exchanged, any of which may be made dependent on facts ascertainable outside the articles of conversion;

[(5) The future effective time, which shall be a time certain, of the articles of conversion, if the articles of conversion are not to be effective on the acceptance for record of the articles of conversion;]

[(6)] (5) If the other entity is not organized under the laws of this State:

(i) The location of the principal office in the place where it is organized; and

(ii) The name and address of the resident agent in this State; and

[(7)] (6) Any other provision necessary to effect the conversion.

(d) In a conversion of an other entity to a real estate investment trust, the articles of conversion shall set forth:

(1) The name of the other entity, the date on which the other entity was first created, and the place of incorporation or organization of the other entity;

(2) The name of the real estate investment trust to which the other entity will be converted;

(3) A statement that the conversion has been approved in accordance with the provisions of this subtitle;

(4) The manner and basis of converting or exchanging any outstanding shares of stock, membership interests, partnership interests, beneficial interests, or other ownership interests of the other entity into shares of beneficial interest of the real estate investment trust, or other consideration, and the treatment of any outstanding shares of stock, membership interests, partnership interests, beneficial interests, or other ownership interests not to be converted or exchanged, any of which may be made dependent on facts ascertainable outside the articles of conversion; **AND** 

[(5) The future effective time, which shall be a time certain, of the articles of conversion, if the articles of conversion are not to be effective on the acceptance for record of the articles of conversion; and]

[(6)] (5) Any other provision necessary to effect the conversion.

(e) The articles of conversion may contain a future effective time of the articles of conversion that is not later than 30 days after the articles of conversion are accepted for record.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

### Chapter 294

#### (House Bill 669)

AN ACT concerning

#### Health and Human Services Referral System - Modifications

FOR the purpose of repealing the limit on the number of call centers that may be approved by 2–1–1 Maryland to provide certain services; repealing certain provisions of law establishing and governing the Health and Human Services Referral Board in the Maryland Department of Health; requiring the Department, rather than the Board, in consultation with 2–1–1 Maryland, as appropriate, to take certain actions related to 2–1–1 Maryland; replacing the Board with the Department as the entity for which funding is subject to the availability of certain funds; providing that certain funding is subject to audit by the Office of Legislative Audits; <u>requiring the Department to conduct a certain cost analysis and report the results to the Governor, the General Assembly, and the chair of the Board of Directors of 2–1–1 Maryland on or before a <u>certain date</u>; making conforming changes; and generally relating to modifications to the Health and Human Services Referral System.</u>

BY repealing and reenacting, with amendments,

Article – Health – General Section 24–1201 through 24–1203, 24–1205, and 24–1206 Annotated Code of Maryland (2019 Replacement Volume)

BY repealing

Article – Health – General Section 24–1204 Annotated Code of Maryland (2019 Replacement Volume)

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

#### Article – Health – General

24 - 1201.

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

[(b) "Board" means the Health and Human Services Referral Board.]

[(c)] (B) "Health and Human Services Referral System" means telephone service that automatically connects an individual dialing the digits 2-1-1 to an established information and referral answering point.

[(d)] (C) "2-1-1" means the abbreviated dialing code assigned by the Federal Communications Commission for consumer access to community information and referral services.

[(e)] (D) "2-1-1 Maryland" means the Maryland Information Network, 2-1-1 Maryland, a 501(c)(3) corporation in the State.

[(f)] (E) "2-1-1 Maryland call center" means a nonprofit agency or organization designated by 2-1-1 Maryland to provide 2-1-1 services.

24 - 1202.

(a) The General Assembly:

(1) Recognizes the importance of a statewide information and referral system for health and human services;

(2) Recognizes that an integrated telephone system would provide a single source for information and referral to health and human services, community preparedness, and crisis information and could be accessed toll free from anywhere in Maryland, 24 hours a day, 365 days a year;

(3) Acknowledges that the three-digit number, 2-1-1, is a nationally recognized and applied telephone number which may be used for information and referral and eliminates delays caused by lack of familiarity with health and human service numbers and by understandable confusion in circumstances of crisis; and

(4) Recognizes a demonstrated need for an easy to remember, easy to use telephone number that will enable individuals in need to be directed to available community resources.

(b) The [purposes] **PURPOSE** of this subtitle [are] **IS** to[:

(1) Establish] ESTABLISH the three-digit number, 2–1–1, as the primary information and referral telephone number for health and human services in the State[; and

(2) Establish a board to oversee the 2-1-1 Maryland call centers and the operation of a statewide Health and Human Services Referral System in the State].

24 - 1203.

(a) Except as provided in subsection (d) of this section, an agency or organization shall be approved by 2-1-1 Maryland as a 2-1-1 Maryland call center in order to provide 2-1-1 services in the State.

(b) [No more than five call centers may be approved by 2-1-1 Maryland to provide 2-1-1 telephone services in the State.

(c)] When approving a 2–1–1 service provider, 2–1–1 Maryland shall consider:

(1) The ability of the proposed 2-1-1 service provider to meet the national 2-1-1 standards recommended by:

(i) The Alliance of Information and Referral Systems and adopted by the National 2-1-1 Collaborative; or

(ii) An equivalent entity;

(2) The financial stability of the proposed 2–1–1 service provider;

(3) Any community support for the proposed 2–1–1 service provider;

(4) Any experience that the proposed 2-1-1 service provider has with other information and referral services;

(5) The degree to which the county in which the proposed call center is to be located has dedicated substantial resources to the establishment of a single telephone source for non-emergency inquiries regarding county services; and

(6) Any other criteria that 2–1–1 Maryland considers appropriate.

[(d)] (C) If a unit of the State that provides health and human services establishes a public information telephone line or hotline, the unit shall consult with 2-1-1 Maryland about using the 2-1-1 system to provide public access to information.

[24-1204.

(a) There is a Health and Human Services Referral Board in the Maryland Department of Health.

(b) The Board shall consist of the following members:

(1) One member of the Senate of Maryland, appointed by the President of the Senate;

(2) One member of the House of Delegates, appointed by the Speaker of the House;

(3) The Secretary of Human Services, or the Secretary's designee;

(4) The Secretary of Health, or the Secretary's designee;

(5) The Secretary of Information Technology, or the Secretary's designee;

(6) The Secretary of Aging, or the Secretary's designee;

(7) A representative of the Office of Homeland Security, appointed by the Governor;

(8) A representative of 2–1–1 Maryland, Inc., appointed by the Board of Directors of 2–1–1 Maryland;

(9) A representative of each 2-1-1 Maryland call center, appointed by the call center;

 $(10)\,$  A representative of the Maryland Child Care Resource Network, appointed by the Governor;

(11)~ A representative of the Maryland State Association of United Ways, appointed by the Governor; and

(12) Two members of the public with experience in telecommunications, appointed by the Governor.

(c) (1) The term of a member is 4 years.

(2) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(3) If a vacancy occurs after a term has begun, a successor shall be appointed to represent the organization or group in which the vacancy occurs.

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

(d) The Board shall determine the time and place of the meetings and may adopt rules for the conduct of the meetings.

(e) A majority of the Board members constitutes a quorum for transacting business at any meeting and action by a majority of Board members present at the meeting shall be an act of the Board.

(f) Each year, the Board shall elect from among the members:

(1) A chair and vice chair; and

(2) Any other officer the Board requires.

(g) Each member of the Board:

(1) Serves without compensation; but

(2) Is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(h) The Maryland State Association of United Ways shall provide staff to the Board.

(i) The composition of the Board as to the race and gender of its members shall reflect the composition of the population of the State.]

[24–1205.] **24–1204.** 

(a) The [Board] **DEPARTMENT** shall, IN CONSULTATION WITH 2-1-1 MARYLAND, AS APPROPRIATE:

(1) Maintain public information available from State agencies, programs, and departments that provide health and human services;

(2) Support projects and activities that further the development of 2–1–1 Maryland;

(3) Examine and make recommendations to maximize the use of information technology in making 2-1-1 services available throughout the State;

(4) Evaluate the performance of each 2–1–1 Maryland call center;

(5) Make recommendations to 2–1–1 Maryland regarding the quality of service provided by call centers or the performance of call centers when issues related to service quality and performance are presented to the [Board] **DEPARTMENT**; **AND** 

(6) Make recommendations regarding corrective action to be taken by a call center, as appropriate[; and

(7) Develop policies and procedures governing conflict of interest standards for Board members].

(b) On or before December 31, 2005, and every year thereafter, the [Board] **DEPARTMENT, IN CONSULTATION WITH 2–1–1 MARYLAND,** shall report to the Governor and, subject to § 2–1257 of the State Government Article, to the General Assembly on the activities performed under subsection (a) of this section.

[24–1206.] **24–1205.** 

Funding for the [Board] **DEPARTMENT'S IMPLEMENTATION OF THIS SUBTITLE** is subject to [the]:

(1) **THE** availability of appropriated funds; **AND** 

#### (2) AUDIT BY THE OFFICE OF LEGISLATIVE AUDITS UNDER § 2–1220 OF THE STATE GOVERNMENT ARTICLE.

<u>SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,</u> 2020, the Maryland Department of Health shall:

(1) <u>conduct a cost analysis of the 2–1–1 services provided in the State under</u> <u>Title 24, Subtitle 12 of the Health – General Article that includes a determination regarding</u> <u>the amount of funding required to:</u>

(i) <u>fully support a statewide 2–1–1 hotline;</u>

(ii) continue to use 2–1–1 as the primary information and referral number in the State; and

(iii) increase enforcement of the requirement under § 24–1203(c) of the Health – General Article, as enacted by Section 1 of this Act, for a unit that provides health and human services to consult with 2–1–1 Maryland if the unit establishes a public information telephone line or hotline; and

(2) report the results of the cost analysis to the Governor, the General Assembly, in accordance with § 2–1257 of the State Government Article, and the chair of the Board of Directors of 2–1–1 Maryland.

SECTION  $\underline{2}, \underline{3}.$  AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 295

(Senate Bill 584)

AN ACT concerning

Health and Human Services Referral System – Modifications

FOR the purpose of repealing the limit on the number of call centers that may be approved by 2–1–1 Maryland to provide certain services; repealing certain provisions of law establishing and governing the Health and Human Services Referral Board in the Maryland Department of Health; requiring the Department, rather than the Board, in consultation with 2–1–1 Maryland, as appropriate, to take certain actions related to 2–1–1 Maryland; replacing the Board with the Department as the entity for which funding is subject to the availability of certain funds; providing that certain funding is subject to audit by the Office of Legislative Audits; <u>requiring the Department to conduct a certain cost analysis and report the results to the Governor, the General Assembly, and the chair of the Board of Directors of 2–1–1 Maryland on or before a <u>certain date</u>; making conforming changes; and generally relating to modifications to the Health and Human Services Referral System.</u>

BY repealing and reenacting, with amendments,

Article – Health – General Section 24–1201 through 24–1203, 24–1205, and 24–1206 Annotated Code of Maryland (2019 Replacement Volume)

BY repealing

Article – Health – General Section 24–1204 Annotated Code of Maryland (2019 Replacement Volume)

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

#### Article – Health – General

24 - 1201.

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

[(b) "Board" means the Health and Human Services Referral Board.]

[(c)] (B) "Health and Human Services Referral System" means telephone service that automatically connects an individual dialing the digits 2-1-1 to an established information and referral answering point.

[(d)] (C) "2-1-1" means the abbreviated dialing code assigned by the Federal Communications Commission for consumer access to community information and referral services.

[(e)] (D) "2-1-1 Maryland" means the Maryland Information Network, 2-1-1 Maryland, a 501(c)(3) corporation in the State.

[(f)] (E) "2-1-1 Maryland call center" means a nonprofit agency or organization designated by 2-1-1 Maryland to provide 2-1-1 services.

24 - 1202.

(a) The General Assembly:

(1) Recognizes the importance of a statewide information and referral system for health and human services;

(2) Recognizes that an integrated telephone system would provide a single source for information and referral to health and human services, community preparedness, and crisis information and could be accessed toll free from anywhere in Maryland, 24 hours a day, 365 days a year;

(3) Acknowledges that the three-digit number, 2–1–1, is a nationally recognized and applied telephone number which may be used for information and referral and eliminates delays caused by lack of familiarity with health and human service numbers and by understandable confusion in circumstances of crisis; and

(4) Recognizes a demonstrated need for an easy to remember, easy to use telephone number that will enable individuals in need to be directed to available community resources.

(b) The [purposes] **PURPOSE** of this subtitle [are] **IS** to[:

(1) Establish] ESTABLISH the three-digit number, 2–1–1, as the primary information and referral telephone number for health and human services in the State[; and

(2) Establish a board to oversee the 2-1-1 Maryland call centers and the operation of a statewide Health and Human Services Referral System in the State].

#### 24 - 1203.

(a) Except as provided in subsection (d) of this section, an agency or organization shall be approved by 2-1-1 Maryland as a 2-1-1 Maryland call center in order to provide 2-1-1 services in the State.

(b) [No more than five call centers may be approved by 2-1-1 Maryland to provide 2-1-1 telephone services in the State.

(c)] When approving a 2–1–1 service provider, 2–1–1 Maryland shall consider:

(1) The ability of the proposed 2-1-1 service provider to meet the national 2-1-1 standards recommended by:

(i) The Alliance of Information and Referral Systems and adopted by the National 2-1-1 Collaborative; or

- (ii) An equivalent entity;
- (2) The financial stability of the proposed 2-1-1 service provider;
- (3) Any community support for the proposed 2-1-1 service provider;

(4) Any experience that the proposed 2-1-1 service provider has with other information and referral services;

(5) The degree to which the county in which the proposed call center is to be located has dedicated substantial resources to the establishment of a single telephone source for non-emergency inquiries regarding county services; and

(6) Any other criteria that 2–1–1 Maryland considers appropriate.

[(d)] (C) If a unit of the State that provides health and human services establishes a public information telephone line or hotline, the unit shall consult with 2-1-1 Maryland about using the 2-1-1 system to provide public access to information.

#### [24-1204.

(a) There is a Health and Human Services Referral Board in the Maryland Department of Health.

(b) The Board shall consist of the following members:

(1) One member of the Senate of Maryland, appointed by the President of the Senate;

(2) One member of the House of Delegates, appointed by the Speaker of the

House;

- (3) The Secretary of Human Services, or the Secretary's designee;
- (4) The Secretary of Health, or the Secretary's designee;
- (5) The Secretary of Information Technology, or the Secretary's designee;
- (6) The Secretary of Aging, or the Secretary's designee;
- (7) A representative of the Office of Homeland Security, appointed by the

Governor;

(8) A representative of 2-1-1 Maryland, Inc., appointed by the Board of Directors of 2-1-1 Maryland;

(9) A representative of each 2-1-1 Maryland call center, appointed by the call center;

(10) A representative of the Maryland Child Care Resource Network, appointed by the Governor;

(11) A representative of the Maryland State Association of United Ways, appointed by the Governor; and

(12) Two members of the public with experience in telecommunications, appointed by the Governor.

(c) (1) The term of a member is 4 years.

(2) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(3) If a vacancy occurs after a term has begun, a successor shall be appointed to represent the organization or group in which the vacancy occurs.

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

(d) The Board shall determine the time and place of the meetings and may adopt rules for the conduct of the meetings.

(e) A majority of the Board members constitutes a quorum for transacting business at any meeting and action by a majority of Board members present at the meeting shall be an act of the Board.

(f) Each year, the Board shall elect from among the members:

(1) A chair and vice chair; and

(2) Any other officer the Board requires.

(g) Each member of the Board:

(1) Serves without compensation; but

(2) Is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget. (h) The Maryland State Association of United Ways shall provide staff to the Board.

(i) The composition of the Board as to the race and gender of its members shall reflect the composition of the population of the State.]

[24–1205.] **24–1204.** 

(a) The [Board] **DEPARTMENT** shall, IN CONSULTATION WITH 2–1–1 MARYLAND, AS APPROPRIATE:

(1) Maintain public information available from State agencies, programs, and departments that provide health and human services;

(2) Support projects and activities that further the development of 2–1–1 Maryland;

(3) Examine and make recommendations to maximize the use of information technology in making 2-1-1 services available throughout the State;

(4) Evaluate the performance of each 2–1–1 Maryland call center;

(5) Make recommendations to 2–1–1 Maryland regarding the quality of service provided by call centers or the performance of call centers when issues related to service quality and performance are presented to the [Board] **DEPARTMENT**; **AND** 

(6) Make recommendations regarding corrective action to be taken by a call center, as appropriate[; and

(7) Develop policies and procedures governing conflict of interest standards for Board members].

(b) On or before December 31, 2005, and every year thereafter, the [Board] **DEPARTMENT, IN CONSULTATION WITH 2–1–1 MARYLAND,** shall report to the Governor and, subject to § 2–1257 of the State Government Article, to the General Assembly on the activities performed under subsection (a) of this section.

[24–1206.] **24–1205.** 

Funding for the [Board] **DEPARTMENT'S IMPLEMENTATION OF THIS SUBTITLE** is subject to [the]:

(1) THE availability of appropriated funds; AND

(2) AUDIT BY THE OFFICE OF LEGISLATIVE AUDITS UNDER § 2–1220 OF THE STATE GOVERNMENT ARTICLE.

<u>SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,</u> 2020, the Maryland Department of Health shall:

(1) <u>conduct a cost analysis of the 2–1–1 services provided in the State under</u> <u>Title 24, Subtitle 12 of the Health – General Article that includes a determination regarding</u> <u>the amount of funding required to:</u>

(i) <u>fully support a statewide 2–1–1 hotline;</u>

(ii) continue to use 2–1–1 as the primary information and referral number in the State; and

(iii) increase enforcement of the requirement under § 24–1203(c) of the Health – General Article, as enacted by Section 1 of this Act, for a unit that provides health and human services to consult with 2–1–1 Maryland if the unit establishes a public information telephone line or hotline; and

(2) report the results of the cost analysis to the Governor, the General Assembly, in accordance with § 2-1257 of the State Government Article, and the chair of the Board of Directors of 2-1-1 Maryland.

SECTION  $\frac{2}{2}$ . <u>3.</u> AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 296

(House Bill 672)

AN ACT concerning

## Children in Need of Assistance – Qualified Residential Treatment Program – Definition

FOR the purpose of altering the definition of a "qualified residential treatment program" for purposes of certain provisions of law relating to the placement of children in need of assistance to require that a program, rather than discharge planning, must meet certain license and accreditation requirements; and generally relating to qualified residential treatment programs.

BY repealing and reenacting, without amendments,

Article – Courts and Judicial Proceedings Section 3–801(a) Annotated Code of Maryland (2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Courts and Judicial Proceedings Section 3–801(v) Annotated Code of Maryland (2013 Replacement Volume and 2019 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

3-801.

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

(v) "Qualified residential treatment program" means a program within a licensed child care institution that provides continuous, 24-hour care and supportive services to children in a residential, nonfamily home setting that:

(1) Has a trauma-informed treatment model that is designed to address the clinical and other needs of children with serious emotional or behavioral disorders or disturbances;

(2) Is able to implement the specific treatment recommended in an assessment completed by a qualified individual;

(3) Has registered or licensed nursing staff and other licensed clinical staff who are:

(i) On site according to the treatment model and during business

hours; and

(ii) Available 24 hours a day, 7 days a week;

(4) Appropriately facilitates outreach to family members and integrates the family members into the treatment of the children; [and]

(5) Is able to provide discharge planning that [:

(i) Provides] **PROVIDES** family-based aftercare support for at least 6 months following discharge;

[(ii)] (6) Is licensed in accordance with § 471(a)(10) of the Social Security Act; and

[(iii)] (7) Is accredited by an approved independent nonprofit organization.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 297

(House Bill 673)

AN ACT concerning

#### Juvenile Services - Facilities - Garrett Children's Center

FOR the purpose of including the Garrett Children's Center as a facility the Department of Juvenile Services is authorized to operate for certain purposes; and generally relating to facilities operated by the Department of Juvenile Services.

BY repealing and reenacting, with amendments, Article – Human Services Section 9–226 Annotated Code of Maryland (2019 Replacement Volume and 2019 Supplement)

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

## **Article – Human Services**

9-226.

(a) The Department may establish and operate the facilities that are necessary to properly diagnose, care for, train, educate, and rehabilitate children who need these services.

- (b) The facilities described in subsection (a) of this section include:
  - (1) the Alfred D. Noyes Children's Center;
  - (2) the Baltimore City Juvenile Justice Center;

- (3) the Charles H. Hickey, Jr. School;
- (4) the Cheltenham Youth Facility;
- (5) the J. DeWeese Carter Center;
- (6) the Lower Eastern Shore Children's Center;
- (7) the Thomas J. S. Waxter Children's Center;
- (8) the Victor Cullen Center;
- (9) the Western Maryland Children's Center; [and]

## (10) THE GARRETT CHILDREN'S CENTER; AND

(11) the youth centers.

SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 298

# (House Bill 674)

AN ACT concerning

## **Controlled Dangerous Substances – Schedules**

FOR the purpose of altering the lists of substances designated as controlled dangerous substances under certain schedules under the Maryland Controlled Dangerous Substances Act; making stylistic changes; and generally relating to schedules for controlled dangerous substances.

BY repealing and reenacting, with amendments, Article – Criminal Law Section 5–402 through 5–406 Annotated Code of Maryland (2012 Replacement Volume and 2019 Supplement)

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

## Article – Criminal Law

5 - 402.

(a) Schedule I consists of each controlled dangerous substance:

(1) listed in this section;

(2) added to Schedule I by the Department under § 5–202(b) of this title; or

(3) designated as a Schedule I controlled dangerous substance by the federal government unless the Department objects under § 5–202(f) of this title.

(b) Unless specifically excepted under this subtitle or listed in another schedule, any of the following opiates, including their isomers, including optical and geometric isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, or salts is possible within the specific chemical designation, are substances listed in Schedule I:

# (1) [acetyl-alpha-methylfentanyl] ACETYL-ALPHA-METHYLFENTANYL (*N*-[1-(1-METHYL-2-PHENETHYL)-4-PIPERIDINYL]-*N*-PHENYLACETAMIDE);

(2) acetylmethadol;

(3) [acetylfentanyl(n-(1-phenethylpiperidine-4-yl)-n-phenylacetamide)]ACETYLFENTANYL(N-(1-PHENETHYLPIPERIDIN-4-YL)-N-PHENYLACETAMIDE);FENTANYLFENTANYL

## (4) ACRYL (*N*-(1-PHENETHYLPIPERIDIN-4-YL)-*N*-PHENYLACRYLAMIDE;

#### FENTANYL

### (5) [ah–7921

## (3,4-dichloro-n-[(1-dimethylamino)cyclohexylmethyl])benzamide] AH-7921 (3,4-DICHLORO-N-[(1-DIMETHYLAMINO) CYCLOHEXYLMETHYL]) BENZAMIDE;

**[**(5)**] (6)** allylprodine;

## [(6)] (7) alphacetylmethadol, except [levoalphacetylmethadol] LEVO–ALPHACETYLMETHADOL;

- **[**(7)**] (8)** alphameprodine;
- **[**(8)**] (9)** alphamethadol;

[(9)] (10) [alpha-methylfentanyl] ALPHA-METHYLFENTANYL (N-[1-(ALPHA-METHYL-BETA-PHENYL)ETHYL-4-PIPERIDYL] PROPIONANILIDE; 1-(1-METHYL-2-PHENYLETHYL)-4-(N-PROPANILIDO) PIPERIDINE);

[(10)] (11) [alpha-methylthiofentanyl] ALPHA-METHYLTHIOFENTANYL (*N*-[1-METHYL-2-(2-THIENYL)ETHYL-4-PIPERIDINYL]-*N*-PHENYLPROPANAMIDE);

[(11)] (12) benzethidine;

**[**(12)**] (13)** betacetylmethadol;

[(13)] (14) [beta-hydroxyfentanyl] BETA-HYDROXYFENTANYL (*N*-[1-(2-HYDROXY-2-PHENETHYL)-4-PIPERIDINYL]-*N*-PHENYLPROPANAMIDE);

[(14)] (15) beta-hydroxy-3-methylfentanyl;

## (16) N-[1-[2-HYDROXY-2-(THIOPHEN-2-YL)ETHYL]PIPERIDIN-4-YL]-N-PHENYLPROPIONAMIDE;

- [(15)] (17) betameprodine;
- [(16)] (18) betamethadol;
- [(17)] **(19)** betaprodine;

(20) BUTYRYL

#### FENTANYL

# (N-(1-PHENETHYLPIPERIDIN-4-YL)-N-PHENYLBUTYRAMIDE);

- [(18)] (21) clonitazene;
- [(19)] (22) dextromoramide;
- [(20)] **(23)** diampromide;
- [(21)] (24) diethylthiambutene;
- [(22)] **(25)** difenoxin;
- [(23)] **(26)** dimenoxadol;
- [(24)] (27) dimepheptanol;
- [(25)] (28) dimethylthiambutene;

- [(26)] (29) dioxaphetyl butyrate;
- **[**(27)**] (30)** dipipanone;
- [(28)] (31) ethylmethylthiambutene;
- [(29)] **(32)** etonitazene;
- [(30)] **(33)** etoxeridine;

# (34) 4-FLUOROISOBUTYRYL FENTANYL (N-(4-FLUOROPHENYL)-N-(1-PHENETHYLPIPERIDIN-4-YL)ISOBUTYRAMIDE;

# (35) FURANYL FENTANYL (N-(1-PHENETHYLPIPERIDIN-4-YL)-N-PHENYLFURAN-2-CARBOXAMIDE);

- [(31)] **(36)** furethidine;
- [(32)] (37) hydroxypethidine;
- [(33)] **(38)** ketobemidone;
- [(34)] **(39)** levomoramide;
- [(35)] (40) levophenacylmorphan;

[(36)] (41) [3-methylfentanyl

(n-3-methyl-1-(2-phenylethyl)-4-piperidyl-1-n-phenylpropanamide)] **3-METHYLFENTANYL** (*N*-[**3**-METHYL-1-(2-PHENYLETHYL)-4-PIPERIDYL]-*N*-PHENYLPROPANAMIDE);

- [(37)] (42) 3–methylthiofentanyl;
- [(38)] **(43)** morpheridine;
- [(39)] (44) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- (45) MT-45 (1-CYCLOHEXYL-4-(1,2-DIPHENYLETHYL)PIPERAZINE);
- [(40)] **(46)** noracymethadol;
- [(41)] **(47)** norlevorphanol;
- [(42)] **(48)** normethadone;

**[**(43)**] (49)** norpipanone;

(50) OCFENTANIL (N-(2-FLUOROPHENYL)-2-METHOXY-N-(1-PHENETHYLPIPERIDIN-4-YL)ACETAMIDE);

[(44)] (51) para–fluorofentanyl (*N*–(4–FLUOROPHENYL)–*N*–[1–(2–PHENETHYL)–4–PIPERIDINYL] PROPANAMIDE;

[(45)] (52) PEPAP [(1–(2–phenethyl)–4–phenyl–4–acetoxypiperidine)] (1–(–2–PHENETHYL)–4–PHENYL–4–ACETOXYPIPERIDINE);

[(46)] **(53)** phenadoxone;

- [(47)] **(54)** phenampromide;
- [(48)] **(55)** phenomorphan;
- **[**(49)**] (56)** phenoperidine;
- [(50)] **(57)** piritramide;
- [(51)] **(58)** proheptazine;
- [(52)] **(59)** properidine;
- **[**(53)**] (60)** propiram;
- [(54)] **(61)** racemoramide;

(62) TETRAHYDROFURANYL FENTANYL (N-(1-PHENETHYLPIPERIDIN-4-YL)-N-PHENYLTETRAHYDROFURAN-2-CARBOXAMIDE);

- [(55)] **(63)** thiofentanyl;
- [(56)] (64) tilidine; [and]
- [(57)] (65) [trimeperidin] TRIMEPERIDINE; AND

## (66) U-47700

# (3,4-DICHLORO-N-[2-(DIMETHYLAMINO)CYCLOHEXYL]-N-METHYLBENZAMIDE).

(c) Unless specifically excepted under this subtitle or listed in another schedule, any of the following opium derivatives, including their salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, or salts of isomers is possible within the

specific chemical designation, are substances listed in Schedule I:

- (1) acetorphine;
- (2) acetyldihydrocodeine;
- (3) benzylmorphine;
- (4) codeine methylbromide;
- (5) codeine–N–oxide;
- (6) cyprenorphine;
- (7) desomorphine;
- (8) dihydromorphine;
- (9) drotebanol;
- (10) etorphine (except hydrochloride salt);
- (11) heroin;
- (12) hydromorphinol;
- (13) methyldesorphine;
- (14) methyldihydromorphine;
- (15) morphine methylbromide;
- (16) morphine methylsulfonate;
- (17) morphine–N–oxide;
- (18) myrophine;
- (19) nicocodeine;
- (20) nicomorphine;
- (21) normorphine;
- (22) pholcodine; and
- (23) thebacon.

(d) Unless specifically excepted under this subtitle or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following hallucinogenic substances, or that contains any of its salts, isomers, including optical, position, and geometric isomers, or salts of isomers, whenever the existence of such salts, isomers, or salts of isomers is possible within the specific chemical designation, is a substance listed in Schedule I:

- (1) alpha–ethyltryptamine;
- (2) 4-bromo-2,5-dimethoxy-amphetamine;
- (3) 4-bromo-2,5-dimethoxyphenethylamine;
- (4) 2,5–dimethoxyamphetamine;
- (5) 2,5–dimethoxy–4–ethylamphetamine (DOET);

# $(6) \quad [2,5-dimethoxy-4-(n)-propylthiophenethylamine \qquad (2c-t-7)] \\ \textbf{2,5-DIMETHOXY-4-(N)-PROPYLTHIOPHENETHYLAMINE (2C-T-7);}$

- (7) 4-methoxyamphetamine (PMA);
- (8) 5-methoxy-3,4-methylenedioxy-amphetamine;
- (9) 4-methyl-2,5-dimethoxy-amphetamine;
- (10) 3,4-methylenedioxy amphetamine;
- (11) 3,4-methylenedioxymethamphetamine (MDMA);

### (12) [3,4-methylenedioxy-n-ethylamphetamine] **3,4-METHYLENEDIOXY-N-ETHYLAMPHETAMINE** (MDA);

# (13) [n-hydroxy-3,4-methylenedioxyamphetamine] N-HYDROXY-3,4-METHYLENEDIOXYAMPHETAMINE;

(14) 3,4,5-trimethoxyamphetamine;

#### (15) **[**5-methoxy-n, **5-METHOXY-N, N-DIMETHYLTRYPTAMINE**:

- n-dimethyltryptamine]
- (16) alpha-methyltryptamine (AMT);
- (17) bufotenine;

- (18) diethyltryptamine (DET);
- (19) dimethyltryptamine (DMT);

## (20) [5-methoxy-n, n-diisopropyltryptamine (5-MEO-DIPT)] 5-METHOXY-N, N-DIISOPROPYLTRYPTAMINE (5-MEO-DIPT);

- (21) ibogaine;
- (22) lysergic acid diethylamide;
- (23) marijuana;
- (24) mescaline;
- (25) [parahexyl] PARAHEXYL-7374;

(26) peyote (meaning all parts of the plant presently classified botanically as Lophophora williamsii lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or extracts);

	(27)	[n-ethyl-3-piperidyl	benzilate]	N-ETHYL-	-3-piperidyl	
BENZILATE	2;					
	(28)	[n-methyl-3-piperidy]	l benzilate]	N-METHYL-	-3-PIPERIDYL	
BENZILATE;						
	(29)	psilocybin;				
	(30)	psilocyn;				
	(31)	tetrahydrocannabinols;				
(N-ethyl-1-	(32) -pheny	ethylamine lcyclohexylamine);	analog	of	phencyclidine	
(1–(1–pheny	(33) vlcyclo	pyrrolidine hexyl)–pyrrolidine);	analog	of	phencyclidine	
	(34)	[thiophene	analog	of	phencyclidine	

(34) [thiophene analog of phencyclidine (1-(1-(2-thienyl)-cyclohexyl)-piperidine)] THIOPHENE ANALOG OF PHENCYCLIDINE (1-[1-(2-THIENYL)-CYCLOHEXYL]-PIPERIDINE);

(35) 1–[1–(2–thienyl)cyclohexyl]pyrrolidine;

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	(36)	4-METHYLMETHCATHINONE (MEPHEDRONE);				
	(37)	3, 4-methylenedioxypyrovalerone (MDPV);				
	<b>[</b> (37)	4-methylmethcathinone (mephedrone);				
	(38)	4-methoxymethcathinone (methedrone);]				
2-(2,5-DIM		(38) [2–(2,5–dimethoxy–4–ethylphenyl) ethanamine (2 XY–4–ETHYLPHENYL) ETHANAMINE (2C–E);	c—e)]			
2-(2,5-DIM		(39) [2–(2,5–dimethoxy–4–methylphenyl) ethanamine (2 XY–4–METHYLPHENYL) ETHANAMINE (2C–D);	c-d)]			
2-(4-CHLO		(40) [2–(4–chloro–2,5–dimethoxyphenyl) ethanamine (2 5–DIMETHOXYPHENYL) ETHANAMINE (2C–C);	c–c)]			
2-(4-IODO-		(41) [2–(4–iodo–2,5–dimethoxyphenyl) ethanamine (2 DIMETHOXYPHENYL) ETHANAMINE (2C–I);	2ci)]			
2-[4-(ETHY		(42) [2–(4–ethylthio–2,5–dimethoxyphenyl) ethanamine (2c– O)–2,5–DIMETHOXYPHENYL] ETHANAMINE (2C–T–2);	t–2)]			
[(44)] (43) [2–(4–isopropylthio)–2,5–dimethoxyphenyl) ethanamine (2c–t–4)] 2–[4–(ISOPROPYLTHIO)–2,5–DIMETHOXYPHENYL] ETHANAMINE (2C–T–4);						
[(45)] (44) [2–(2,5–dimethoxyphenyl) ethanamine (2c–h)] 2–(2,5–DIMETHOXYPHENYL) ETHANAMINE (2C–H);						
(45) 2-(2,5-DIMETHOXY-4-NITRO-PHENYL) ETHANAMINE (2C-N);						
2-(2,5-DIM	. ,	[2–(2,5–dimethoxy–4–(n)–propylphenyl) ethanamine (2 XY–4–(N)–PROPYLPHENYL) ETHANAMINE (2C–P);	c–p)]			
<b>3,4</b> –METHY	. ,	[3,4-methylenedioxymethcathinone (methyl DIOXY-N-METHYLCATHINONE (METHYLONE);	one)]			
methanone		[(1-pentyl-1h-indol-3-yl) (2,2,3,3-tetramethylcyclopr (ur-144)] (1-PENTYL-1 <i>H</i> -INDOL-3 (ETHYLCYCLOPROPYL) METHANONE (UR-144);	10 /			
methanone	(49)	[[1–(5–fluoro–pentyl)–1h–indol–3–yl](2,2,3,3–tetramethylcyclopro	r11)]			

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### METHANONE (5-FLUORO-UR-144, XLR11);

 $(50) \quad [n-(1-adamantyl)-1-pentyl-1h-indazole-3-carboxamide (apinaca, akb48)] \qquad N-(1-ADAMANTYL)-1-PENTYL-1H-INDAZOLE-3-CARBOXAMIDE (APINACA, AKB48);$ 

(51) [quinolin-8-yl 1-pentyl-1h-indole-3-carboxylate (pb-22)] QUINOLIN-8-YL 1-PENTYL-1H-INDOLE-3-CARBOXYLATE (PB-22);

(52) [quinolin-8-yl 1-(5-fluoropentyl)-1h-indole-3-carboxylate (5-fluoro-pb-22)] QUINOLIN-8-YL 1-(5-FLUOROPENTYL)-1H-INDOLE-3-CARBOXYLATE (5-FLUORO-PB-22);

(53) [n-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1h-indazole-3carboxamide (ab-fubinaca)] N-(1-AMINO-3-METHYL-1-OXOBUTAN-2-YL)-1-(4-FLUOROBENZYL)-1H-INDAZOLE-3-CARBOXAMIDE (AB-FUBINACA);

(54) **[**n–(1–amino–3,

3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1h-indazole-3-carboxamide (adb-pinaca)] N-(1-AMINO-3, 3-DIMETHYL-1-OXOBUTAN-2-YL)-1-PENTYL-1H-INDAZOLE-3-CARBOXAMIDE (ADB-PINACA);

(55) [2–(4–iodo–2,5–dimethoxyphenyl)–n–(2–methoxybenzyl) ethanamine (25I–nbome)] 2–(4–IODO–2,5–DIMETHOXYPHENYL)–*N*–(2–METHOXYBENZYL) ETHANAMINE (25I–NBOME);

(56) [2–(4–chloro–2,5–dimethoxyphenyl)–n–(2–methoxybenzyl) ethanamine (25C–nbome)] 2–(4–CHLORO–2,5–DIMETHOXYPHENYL)–*N*–(2–METHOXYBENZYL) ETHANAMINE (25C–NBOME);

(57) [2–(4–bromo–2,5–dimethoxyphenyl)–n–(2–methoxybenzyl) ethanamine (25B–nbome)] 2–(4–BROMO–2,5–DIMETHOXYPHENYL)–*N*–(2–METHOXYBENZYL) ETHANAMINE (25B–NBOME);

(58) marijuana extract (meaning an extract containing one or more cannabinoids that has been derived from any plant of the genus cannabis, other than the separated resin, whether crude or purified, obtained from the plant);

(59) [4-methyl-n-ethylcathinone

(4–MEC)]

### 4-METHYL-*N*-ETHYLCATHINONE (4-MEC); [4-methyl-alpha-pyrrolidinopropiophenone (4–MEPPP) (60)4-METHYL-ALPHA-PYRROLIDINOPROPIOPHENONE (4-MEPPP); [alpha-pyrrolidinopentiophenone (61) (A–PVP) ALPHA-PYRROLIDINOPENTIOPHENONE (ALPHA-PVP); 1–(1,3–benzodioxol–5–yl)–2–(methylamino) butan–1–one (butylone); (62)(63)2-(methylamino)-1-phenylpentan-1-one (pentedrone); (64)1–(1,3–benzodioxol–5–yl)–2–(methylamino) pentan–1–one (pentylone); (65)[4-fluoro-n-methylcathinone (flephedrone) 4-FLUORO-*N*-METHYLCATHINONE (FLEPHEDRONE); [3-fluoro-n-methylcathinone (3–FMC) (66)3-FLUORO-N-METHYLCATHINONE (3-FMC); (67)[cannabimimetic agents; (68)] 1–(naphthalen–2–yl)–2–(pyrrolidin–1–yl)pentan–1–one (naphyrone); [and] [(69)] (68) [alpha-pyrrolidinobutiophenone (A–PBP) ALPHA-PYRROLIDINOBUTIOPHENONE (ALPHA-PBP); (69) N-(1-AMINO-3-METHYL-1-OXOBUTAN-2-YL)-1-(CYCLOHEXYLMETHYL)-1*H*-INDAZOLE-3-CARBOXAMIDE (AB-CHMINACA);

(70) N-(1-AMINO-3-METHYL-1-OXOBUTAN-2-YL)-1-PENTYL-1H-INDAZOLE-3-CARBOXAMIDE (AB-PINACA);

(71) [1-(5-FLUOROPENTYL)-1*H*-INDAZOL-3-YL](NAPHTHALEN-1-YL)METHANONE (THJ-2201); AND

# (72) N-(1-AMINO-3,3-DIMETHYL-1-OXOBUTAN-2-YL)-1-(CYCLOHEXYLMETHYL)-1H-INDAZOLE-3-CARBOXAMIDE (MAB-CHMINACA).

[(e) Unless specifically excepted under this subtitle or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, or that contains their salts, isomers, or salts of isomers, whenever the existence of such salts, isomers, or salts of isomers is possible within the specific chemical designation, is a substance listed in Schedule I:

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 $(1) \quad 5-(1, \qquad 1-dimethylheptyl)-2-[(1r,3s)-3-hydroxycyclohexyl]-phenol (cp-47,497);$ 

 $(2) \qquad 5-(1,1-dimethyloctyl)-2-[(1r,3s)3-hydroxycyclohexyl]-phenol (cp-47,497 c8 homologue);$ 

- (3) 1-pentyl-3-(1-naphthoyl) indole (JWH-018 and AM678)
- (4) 1-butyl-3-(1-naphthoyl) indole (JWH-073);
- (5) 1-hexyl-3-(1-naphthoyl) indole (JWH-019);
- (6) 1–[2–(4–morpholinyl)ethyl]–3–(1–naphthoyl) indole (JWH–200);
- (7) 1-pentyl-3-(2-methoxyphenylacetyl) indole (JWH-250);
- (8) 1-pentyl-3-(1-(4-methoxynaphthoyl) indole (JWH-081);
- (9) 1-pentyl-3-(4-methyl-1-naphthoyl) indole (JWH-122);
- (10) 1-pentyl-3-(4-chloro-1-naphthoyl) indole (JWH-398);
- (11) 1–(5–fluoropentyl)–3–(1–naphthoyl) indole (AM2201);
- (12) 1–(5–fluoropentyl)–3–(2–iodobenzoyl) indole (AM694);
- (13) 1-pentyl-3-[(4-methoxy)-benzoyl] indole (SR-19 and RCS-4);

(14) 1–cyclohexylethyl–3–(2–methoxyphenylacetyl) indole (SR–18 and RCS–8); and

(15) 1-pentyl-3-(2-chlorophenylacetyl) indole (JWH-203).]

[(f)] (E) Unless specifically excepted under this subtitle or listed in another schedule, a material, compound, mixture, or preparation that contains any quantity of the following substances having depressant effects on the central nervous system, or that contains its salts, isomers, or salts of isomers, whenever the existence of such salts, isomers, or salts of isomers is possible within the specific chemical designation, is a substance listed in Schedule I:

- (1) [mecloqualone;
- (2) methaqualone; and
- (3)] gamma-hydroxybutyric acid (GHB);

### (2) MECLOQUALONE; AND

#### (3) METHAQUALONE.

[(g)] (F) Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, or that contains its salts, isomers, or salts of isomers, is a substance listed in Schedule I:

- (1) aminorex;
- (2) [n-benzylpiperazine] **N-BENZYLPIPERAZINE (BZP)**;
- (3) cathinone;
- (4) fenethylline;
- (5) methcathinone;
- (6) [4-methylaminorex;

(7) ( $\pm$ )CIS-4-methylaminorex] ( $\pm$ )CIS-4-METHYLAMINOREX (( $\pm$ )CIS-4,5-DIHYDRO-4-METHYL-5-PHENYL-2-OXAZOLAMINE);

[(8)] (7) [n-ethylamphetamine] **N**-ETHYLAMPHETAMINE; and

[(9)] (8) [n, n-dimethylamphetamine] N, N-DIMETHYLAMPHETAMINE.

(G) UNLESS SPECIFICALLY EXCEPTED UNDER THIS SUBTITLE OR LISTED IN ANOTHER SCHEDULE, ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT CONTAINS ANY QUANTITY OF THE FOLLOWING SUBSTANCES, OR THAT CONTAINS THEIR SALTS, ISOMERS, OR SALTS OF ISOMERS, WHENEVER THE EXISTENCE OF SUCH SALTS, ISOMERS, OR SALTS OF ISOMERS IS POSSIBLE WITHIN THE SPECIFIC CHEMICAL DESIGNATION, IS A SUBSTANCE LISTED IN SCHEDULE I:

(1) 5-(1, 1-DIMETHYLHEPTYL)-2-[(1R,3S)-3-HYDROXYCYCLOHEXYL]-PHENOL (CP-47,497);

(2) 5–(1,1–DIMETHYLOCTYL)–2–[(1R,3S)–3– HYDROXYCYCLOHEXYL]–PHENOL (CP–47,497 C8 HOMOLOG);

(3) 1-PENTYL-3-(1-NAPHTHOYL) INDOLE (JWH-018 AND AM678);

- (4) 1-BUTYL-3-(1-NAPHTHOYL) INDOLE (JWH-073);
- (5) 1-HEXYL-3-(1-NAPHTHOYL) INDOLE (**JWH-019**);

# (6) 1-[2-(4-MORPHOLINYL)ETHYL]-3-(1-NAPHTHOYL) INDOLE (JWH-200);

- (7) 1-PENTYL-3-(2-METHOXYPHENYLACETYL) INDOLE (JWH-250);
- (8) 1-PENTYL-3-[1-(4-METHOXYNAPHTHOYL)] INDOLE (JWH-081);
- (9) 1-PENTYL-3-(4-METHYL-1-NAPHTHOYL) INDOLE (JWH-122);
- (10) 1-PENTYL-3-(4-CHLORO-1-NAPHTHOYL) INDOLE (JWH-398);
- (11) 1-(5-FLUOROPENTYL)-3-(1-NAPHTHOYL) INDOLE (AM2201);
- (12) 1-(5-FLUOROPENTYL)-3-(2-IODOBENZOYL) INDOLE (AM694);

(13) 1-PENTYL-3-[(4-METHOXY)-BENZOYL] INDOLE (SR-19 AND RCS-4);

## (14) 1-CYCLOHEXYLETHYL-3-(2-METHOXYPHENYLACETYL) INDOLE 7008 (SR-18 and RCS-8); and

### (15) 1-PENTYL-3-(2-CHLOROPHENYLACETYL) INDOLE (JWH-203).

- (h) (1) In this subsection:
  - (i) "controlled dangerous substance analogue" means a substance:

1. that has a chemical structure substantially similar to the chemical structure of a controlled dangerous substance listed in Schedule I or Schedule II; and

2. that has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled dangerous substance listed in Schedule I or Schedule II; but

- (ii) "controlled dangerous substance analogue" does not include:
  - 1. a controlled dangerous substance;
  - 2. a substance for which there is an approved new drug

application; or

3. a substance exempted for investigational use under § 506 of the Federal Food, Drug, and Cosmetic Act.

(2) To the extent intended for human consumption, each controlled dangerous substance analogue is a substance listed in Schedule I.

(i) The Department may not add a substance to Schedule I under § 5–202 of this title unless the Department finds:

(1) a high potential for abuse of the substance;

(2) no accepted medical use in the United States for the substance; and

(3)  $\,$  a lack of accepted safety for use of the substance under medical supervision.

5 - 403.

(a) Schedule II consists of each controlled dangerous substance:

- (1) listed in this section;
- (2) added to Schedule II by the Department under § 5–202(b) of this title;

or

(3) designated as a Schedule II controlled dangerous substance by the federal government unless the Department objects under § 5-202(f) of this title.

(b) UNLESS SPECIFICALLY EXCEPTED OR UNLESS LISTED IN ANOTHER SCHEDULE, ANY OF THE FOLLOWING SUBSTANCES WHETHER PRODUCED DIRECTLY OR INDIRECTLY BY EXTRACTION FROM SUBSTANCES OF VEGETABLE ORIGIN, OR INDEPENDENTLY BY MEANS OF CHEMICAL SYNTHESIS, OR BY A COMBINATION OF EXTRACTION AND CHEMICAL SYNTHESIS:

(1) [Unless the substance is listed in another schedule and except as provided in paragraph (2) of this subsection, opium and opiate, and a salt, compound, derivative, or preparation of opium or opiate is a substance listed in Schedule II, including] OPIUM AND OPIATE, AND ANY SALT, COMPOUND, DERIVATIVE, OR PREPARATION OF OPIUM OR OPIATE EXCLUDING APOMORPHINE, THEBAINE–DERIVED BUTORPHANOL, DEXTRORPHAN, NALBUPHINE, NALDEMEDINE, NALMEFENE, NALOXEGOL, NALOXONE, AND NALTREXONE, AND THEIR RESPECTIVE SALTS, BUT INCLUDING THE FOLLOWING:

(i) [raw opium] CODEINE;

- (ii) [opium extracts] **DIHYDROETORPHINE**;
- (iii) [opium fluid extract] ETHYLMORPHINE;
- (iv) [opium fluid] ETORPHINE HYDROCHLORIDE;
- (v) [powdered] GRANULATED opium;
- (vi) [granulated opium] HYDROCODONE;
- (vii) [tincture of opium] HYDROMORPHONE;
- (viii) [codeine] METOPON;
- (ix) [dextropropoxyhene bulk (nondosage form)] MORPHINE;
- (x) [dihydroetorphine] **OPIUM EXTRACTS**;
- (xi) [ethylmorphine] OPIUM FLUID;
- (xii) [etorphine hydrochloride] ORIPAVINE;
- (xiii) [hydrocodone] OXYCODONE;
- (xiv) [hydromorphone] OXYMORPHONE;
- (xv) [metopon] POWDERED OPIUM;
- (xvi) [morphine] RAW OPIUM;
- (xvii) [oripavine] THEBAINE; AND
- (xviii) [oxycodone;
- (xix) oxymorphone; and
- (xx) thebaine.] TINCTURE OF OPIUM;

[(2) Apomorphine, dextrorphan, nalbuphine, naloxone, and naltrexone, and their respective salts, are not substances listed in Schedule II.]

(2) ANY SALT, COMPOUND, DERIVATIVE, OR PREPARATION THEREOF WHICH IS CHEMICALLY EQUIVALENT OR IDENTICAL WITH ANY OF THE SUBSTANCES REFERRED TO IN ITEM (1) OF THIS SUBSECTION, EXCEPT THAT THESE SUBSTANCES Chapter 298

#### MAY NOT INCLUDE THE ISOQUINOLINE ALKALOIDS OF OPIUM;

[(3) Substances listed in Schedule II also include:

(i) except for the isoquinoline alkaloids of opium, a salt, compound, derivative, or preparation that is chemically equivalent or identical to a substance listed in paragraph (1) of this subsection;]

[(ii)] (3) opium poppy[,] AND poppy straw[, and poppy straw concentrate];

[(iii)] (4) coca [leaf] LEAVES AND ANY SALT, COMPOUND, DERIVATIVE, OR PREPARATION OF COCA LEAVES, INCLUDING COCAINE AND ECGONINE AND THEIR SALTS, ISOMERS, DERIVATIVES AND SALTS OF ISOMERS AND DERIVATIVES, AND ANY SALT, COMPOUND, DERIVATIVE, OR PREPARATION THEREOF WHICH IS CHEMICALLY EQUIVALENT OR IDENTICAL WITH ANY OF THESE SUBSTANCES, EXCEPT THAT THE SUBSTANCES MAY NOT INCLUDE:

(I) DECOCAINIZED COCA LEAVES OR EXTRACTION OF COCA LEAVES, WHICH EXTRACTIONS DO NOT CONTAIN COCAINE OR ECGONINE; OR

### (II) [123I] IOFLUPANE; AND

isomers;

(v) ecgonine, its derivatives, their salts, isomers, and salts of isomers; and

 $(\mathrm{vi})$   $\,$  a compound, mixture, or preparation that contains any of the substances listed in this section.

(4) A substance that is listed in Schedule II is included whether produced:

(iv) cocaine, its salts, optical and geometric isomers, and salts of

- (i) directly or indirectly by extraction from substances of vegetable origin;
  - (ii) independently by chemical synthesis; or
  - (iii) by a combination of extraction and chemical synthesis]

(5) CONCENTRATE OF POPPY STRAW (THE CRUDE EXTRACT OF POPPY STRAW IN EITHER LIQUID, SOLID, OR POWDER FORM WHICH CONTAINS THE PHENANTHRENE ALKALOIDS OF THE OPIUM POPPY).

These opiates are substances listed in Schedule II] UNLESS (1)(c) SPECIFICALLY EXCEPTED OR UNLESS IN ANOTHER SCHEDULE ANY OF THE FOLLOWING OPIATES, INCLUDING ITS ISOMERS, ESTERS, ETHERS, SALTS, AND SALTS OF ISOMERS, ESTERS, AND ETHERS WHENEVER THE EXISTENCE OF SUCH ISOMERS, ESTERS, ETHERS, AND SALTS IS POSSIBLE WITHIN THE SPECIFIC CHEMICAL DESIGNATION, DEXTRORPHAN AND LEVOPROPOXYPHENE EXCEPTED:

	[(i)] (1)	alfentanil;		
	[(ii)] <b>(2)</b>	alphaprodine;		
	<b>[</b> (iii) <b>] (3)</b>	anileridine;		
	[(iv)] (4)	bezitramide;		
FORMS);	[(v)] <b>(5)</b>	BULK DEXTROPROPOXYPHENE (NON-DOSAGE		
FORMS),	(6) carfentanil;			
	[(vi)] (7)	dihydrocodeine;		
	[(vii)] (8)	diphenoxylate;		
	[(viii) dronabinol (in oral solution);]			
	<b>[</b> (ix) <b>] (9)</b>	fentanyl;		
	[(x)] (10)	isomethadone;		
LEVO–ALPHACET	[(xi)] (11) YLMETHADO	[levoalphacetylmethadol] DL;		
	[(xii)] (12)	levomethorphan;		
	[(xiii)] <b>(13)</b>	levorphanol;		
	[(xiv)] <b>(14)</b>	metazocine;		

[(xv)] (15) methadone;

[(xvi)] (16) methadone – intermediate, 4–cyano–2–dimethylamino–4, 4-diphenyl butane;

[(xvii)] (17) [moramide – intermediate, 2–methyl–3– morpholino–1,

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1-diphenyl-propane-carboxylic acid] MORAMIDE – INTERMEDIATE, 2-METHYL-3- MORPHOLINO-1, 1-DIPHENYLPROPANE-CARBOXYLIC ACID;

[(xviii)] (18) pethidine (MEPERIDINE);

[(xix)] (19) pethidine – 4–cyano–1–methyl–4–phenylpiperidine;	- intermediate	_	А,		
[(xx)] (20) pethidine – ethyl–4–phenylpiperidine–4–carboxylate;	- intermediate	_	В,		
[(xxi)] (21) pethidine – 1–methyl–4–phenylpiperidine–4–carboxylic acid;	- intermediate	_	С,		
[(xxii)] (22) phenazocine;					
<b>[</b> (xxiii) <b>] (23)</b> piminodine;					
[(xxiv)] (24) racemethorphan; [(xxv)] (25) racemorphan;					
[(xxvii)] (27) sulfentanil;					

[(xxviii)] (28) tapentadol; and

[(xxix)] (29) thiafentanil.

[(2) Unless specifically excepted under this subtitle, an isomer, ester, ether, or salt of an opiate and a salt of an isomer, ester, or ether is a substance listed in Schedule II if the existence of the isomer, ester, ether, or salt is possible within the specific chemical designation.]

(d) [A] UNLESS SPECIFICALLY EXCEPTED UNDER THIS SUBTITLE OR LISTED IN ANOTHER SCHEDULE, A substance is listed in Schedule II if the substance includes a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(1) amphetamine, its salts, optical isomers, and salts of its optical isomers;

(2) METHAMPHETAMINE, ITS SALTS, ISOMER, AND SALTS OF

**ISOMERS;** 

(3) phenmetrazine and its salts;

[(3) a substance that contains any methamphetamine, including salts, optical isomers, and salts of its optical isomers, in combination with one or more active nonnarcotic ingredients in recognized therapeutic amounts;]

(4) methylphenidate; AND

(5) [methamphetamine, its salts, optical isomers, and salts of optical isomers; and

(6)] lisdexamfetamine, its salts, isomers, and salts of isomers.

(e) [(1)] Unless specifically excepted under this subtitle or listed in another schedule, a substance is listed in Schedule II if the substance includes a material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, INCLUDING ITS SALTS, ISOMERS, AND SALTS OF ISOMERS WHENEVER THE EXISTENCE OF SUCH SALTS, ISOMERS, AND SALTS OF ISOMERS IS POSSIBLE WITHIN THE SPECIFIC CHEMICAL DESIGNATION:

- **[**(i)**] (1)** amobarbital;
- **[**(ii)**] (2)** glutethimide;
- [(iii) secobarbital;]
- [(iv)] (3) pentobarbital;
- [(v)] (4) phencyclidine; AND
- [(vi) 1–(1–phenylcyclohexyl) piperidine;
- (vii) 1-phenylcyclohexylamine; and
- (viii) 1-piperidinocyclohexanecarbonitrile]

# (5) SECOBARBITAL.

[(2) Unless specifically excepted under this subtitle or listed in another schedule, a salt, isomer, or salt of an isomer of a substance listed in this subsection is included in Schedule II if the existence of the salt, isomer, or salt of an isomer is possible within the specific chemical designation.]

(F) AS LISTED IN SCHEDULE II UNDER TITLE 21 OF THE CODE OF FEDERAL REGULATIONS:

(1) NABILONE; AND

(2) DRONABINOL [(-)-DELTA-9-*TRANS* TETRAHYDROCANNABINOL] IN AN ORAL SOLUTION IN A DRUG PRODUCT APPROVED FOR MARKETING BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION.

(G) UNLESS SPECIFICALLY EXCEPTED OR UNLESS LISTED IN ANOTHER SCHEDULE, ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION WHICH CONTAINS ANY QUANTITY OF THE FOLLOWING SUBSTANCES:

(1) IMMEDIATE PRECURSOR TO AMPHETAMINE AND METHAMPHETAMINE:

- (I) PHENYLACETONE; AND
- (II) RESERVED;

## (2) IMMEDIATE PRECURSORS TO PHENCYCLIDINE (PCP):

- (I) 1-PHENYLCYCLOHEXYLAMINE; AND
- (II) 1-PIPERIDINOCYCLOHEXANECARBONITRILE (PCC); AND
- (3) IMMEDIATE PRECURSOR TO FENTANYL:
  - (I) 4-ANILINO-N-PHENETHYLPIPERIDINE (ANPP); AND
  - (II) RESERVED.

[(f)] (H) The Department may not add a substance to Schedule II under § 5–202 of this title unless the Department finds:

(1) a high potential for abuse of the substance;

(2) currently accepted medical use of the substance in the United States, or currently accepted medical use with severe restrictions; and

(3) evidence that abuse of the substance may lead to severe psychological or physical dependence.

5-404.

(a) Schedule III consists of each controlled dangerous substance BY WHATEVER OFFICIAL NAME, COMMON OR USUAL NAME, CHEMICAL NAME, OR BRAND NAME DESIGNATED:

(1) listed in this section;

- (2) added to Schedule III by the Department under § 5–202(b) of this title;
- or

(3) designated as a Schedule III controlled dangerous substance by the federal government unless the Department objects under § 5-202(f) of this title.

[(b) (1) Substances listed in Schedule III include:

(i) nalorphine; and

(ii) except as provided in paragraph (2) of this subsection, an anabolic steroid consisting of a material, compound, or preparation that includes:

1. 13beta-ethyl-17beta-hydroxygon-4-en-3-one;

2. 17alpha–methyl–3alpha, 17beta–dihydroxy–5alpha–androstane;

- 3. 17alpha-methyl-3beta, 17beta-dihydroxyandrost-4-ene;
- 4. 17alpha–methyl–4–hydroxynandrolone;
- 5. 17alpha-methyl-delta1-dihydrotestosterone;
- 6. 19–nor–4,9(10)–androstadienedione;
- 7. 19–nor–4–androstenediol;
- 8. 19–nor–4–androstenedione;
- 9. 19–nor–5–androstenediol;
- 10. 19-nor-5-androstenedione;
- 11. 1-androstenediol;
- 12. 1-androstenedione;
- 13. 3alpha,17beta-dihydroxy-5-alpha-androstane;

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4D);

- 15. 4–androstenedione;
- 16. 4-hydroxy-19-nortestosterone;
- 17. 4-hydroxytestosterone;
- 18. 5–androstenedione;
- 19. bolasterone;
- 20. boldenone;
- 21. boldione;
- 22. calusterone;
- 23. chlorotestosterone;
- 24. clostebol;
- 25. dehydrochlormethyltestosterone;
- 26. desoxymethyltestosterone;
- 27. dihydrotestosterone;
- 28. drostanolone;
- 29. ethylestroenol;
- 30. fluoxymesterone;
- 31. formobulone;
- 32. furazabol;
- 33. mesterolone;
- 34. methandienone;
- 35. methandranone;
- 36. methandriol;
- 37. methandrostenolone;

- 38. methasterone;
- 39. methenolone;
- 40. methyldienolone;
- 41. methyltestosterone;
- 42. methyltrienolone;
- 43. mibolerone;
- 44. nandrolone;
- 45. norclostebol;
- 46. norethandrolone;
- 47. normethandrolone;
- 48. oxandrolone;
- 49. oxymesterone;
- 50. oxymetholone;
- 51. prostanozol;
- 52. stanolone;
- 53. stanozolol;
- 54. stenbolone;
- 55. testolactone;
- 56. testosterone;
- 57. tetrahydrogestrinone;
- 58. trenbolone; and

in this paragraph.

- 59. any isomer, ester, salt, or derivative of a substance listed
- (2) The following substances are not included in Schedule III:

- (i) an estrogen, progestin, or corticosteroid; or
- (ii) a substance covered by paragraph (1) of this subsection if:

1. expressly intended for administration through implants to cattle or other nonhuman species; and

2. approved for that use by the Food and Drug Administration.]

[(c)] (B) (1) Unless SPECIFICALLY EXCEPTED OR listed in another schedule, a substance is listed in Schedule III if the substance includes a material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system:

(i) THOSE COMPOUNDS, MIXTURES, OR PREPARATIONS IN DOSAGE UNIT FORM CONTAINING ANY STIMULANT SUBSTANCES LISTED IN SCHEDULE II, WHICH COMPOUNDS, MIXTURES, OR PREPARATIONS WERE LISTED ON AUGUST 25, 1971, AS EXCEPTED COMPOUNDS UNDER § 1308.32 OF THE CODE OF FEDERAL REGULATIONS, AND ANY OTHER DRUG OF THE QUANTITATIVE COMPOSITION SHOWN IN THAT LIST FOR THOSE DRUGS OR THAT IS THE SAME EXCEPT THAT IT CONTAINS A LESSER QUANTITY OF CONTROLLED SUBSTANCES;

- (II) benzphetamine;
- [(ii)] (III) chlorphentermine;
- [(iii)] (IV) clortermine;
- [(iv) mazindol;] and
- (v) phendimetrazine.

(2) Subject to paragraph (3) of this subsection, substances in Schedule III

include:

(i) a salt of a substance listed in this subsection;

(ii) an optical, position, or geometric isomer of a substance listed in this subsection; or

(iii) a salt of an isomer of a substance listed in this subsection.

(3) Unless listed in another schedule, a salt, isomer, or salt of an isomer described in paragraph (2) of this subsection may be included in Schedule III only if the

existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation.

[(d)] (C) Unless listed in another schedule, a substance is listed in Schedule III if the substance includes a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

### (1) ANY COMPOUND, MIXTURE, OR PREPARATION CONTAINING:

- (I) AMOBARBITAL;
- (II) SECOBARBITAL;
- (III) PENTOBARBITAL; OR

# (IV) ANY SALT THEREOF AND ONE OR MORE OTHER ACTIVE MEDICINAL INGREDIENTS THAT ARE NOT LISTED IN ANY SCHEDULE;

- (2) ANY SUPPOSITORY DOSAGE FORM CONTAINING:
  - (I) AMOBARBITAL;
  - (II) SECOBARBITAL;
  - (III) PENTOBARBITAL; OR

# (IV) ANY SALT OF ANY OF THESE DRUGS AND APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION FOR MARKETING ONLY AS A SUPPOSITORY;

[(1)] (3) except those substances that are specifically listed in other schedules, a substance that contains any quantity of a derivative of barbituric acid, [or] a salt of a derivative of a barbituric [acid;

- (2) aprobarbital;
- (3) butabarbital (secbutabarbital);

(4)] ACID, OR butalbital [(fiorinal)], INCLUDING, WITH ONE OR MORE ACTIVE, NONNARCOTIC INGREDIENTS IN RECOGNIZED THERAPEUTIC AMOUNTS, (FIORICET) AND (FIORINAL);

[(5) butobarbital (butethal);]

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- [(6)] **(4)** chlorhexadol;
- **[**(7)**] (5)** embutramide;
- [(8) gamma hydroxybutyric acid preparations;]

(6) ANY DRUG PRODUCT CONTAINING GAMMA HYDROXYBUTYRIC ACID, INCLUDING ITS SALTS, ISOMERS, AND SALTS OF ISOMERS, FOR WHICH AN APPLICATION IS APPROVED UNDER SECTION 505 OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT;

- (7) KETAMINE, ITS SALTS, ISOMERS, AND SALTS OF ISOMERS;
- [(9)] **(8)** lysergic acid;
- [(10)] **(9)** lysergic acid amide;
- [(11)] **(10)** methyprylon;
- [(12) pentazocine;]

[(13)] (11) perampanel, AND ITS SALTS, ISOMERS, AND SALTS OF ISOMERS (FYCOMPA);

- [(14)] (12) sulfondiethylmethane;
- [(15)] (13) sulfonethylmethane;
- [(16)] (14) sulfonmethane; AND
- **[**(17) talbutal;
- (18) thiamylal;
- (19) thiopental; and
- (20) vinbarbital.]

(15) TILETAMINE AND ZOLAZEPAM OR ANY SALT THEREOF, INCLUDING A TILETAMINE–ZOLAZEPAM COMBINATION PRODUCT (TRADE NAME TELAZOL).

(D) AS LISTED IN SCHEDULE III UNDER TITLE 21 OF THE CODE OF FEDERAL REGULATIONS, NALORPHINE 9400.

(e) UNLESS SPECIFICALLY EXCEPTED OR UNLESS LISTED IN ANOTHER

#### SCHEDULE:

(1) [Substances] SUBSTANCES listed in Schedule III include [a] ANY material, compound, mixture, or preparation [that contains limited quantities of any of these narcotic drugs or their salts] CONTAINING ANY OF THE FOLLOWING NARCOTIC DRUGS, OR THEIR SALTS CALCULATED AS THE FREE ANHYDROUS BASE OR ALKALOID, IN LIMITED QUANTITIES AS SET FORTH BELOW:

(i) not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(ii) not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(iii) [not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(iv) not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(v)] not more than 1.80 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

[(vi)] (IV) not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

[(vii)] (V) not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

[(viii)] (VI) not more than 100 milligrams of opium per 100 milliliters or per 100 grams, or not more than 5 milligrams per dosage unit; AND

[(ix)] (VII) not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts[; and

(x) buprenorphine].

[(2) Substances listed in Schedule III include a compound, mixture, or preparation or salt of a compound, mixture, or preparation and another active medicinal ingredient that is not listed in another schedule and that contains:

- (i) amobarbital;
- (ii) secobarbital; or
- (iii) pentobarbital.]

(2) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION CONTAINING ANY OF THE FOLLOWING NARCOTIC DRUGS OR THEIR SALTS, AS SET FORTH BELOW:

- (I) BUPRENORPHINE; AND
- (II) RESERVED.

(3) **[If] IF** not combined with one or more active medicinal ingredients that are listed in another schedule, substances listed in Schedule III include a suppository dosage form or salt of a suppository dosage that contains:

- (i) amobarbital;
- (ii) secobarbital; or
- (iii) pentobarbital.

(f) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN ANABOLIC STEROID CONSISTING OF ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION CONTAINING ANY QUANTITY OF THE FOLLOWING SUBSTANCES, INCLUDING ITS SALTS, ESTERS, AND ETHERS:

- (I) **3BETA,17–DIHYDROXY–5A–ANDROSTANE;**
- (II) 3ALPHA,17BETA-DIHYDROXY-5A-ANDROSTANE;
- (III) 5 ALPHA-ANDROSTAN-3,17-DIONE;

(IV) 1-ANDROSTENEDIOL (3BETA,17BETA-DIHYDROXY-5ALPHA-ANDROST-1-ENE);

(V) 1-ANDROSTENEDIOL (3ALPHA,17BETA-DIHYDROXY-5ALPHA-ANDROST-1-ENE); (VI) 4-ANDROSTENEDIOL (3BETA,17BETA-DIHYDROXY-ANDROST-4-ENE);

(VII) 5-ANDROSTENEDIOL (3BETA,17BETA-DIHYDROXY-ANDROST-5-ENE);

#### (VIII) 1-ANDROSTENEDIONE;

- (IX) 4-ANDROSTENEDIONE;
- (X) 5-ANDROSTENEDIONE;
- (XI) BOLASTERONE;
- (XII) BOLDENONE;
- (XIII) BOLDIONE;
- (XIV) CALUSTERONE;
- (XV) CHLOROTESTOSTERONE (CLOSTEBOL);
- (XVI) DEHYDROCHLOROMETHYLTESTOSTERONE;

(XVII) DESOXYMETHYLTESTOSTERONE;

(XVIII) DELTA1–DIHYDROTESTOSTERONE (17BETA–HYDROXY–5ALPHA–ANDROST–1–EN–3–ONE);

(XIX) DIHYDROTESTOSTERONE (4–DIHYDROTESTOSTERONE) (17BETA–HYDROXY–ANDROSTAN–3–ONE) (STANOLONE);

- (XX) DROSTANOLONE;
- (XXI) ETHYLESTRENOL;

(XXII) FLUOXYMESTERONE;

- (XXIII) FORMEBOLONE;
- (XXIV) FURAZABOL;

(XXV) 13BETA-ETHYL-17BETA-HYDROXYGON-4-EN-3-ONE;

- (XXVI) 4-HYDROXYTESTOSTERONE;
- (XXVII) 4-HYDROXY-19-NORTESTOSTERONE;

(XXVIII) MESTANOLONE (17ALPHA-METHYL-17BETA-HYDROXY-5-ANDROSTAN-3-ONE);

(XXIX) MESTEROLONE;

(XXX) METHANDIENONE (METHANDROSTENOLONE) (17ALPHA-METHYL-17BETA-HYDROXYANDROST-1,4-DIEN-3-ONE);

- (XXXI) METHANDRIOL;
- (XXXII) METHASTERONE;
- (XXXIII) METHENOLONE;

(XXXIV) 17ALPHA-METHYL-3BETA, 17BETA-DIHYDROXY-5A-ANDROSTANE;

(XXXV) 17ALPHA–METHYL–3ALPHA, 17BETA–DIHYDROXY–5A–ANDROSTANE;

(XXXVI) 17ALPHA-METHYL-3BETA, 17BETA-DIHYDROXYANDROST-4-ENE;

- (XXXVII) 17ALPHA-METHYL-4-HYDROXYNANDROLONE;
- (XXXVIII) METHYLDIENOLONE;
- (XXXIX) METHYLTRIENOLONE;
- (XL) METHYLTESTOSTERONE;
- (XLI) MIBOLERONE;

#### (XLII) 17ALPHA-METHYL-DELTA1-DIHYDROTESTOSTERONE;

(XLIII) NANDROLONE;

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17BETA-DIHYDR	(XLIV) 19–NOR–4–ANDROSTENEDIOL OXYESTR–4–ENE);	(3BETA,
17BETA-DIHYDR	(XLV) 19–NOR–4–ANDROSTENEDIOL OXYESTR–4–ENE);	(3ALPHA,
17BETA-DIHYDRO	(XLVI) 19–NOR–5–ANDROSTENEDIOL OXYESTR–5–ENE);	(3BETA,
17BETA-DIHYDR	(XLVII) 19–NOR–5–ANDROSTENEDIOL OXYESTR–5–ENE);	(3ALPHA,
	(XLVIII) 19–NOR–4,9(10)–ANDROSTADIENEDIONE;	, ,
	(XLIX) 19–NOR–4–ANDROSTENEDIONE;	
	(L) 19–NOR–5–ANDROSTENEDIONE;	
17ALPHA-DIETHY	(LI) NORBOLETHONE YL–17BETA–HYDROXYGON–4–EN–3–ONE);	(13BETA,
	(LII) NORCLOSTEBOL;	
	(LIII) NORETHANDROLONE;	
	(LIV) NORMETHANDROLONE;	
	(LV) OXANDROLONE;	
	(LVI) OXYMESTERONE;	
	(LVII) OXYMETHOLONE;	
	(LVIII) PROSTANOZOL;	
	(LIX) STANOZOLOL;	
	(LX) STENBOLONE;	
	(LXI) TESTOLACTONE;	
	(LXII) TESTOSTERONE;	

#### (LXIII) TETRAHYDROGESTRINONE; AND

(LXIV) TRENBOLONE.

# (2) THE FOLLOWING SUBSTANCES ARE NOT INCLUDED IN SCHEDULE III:

(I) AN ESTROGEN, PROGESTIN, OR CORTICOSTEROID; OR

(II) A SUBSTANCE COVERED BY PARAGRAPH (1) OF THIS SUBSECTION IF:

**1.** EXPRESSLY INTENDED FOR ADMINISTRATION THROUGH IMPLANTS TO CATTLE OR OTHER NONHUMAN SPECIES; AND

2. APPROVED FOR THAT USE BY THE U.S. FOOD AND DRUG ADMINISTRATION.

(G) [Substances listed in Schedule III] HALLUCINOGENIC SUBSTANCES include:

(1) dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration–approved product; **AND** 

(2) [ketamine, its salts, isomers, and salts of isomers; and

(3) fioricet (containing butalbital, acetominophen, and caffeine)] **RESERVED**.

[(g)] (H) The Department may not add a substance to Schedule III under 5-202 of this title unless the Department finds:

(1) a potential for abuse of the substance that is less than that for the substances listed in Schedule I and Schedule II;

(2) well documented and approved medical use of the substance in the United States; and

(3) evidence that abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

5 - 405.

(a) Schedule IV consists of each controlled dangerous substance:

(1) listed in this section;

(2) added to Schedule IV by the Department under § 5–202(b) of this title;

or

(3) designated as a Schedule IV controlled dangerous substance by the federal government unless the Department objects under § 5–202(f) of this title.

(b) UNLESS SPECIFICALLY EXCEPTED OR UNLESS LISTED IN ANOTHER SCHEDULE, ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION CONTAINING ANY OF THE FOLLOWING NARCOTIC DRUGS, OR THEIR SALTS CALCULATED AS THE FREE ANHYDROUS BASE OR ALKALOID, IN LIMITED QUANTITIES AS SET FORTH BELOW:

(1) NOT MORE THAN 1 MILLIGRAM OF DIFENOXIN AND NOT LESS THAN 25 MICROGRAMS OF ATROPINE SULFATE PER DOSAGE UNIT;

(2) DEXTROPROPOXYPHENE (ALPHA-(+)-4-DIMETHYLAMINO-1, 2-DIPHENYL-3-METHYL-2-PROPIONOXYBUTANE); AND

(3) 2–[(DIMETHYLAMINO)METHYL]–1–(3– METHOXYPHENYL)CYCLOHEXANOL, ITS SALTS, OPTICAL AND GEOMETRIC ISOMERS AND SALTS OF THESE ISOMERS (INCLUDING TRAMADOL).

(C) Substances listed in Schedule IV include a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system, INCLUDING ITS SALTS, ISOMERS, AND SALTS OF ISOMERS WHENEVER THE EXISTENCE OF SUCH SALTS, ISOMERS, AND SALTS OF ISOMERS IS POSSIBLE WITHIN THE SPECIFIC CHEMICAL DESIGNATIONS:

- (1) alfaxalone;
- (2) alprazolam;
- (3) barbital;
- (4) **BREXANOLONE;**
- (5) bromazepam;
- [(5) butorphanol;]
- (6) camazepam;

- (7) carisoprodol;
- (8) [cathine +/- (norpseudoepedrine);
- (9)] chloral betaine;
- **[**(10)**] (9)** chloral hydrate;
- **[**(11)**] (10)** chlordiazepoxide;
- [(12)] (11) clobazam;
- [(13)] (12) clonazepam;
- [(14)] (13) clorazepate;
- [(15)] **(14)** clotiazepam;
- [(16)] (15) cloxazolam;
- [(17)] **(16)** delorazepam;
- [(18) dexfenfluramine;
- (19) dextropropoxyphene dosage forms;
- (20)] (17) diazepam;
- [(21)] (18) dichloralphenazone;
- [(22) eluxadoline (viberzi);
- (23)] (19) estazolam;
- [(24)] **(20)** ethchlorvynol;
- [(25)] (21) ethinamate;
- [(26)] (22) [ethylloflazepate] ETHYL LOFLAZEPATE;
- [(27) fencamfamin;
- (28) fenproporex;]
- [(29)] **(23)** fludiazepam;

- [(30)] **(24)** flunitrazepam;
- [(31)] **(25)** flurazepam;
- (26) FOSPROPOFOL;
- [(32)] **(27)** halazepam;
- [(33)] (28) haloxazolam;
- [(34)] **(29)** ketazolam;
- [(35)] **(30)** loprazolam;
- [(36)] **(31)** lorazepam;
- [(37)] **(32)** lormetazepam;
- [(38)] **(33)** mebutamate;
- [(39)] **(34)** medazepam;
- [(40) mefenorex;]
- [(41)] (35) [methohexital] MEPROBAMATE;
- [(42)] (36) [meprobamate] METHOHEXITAL;
- [(43)] (37) methylphenobarbital (MEPHOBARBITAL);
- [(44)] **(38)** midazolam;
- [(45) modafinil;]
- [(46)] **(39)** nimetazepam;
- [(47)] (40) [nitrozepam] NITRAZEPAM;
- [(48)] **(41)** nordiazepam;
- [(49)] (42) oxazepam;
- [(50)] **(43)** oxazolam;

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- **[**(51)**] (44)** paraldehyde;
- [(52)] (45) petrichloral;
- [(53)] **(46)** phenobarbital;
- **[**(54)**] (47)** pinazepam;
- [(55) pipradrol;]
- [(56)] **(48)** prazepam;
- **[**(57)**] (49)** quazepam;
- [(58) sibutramine;]
- [(59) SPA (lefetamine);
- (60)] (50) suvorexant [(belsomra)] (BELSOMRA);
- [(61)] **(51)** temazepam;
- [(62)] (52) tetrazepam;
- [(63) tramadol;]
- [(64)] (53) triazolam;
- [(65)] (54) zaleplon [(sonata)] (SONATA);
- [(66)] (55) zolpidem [(ambien)] (AMBIEN); and
- [(67)] **(56)** zopiclone [(lunesta)] **(LUNESTA)**.
- [(c)] (D) Substances listed in Schedule IV include:

(1) a material, compound, mixture, or preparation that contains fenfluramine; and

- (2) if its existence is possible:
  - (i) a salt of fenfluramine;

(ii) an optical, position, or geometric isomer of fenfluramine, INCLUDING DEXFENFLURAMINE; and

(iii) a salt of an isomer of fenfluramine.

#### (E) SUBSTANCES LISTED IN SCHEDULE IV INCLUDE:

(1) A MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT CONTAINS LORCASERIN; AND

- (2) IF ITS EXISTENCE IS POSSIBLE:
  - (I) A SALT OF LORCASERIN;

(II) AN OPTICAL, POSITION, OR GEOMETRIC ISOMER OF LORCASERIN; AND

#### (III) A SALT OF AN ISOMER OF LORCASERIN.

[(d)] (F) Substances listed in Schedule IV include a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system, INCLUDING ITS SALTS, ISOMERS, AND SALTS OF ISOMERS:

- (1) CATHINE ((+)-NORPSEUDOEPHEDRINE);
- (2) diethylpropion;
- (3) FENCAMFAMIN;
- (4) **FENPROPOREX**;
- (5) MAZINDOL;
- (6) MEFENOREX;
- (7) MODAFINIL;

[(2)] (8) pemoline, including organometallic complexes and their chelates; [and]

- [(3)] **(9)** phentermine;
- (10) PIPRADROL;
- (11) SIBUTRAMINE;

(12) SOLRIAMFETOL (2-AMINO-3-PHENYLPROPYL CARBAMATE; BENZENEPROPANOL, BETA-AMINO-, CARBAMATE (ESTER)); AND

(13) SPA ((-)-1-DIMETHYLAMINO-1,2-DIPHENYLETHANE).

(G) UNLESS SPECIFICALLY EXCEPTED OR UNLESS LISTED IN ANOTHER SCHEDULE, ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT CONTAINS ANY QUANTITY OF THE FOLLOWING SUBSTANCES, INCLUDING ITS SALTS:

- (1) PENTAZOCINE;
- (2) BUTORPHANOL (INCLUDING ITS OPTICAL ISOMERS); AND

(3) ELUXADOLINE (5-[[(2S)-2-AMINO-3-[4-AMINOCARBONYL)-2, 6-DIMETHYLPHENYL]-1-OXOPROPYL][(1S)-1-(4-PHENYL-1H-IMIDAZOL-2-YL)ETHYL]AMINO]METHYL]-2-METHOXYBENZOIC ACID) (INCLUDING ITS OPTICAL ISOMERS) AND ITS SALTS, ISOMERS, AND SALTS OF ISOMERS.

[(e)] (H) By regulation, the Department may exempt from this section a compound, mixture, or preparation that contains a depressant substance listed in subsection (b) of this section if:

(1) the compound, mixture, or preparation contains an active medicinal ingredient that does not have a depressant effect on the central nervous system; and

(2) the admixtures are included in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances that have a depressant effect on the central nervous system.

[(f)] (I) The Department may not add a substance to Schedule IV under § 5-202 of this title unless the Department finds that:

(1) the substance has a low potential for abuse relative to the substances listed in Schedule III;

(2) the substance has currently accepted medical use in treatment in the United States; and

(3) abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III.

5 - 406.

(a) Schedule V consists of each controlled dangerous substance:

- (1) listed in this section;
- (2) added to Schedule V by the Department under § 5–202(b) of this title;

or

(3) designated as a Schedule V controlled dangerous substance by the federal government unless the Department objects under § 5-202(f) of this title.

(b) [A substance is listed in Schedule V if the substance includes a compound, mixture, or preparation that contains the following narcotic drugs or their salts] UNLESS SPECIFICALLY EXCEPTED OR UNLESS LISTED IN ANOTHER SCHEDULE, ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION CONTAINING ANY OF THE FOLLOWING NARCOTIC DRUGS AND THEIR SALTS, AS SET FORTH BELOW:

- (1) RESERVED; AND
- (2) RESERVED.

(C) ANY COMPOUND, MIXTURE, OR PREPARATION CONTAINING ANY OF THE FOLLOWING NARCOTIC DRUGS, OR THEIR SALTS CALCULATED AS THE FREE ANHYDROUS BASE OR ALKALOID, IN LIMITED QUANTITIES AS SET FORTH BELOW, WHICH SHALL INCLUDE ONE OR MORE NONNARCOTIC ACTIVE MEDICINAL INGREDIENTS IN SUFFICIENT PROPORTION TO CONFER UPON THE COMPOUND, MIXTURE, OR PREPARATION VALUABLE MEDICINAL QUALITIES OTHER THAN THOSE POSSESSED BY NARCOTIC DRUGS ALONE:

(1) [(i)] not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;

[(ii)] (2) not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;

[(iii)] (3) not more than [50] 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;

[(iv)] (4) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit; **OR** 

[(v) brivaracetam;]

[(vi)] (5) difenoxin preparations 0.5mg/25ug ATSO4/DU (MOTOFEN)[;

(vii) ezogabine (potiga);

- (viii) lacosamide (vimpat);
- (ix) pregabalin (lyrica); or
- (x) pyrovalerone; and

(2) nonnarcotic active medicinal ingredients in sufficient proportion to confer on the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone].

(D) UNLESS SPECIFICALLY EXEMPTED OR EXCLUDED OR UNLESS LISTED IN ANOTHER SCHEDULE, ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT CONTAINS ANY QUANTITY OF THE FOLLOWING SUBSTANCES HAVING A STIMULANT EFFECT ON THE CENTRAL NERVOUS SYSTEM, INCLUDING ITS SALTS, ISOMERS, AND SALTS OF ISOMERS:

- (1) **PYROVALERONE; AND**
- (2) RESERVED.

(E) UNLESS SPECIFICALLY EXEMPTED OR EXCLUDED OR UNLESS LISTED IN ANOTHER SCHEDULE, ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT CONTAINS ANY QUANTITY OF THE FOLLOWING SUBSTANCES HAVING A DEPRESSANT EFFECT ON THE CENTRAL NERVOUS SYSTEM, INCLUDING ITS SALTS:

(1) BRIVARACETAM

((2S)-2-[(4R)-2-OXO-4-PROPYLPYRROLIDIN-1-YL] BUTANAMIDE) (BRIVIACT);

(2) EZOGABINE [N-[2-AMINO-4-(4-FLUOROBENZYLAMINO)-PHENYL]-CARBAMIC ACID ETHYL ESTER] (POTIGA);

(3) LACOSAMIDE

[(R)-2-ACETOAMIDO-N-BENZYL-3-METHOXY-PROPIONAMIDE] (VIMPAT); AND

(4) PREGABALIN [(S)-3-(AMINOMETHYL)-5-METHYLHEXANOIC ACID] (LYRICA).

(F) A DRUG PRODUCT IN FINISHED DOSAGE FORMULATION THAT HAS BEEN APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION THAT CONTAINS CANNABIDIOL (2-[1R-3-METHYL-6R-(1-METHYLETHENYL)-2-CYCLOHEXEN-1-YL]-5-PENTYL-1,3-BENZENEDIOL) DERIVED FROM CANNABIS AND NO MORE THAN 0.1% (W/W) RESIDUAL TETRAHYDROCANNABINOLS. [(c)] (G) The Department may not add a substance to Schedule V under § 5–202 of this title unless the Department finds:

(1) the substance has a low potential for abuse relative to the substances listed in Schedule IV;

and

(2) the substance has currently accepted medical use in the United States;

(3) abuse of the substance may lead to limited physical dependence or psychological dependence liability relative to the substances listed in Schedule IV.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 299

(House Bill 676)

AN ACT concerning

## **Real Property – Recording Costs – Exemption**

FOR the purpose of adding certain entities to the list of entities that are exempt from paying certain recording costs and other fees; making a stylistic change; and generally relating to costs and fees associated with land and financing records.

BY repealing and reenacting, with amendments, Article – Real Property Section 3–603 Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

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

## Article – Real Property

3-603.

(A) The clerk may not charge any county, any municipality, ANY UNIT OF STATE GOVERNMENT, the Maryland–National Capital Park and Planning Commission, or the

Washington Suburban Sanitary Commission any fee provided by this subtitle unless the county, municipality, **UNIT OF STATE GOVERNMENT**, or respective commission first gives its consent.

(B) No charge may be made against the Comptroller for any service performed in connection with the recording and indexing of property liens arising under the Maryland income tax or the Maryland sales and use tax laws.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 300

(Senate Bill 291)

AN ACT concerning

# **Real Property – Recording Costs – Exemption**

FOR the purpose of adding certain entities to the list of entities that are exempt from paying certain recording costs and other fees; making a stylistic change; and generally relating to costs and fees associated with land and financing records.

BY repealing and reenacting, with amendments, Article – Real Property Section 3–603 Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

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

# **Article – Real Property**

3-603.

(A) The clerk may not charge any county, any municipality, ANY UNIT OF STATE GOVERNMENT, the Maryland–National Capital Park and Planning Commission, or the Washington Suburban Sanitary Commission any fee provided by this subtitle unless the county, municipality, UNIT OF STATE GOVERNMENT, or respective commission first gives its consent.

(B) No charge may be made against the Comptroller for any service performed in connection with the recording and indexing of property liens arising under the Maryland income tax or the Maryland sales and use tax laws.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 301

(House Bill 678)

AN ACT concerning

#### Real Property – Allegany County – Transfer of Property on Assessment Books

FOR the purpose of prohibiting the transfer of property in Allegany County on the assessment books or records until certain charges due a municipal corporation have been paid as required by law, subject to certain exceptions; requiring the certificate of a certain collecting agent and municipal corporation to be endorsed on the deed and providing that the endorsement is sufficient authority for transfer on the assessment books; making stylistic changes; and generally relating to the transfer of properties in Allegany County.

BY repealing and reenacting, with amendments, Article – Real Property Section 3–104(b) Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

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

#### **Article – Real Property**

3 - 104.

(b) (1) **(I)** Except as provided in subsection (c) of this section, property may not be transferred on the assessment books or records until:

[(i)] 1. All public taxes, assessments, and charges currently due and owed on the property have been paid to the treasurer, tax collector, or director of finance of the county in which the property is assessed; and

[(ii)] 2. All taxes on personal property in the county due by the transferor have been paid when all land owned by [him] THE TRANSFEROR in the county is being transferred.

[(2)] (II) The certificate of the collecting agent designated by law, showing that all taxes, assessments, and charges have been paid, shall be endorsed on the deed, and the endorsement shall be sufficient authority for transfer on the assessment books.

[(3)] (2) (I) Except as provided in subsection (c) of this section, in **ALLEGANY**, Cecil, Charles, Dorchester, Harford, Howard, Kent, Queen Anne's, Somerset, and St. Mary's counties no property may be transferred on the assessment books or records until:

[(1)] **1.** [all] ALL public taxes, assessments, any charges due a municipal corporation, and charges due on the property have been paid as required by law[,]; and

[(2)] 2. [all] ALL taxes on personal property in the county due by the transferor have been paid when all land owned by [him] THE TRANSFEROR in the county and municipal corporation is being transferred.

(II) The certificate of the collecting agent and municipal corporation designated by law showing that all taxes, assessments, and charges have been paid, shall be endorsed on the deed and the endorsement shall be sufficient authority for transfer on the assessment books.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 302

(Senate Bill 289)

AN ACT concerning

## Real Property – Allegany County – Transfer of Property on Assessment Books

FOR the purpose of prohibiting the transfer of property in Allegany County on the assessment books or records until certain charges due a municipal corporation have been paid as required by law, subject to certain exceptions; requiring the certificate of a certain collecting agent and municipal corporation to be endorsed on the deed and providing that the endorsement is sufficient authority for transfer on the

assessment books; making stylistic changes; and generally relating to the transfer of properties in Allegany County.

BY repealing and reenacting, with amendments,

Article – Real Property Section 3–104(b) Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

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

#### **Article – Real Property**

3-104.

(b) (1) **(I)** Except as provided in subsection (c) of this section, property may not be transferred on the assessment books or records until:

[(i)] 1. All public taxes, assessments, and charges currently due and owed on the property have been paid to the treasurer, tax collector, or director of finance of the county in which the property is assessed; and

[(ii)] 2. All taxes on personal property in the county due by the transferor have been paid when all land owned by [him] THE TRANSFEROR in the county is being transferred.

[(2)] (II) The certificate of the collecting agent designated by law, showing that all taxes, assessments, and charges have been paid, shall be endorsed on the deed, and the endorsement shall be sufficient authority for transfer on the assessment books.

[(3)] (2) (I) Except as provided in subsection (c) of this section, in **ALLEGANY**, Cecil, Charles, Dorchester, Harford, Howard, Kent, Queen Anne's, Somerset, and St. Mary's counties no property may be transferred on the assessment books or records until:

[(1)] **1.** [all] ALL public taxes, assessments, any charges due a municipal corporation, and charges due on the property have been paid as required by law[,]; and

[(2)] 2. [all] ALL taxes on personal property in the county due by the transferor have been paid when all land owned by [him] THE TRANSFEROR in the county and municipal corporation is being transferred.

(II) The certificate of the collecting agent and municipal corporation designated by law showing that all taxes, assessments, and charges have been paid, shall

be endorsed on the deed and the endorsement shall be sufficient authority for transfer on the assessment books.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

## Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 303

# (House Bill 685)

AN ACT concerning

## <u>Harford County –</u> Workers' Compensation – Permanent Partial Disability – Detention and Correctional Officers and Deputy Sheriffs

FOR the purpose of providing for enhanced workers' compensation benefits for <del>a Baltimore</del> County correctional officer, a Baltimore County detention officer, a Harford County deputy sheriff, a Harford County correctional officer, and a Harford County detention officer for a compensable permanent partial disability of less than a certain number of weeks; providing for the application of this Act; and generally relating to workers' compensation benefits for <del>Baltimore County correctional officers and</del> <del>detention officers and</del> Harford County deputy sheriffs, correctional officers, and detention officers.

BY repealing and reenacting, with amendments,

Article – Labor and Employment Section 9–628(a) Annotated Code of Maryland (2016 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments, Article – Labor and Employment Section 9–628(h) and 9–629 Annotated Code of Maryland (2016 Replacement Volume and 2019 Supplement)

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

## Article - Labor and Employment

- (a) In this section, "public safety employee" means:
  - (1) a firefighter, fire fighting instructor, or paramedic employed by:
    - (i) a municipal corporation;
    - (ii) a county;
    - (iii) the State;
    - (iv) the State Airport Authority; or
    - (v) a fire control district;

(2) a volunteer firefighter or volunteer ambulance, rescue, or advanced life support worker who is a covered employee under § 9-234 of this title and who provides volunteer fire or rescue services to:

- (i) a municipal corporation;
- (ii) a county;
- (iii) the State;
- (iv) the State Airport Authority; or
- (v) a fire control district;
- (3) a police officer employed by:
  - (i) a municipal corporation;
  - (ii) a county;
  - (iii) the State;
  - (iv) the State Airport Authority;
  - (v) the Maryland–National Capital Park and Planning Commission;

or

- (vi) the Washington Metropolitan Area Transit Authority;
- (4) a Prince George's County deputy sheriff or correctional officer;
- (5) a Montgomery County deputy sheriff or correctional officer;

(6)

- an Allegany County deputy sheriff;
- (7)a Howard County deputy sheriff;
- an Anne Arundel County deputy sheriff or detention officer; (8)

#### A BALTIMORE COUNTY CORRECTIONAL OFFICER OR DETENTION (9)

#### **OFFICER**;

(10) a Baltimore County deputy sheriff, but only when the deputy sheriff sustains an accidental personal injury that arises out of and in the course and scope of performing duties directly related to:

- (i) courthouse security;
- (ii) prisoner transportation;
- service of warrants; (iii)
- personnel management; or (iv)
- (v) other administrative duties:
- $\{(10)\}$  (11) a State correctional officer; [or]
- **f**(11)**f**(12) a Baltimore City deputy sheriff; OR

#### <del>(13)</del> (12) A HARFORD COUNTY DEPUTY SHERIFF, CORRECTIONAL OFFICER, OR DETENTION OFFICER.

(h) If a public safety employee is awarded compensation for less than 75 weeks, the employer or its insurer shall pay the public safety employee compensation at the rate set for an award of compensation for a period greater than or equal to 75 weeks but less than 250 weeks under § 9–629 of this subtitle.

9-629.

If a covered employee is awarded compensation for a period equal to or greater than 75 weeks but less than 250 weeks, the employer or its insurer shall pay the covered employee weekly compensation that equals two-thirds of the average weekly wage of the covered employee but does not exceed one-third of the State average weekly wage.

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 claims arising from events occurring before the effective date of this Act.

#### 1641

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

### Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 304

## (House Bill 687)

AN ACT concerning

## Agriculture – Cost–Sharing Program – Fixed Natural Filter Practices

FOR the purpose of prohibiting the use of certain cost-sharing funds to fund a conservation practice that does not meet certain requirements; authorizing certain cost-sharing funds to be made available for certain fixed natural filter practices; prohibiting basing a reduction in certain cost-sharing rates on certain information or on a certain formula; requiring that certain cost-sharing funds be based on a certain rate; requiring that certain cost-sharing rates for the planting of multiple species of cover crops equal or exceed the rates paid for the planting of a single species of cover crop; requiring that certain cost-sharing funds be disbursed for a fixed natural filter practice only after the State Department of Agriculture makes a certain determination; expanding the use of certain funds transferred from the Bay Restoration Fund to include the implementation of fixed natural filter practices; defining a certain term; making stylistic and conforming changes; and generally relating to the cost-sharing program and fixed natural filter practices.

BY repealing and reenacting, with amendments,

Article – Agriculture Section 8–701, 8–703(b)(2), and 8–704 Annotated Code of Maryland (2016 Replacement Volume and 2019 Supplement)

#### BY repealing and reenacting, without amendments,

Article – Environment Section 9–1605.2(a)(1) Annotated Code of Maryland (2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment Section 9–1605.2(h)(2)(ii) and (i)(2)(xi) Annotated Code of Maryland (2014 Replacement Volume and 2019 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

## Article – Agriculture

8-701.

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

(b) "Best management practice" means a conservation or pollution control practice that manages soil loss due to farming practices or manages nutrients, animal wastes, or agricultural chemicals so as to minimize movement into the surface waters of the State.

(c) "Eligible cost" means a capital expenditure for installing, purchasing, or constructing a best management practice. It does not include the cost of land or interests in land, or the costs of operating or maintaining best management practices.

(d) **"FIXED NATURAL FILTER PRACTICE" MEANS ONE OF THE FOLLOWING PRACTICES:** 

- (1) THE PLANTING OF RIPARIAN FOREST BUFFERS;
- (2) THE PLANTING OF RIPARIAN HERBACEOUS COVER;
- (3) TREE PLANTINGS THAT ARE:
  - (I) ON AGRICULTURAL LAND; AND
  - (II) OUTSIDE A RIPARIAN BUFFER;
- (4) WETLAND RESTORATION; OR

(5) PASTURE MANAGEMENT, INCLUDING ROTATIONAL GRAZING SYSTEMS SUCH AS:

#### (I) LIVESTOCK FENCING; AND

(II) WATERING SYSTEMS IMPLEMENTED AS PART OF THE CONVERSION OF CROPLAND TO PASTURE.

(E) "Person" means an individual, partnership, corporation, trust, or other business enterprise which as an owner, landlord, or tenant, participates in the operation of a farm.

[(e)] (F) "Pooling agreement" means a written agreement between persons, approved by the Secretary of Agriculture, to perform best management practices and which is intended to solve a mutual pollution problem on different farms.

[(f)] (G) "Project" means a project to prevent or control agriculturally related nonpoint source water pollution by establishing best management practices on a farm.

8-703.

(b) (2) State [cost sharing] COST-SHARING funds may not be used to [reestablish]:

(I) **REESTABLISH** agricultural practices which have deteriorated due to the negligence or mismanagement of an applicant; <u>OR</u>

(II) FUND A CONSERVATION PRACTICE THAT DOES NOT:

1. ADDRESS A NATURAL RESOURCE CONCERN IDENTIFIED BY THE U.S. DEPARTMENT OF AGRICULTURE'S NATURAL RESOURCES CONSERVATION SERVICE; OR

#### 2. **RESULT IN A <u>AN IMPROVED</u> CONSERVATION BENEFIT.**

8-704.

(a) (1) State cost sharing in any project may be made available for up to [87 1/2 percent] 87.5% of eligible costs, not to exceed a dollar amount of up to \$200,000 as determined by a regulation adopted jointly by the Secretary of Agriculture and the Secretary of the Environment.

(2) State [cost sharing] **COST–SHARING** funds may be made available for any project if:

(i) The Department of Agriculture, the soil conservation district, and a person have executed an agreement which, among other things, obligates the person to [establish]:

1. ESTABLISH, construct, or install the best management practice OR FIXED NATURAL FILTER PRACTICE in accordance with technical specifications[, to maintain];

2. MAINTAIN the best management practice OR FIXED NATURAL FILTER PRACTICE for its expected life span[,]; and [to provide]

**3. PROVIDE** the required matching funds for the project;

(ii) The Board of Public Works has given approval to the project when the proceeds of State bonds are to be used to finance the State share; and

(iii) The soil conservation district has certified to the Department that the project meets all applicable technical standards, and that all submitted invoices properly represent eligible costs.

(3) A REDUCTION IN STATE COST-SHARING RATES FOR RIPARIAN FOREST BUFFERS, RIPARIAN HERBACEOUS COVER, WETLAND RESTORATION, OR PASTURE MANAGEMENT MAY NOT BE BASED ON TONS OF SOIL SAVED OR AN AMORTIZATION FORMULA.

(4) STATE COST-SHARING RATES FOR PASTURE MANAGEMENT SHALL BE BASED ON THE APPLICABLE RATE ESTABLISHED BY THE U.S. DEPARTMENT OF AGRICULTURE'S ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

(5) STATE COST-SHARING RATES PAID FOR THE PLANTING OF MULTIPLE SPECIES OF COVER CROPS SHALL EQUAL OR EXCEED THE RATES PAID FOR THE PLANTING OF A SINGLE SPECIES OF COVER CROP.

[(3)] (6) (i) 1. Except as authorized under subsubparagraph 2 of this subparagraph and before the Department of Agriculture executes a [cost sharing] COST-SHARING agreement with a farm tenant, it shall obtain the consent of the landlord to the terms and conditions of the agreement.

2. The Department may execute the agreement without the consent of the landlord if:

A. The agreement concerns a short-term project that involves only the planting of a cover crop; and

B. The Department has sent by first-class mail written notice of a cover crop project to the landlord at least 10 calendar days before executing the agreement for the first cover crop project during the term of the lease.

(ii) The Department may also require the granting to the State of an appropriate security interest in any equipment, structures or similar items purchased with State money.

[(4)] (7) A [cost sharing] COST-SHARING agreement executed as required under this subtitle may be assigned and transferred to a successor in title of all or part of a tract of land subject to a best management practice.

(b) (1) State [cost sharing] COST-SHARING funds shall be disbursed, [upon] ON warrant of the Comptroller, only after the Department has determined that the best

management practice **OR FIXED NATURAL FILTER PRACTICE** has been established, or in the case of equipment, structures, or similar items, that it has been received and properly installed.

(2) Payment may be made either to the person when the person has advanced money, or directly to a vendor or contractor in accordance with the written agreement required by this section, or supplemental written agreements with the vendor or contractor.

(c) (1) **(I) [The] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE** Secretary of Agriculture and the Secretary of the Environment shall jointly [promulgate rules and] **ADOPT** regulations to implement this subtitle.

(II) [However, rules and regulations] **REGULATIONS** solely involving internal management of the [cost sharing] **COST-SHARING** program need only be [promulgated] **ADOPTED** by the Secretary of Agriculture.

(III) The Department of Natural Resources shall be consulted [prior to] BEFORE any [rule making effort] REGULATIONS ARE ADOPTED to assure coordination with its sediment control and related watershed programs.

(2) All [rules and] regulations [promulgated] ADOPTED under this section shall be approved by the Board of Public Works prior to the use of the proceeds of State bonds in the [cost sharing] COST-SHARING program.

(3) The Department of Agriculture and the Department of the Environment may enter into agreements with appropriate federal and local governmental entities to assist in administering this subtitle.

#### Article - Environment

9 - 1605.2.

(a) (1) There is a Bay Restoration Fund.

(h) (2) The Comptroller shall:

(ii) Transfer 40% of the funds to the Maryland Agriculture Water Quality [Cost Share] COST SHARE Program in the Department of Agriculture in order to fund cover crop activities AND THE IMPLEMENTATION OF FIXED NATURAL FILTER PRACTICES AS DEFINED UNDER § 8–701 OF THE AGRICULTURE ARTICLE.

(i) (2) Funds in the Bay Restoration Fund shall be used only:

(xi) Subject to the allocation of funds and the conditions under subsection (h) of this section, for projects related to the removal of nitrogen from on-site

sewage disposal systems [and], cover crop activities, AND FIXED NATURAL FILTER PRACTICES AS DEFINED UNDER § 8-701 OF THE AGRICULTURE ARTICLE;

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 305

(Senate Bill 597)

AN ACT concerning

## Agriculture – Cost–Sharing Program – Fixed Natural Filter Practices

FOR the purpose of prohibiting the use of certain cost-sharing funds to fund a conservation practice that does not meet certain requirements; authorizing certain cost-sharing funds to be made available for certain fixed natural filter practices; prohibiting basing a reduction in certain cost-sharing rates on certain information or on a certain formula; requiring that certain cost-sharing funds be based on a certain rate; requiring that certain cost-sharing rates for the planting of multiple species of cover crops equal or exceed the rates paid for the planting of a single species of cover crop; requiring that certain cost-sharing funds be disbursed for a fixed natural filter practice only after the State Department of Agriculture makes a certain determination; expanding the use of certain funds transferred from the Bay Restoration Fund to include the implementation of fixed natural filter practices; defining a certain term; making stylistic and conforming changes; and generally relating to the cost-sharing program and fixed natural filter practices.

BY repealing and reenacting, with amendments,

Article – Agriculture Section 8–701, 8–703(b)(2), and 8–704 Annotated Code of Maryland (2016 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,

Article – Environment Section 9–1605.2(a)(1) Annotated Code of Maryland (2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Environment Section 9–1605.2(h)(2)(ii) and (i)(2)(xi)

#### Annotated Code of Maryland (2014 Replacement Volume and 2019 Supplement)

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

### Article – Agriculture

8-701.

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

(b) "Best management practice" means a conservation or pollution control practice that manages soil loss due to farming practices or manages nutrients, animal wastes, or agricultural chemicals so as to minimize movement into the surface waters of the State.

(c) "Eligible cost" means a capital expenditure for installing, purchasing, or constructing a best management practice. It does not include the cost of land or interests in land, or the costs of operating or maintaining best management practices.

(d) "FIXED NATURAL FILTER PRACTICE" MEANS ONE OF THE FOLLOWING PRACTICES:

- (1) THE PLANTING OF RIPARIAN FOREST BUFFERS;
- (2) THE PLANTING OF RIPARIAN HERBACEOUS COVER;
- (3) TREE PLANTINGS THAT ARE:
  - (I) ON AGRICULTURAL LAND; AND
  - (II) OUTSIDE A RIPARIAN BUFFER;
- (4) WETLAND RESTORATION; OR

(5) PASTURE MANAGEMENT, INCLUDING ROTATIONAL GRAZING SYSTEMS SUCH AS:

(I) LIVESTOCK FENCING; AND

(II) WATERING SYSTEMS IMPLEMENTED AS PART OF THE CONVERSION OF CROPLAND TO PASTURE.

(E) "Person" means an individual, partnership, corporation, trust, or other business enterprise which as an owner, landlord, or tenant, participates in the operation of a farm.

[(e)] (F) "Pooling agreement" means a written agreement between persons, approved by the Secretary of Agriculture, to perform best management practices and which is intended to solve a mutual pollution problem on different farms.

[(f)] (G) "Project" means a project to prevent or control agriculturally related nonpoint source water pollution by establishing best management practices on a farm.

8-703.

(b) (2) State [cost sharing] COST-SHARING funds may not be used to [reestablish]:

(I) **REESTABLISH** agricultural practices which have deteriorated due to the negligence or mismanagement of an applicant;

#### (II) FUND A CONSERVATION PRACTICE THAT DOES NOT:

### 1. ADDRESS A NATURAL RESOURCE CONCERN IDENTIFIED BY THE U.S. DEPARTMENT OF AGRICULTURE'S NATURAL RESOURCES CONSERVATION SERVICE; OR

2. **Result in an improved conservation benefit**.

8-704.

(a) (1) State cost sharing in any project may be made available for up to [87 1/2 percent] 87.5% of eligible costs, not to exceed a dollar amount of up to \$200,000 as determined by a regulation adopted jointly by the Secretary of Agriculture and the Secretary of the Environment.

(2) State [cost sharing] **COST–SHARING** funds may be made available for any project if:

(i) The Department of Agriculture, the soil conservation district, and a person have executed an agreement which, among other things, obligates the person to [establish]:

1. ESTABLISH, construct, or install the best management practice OR FIXED NATURAL FILTER PRACTICE in accordance with technical specifications[, to maintain]; 2. MAINTAIN the best management practice OR FIXED NATURAL FILTER PRACTICE for its expected life span[,]; and [to provide]

**3. PROVIDE** the required matching funds for the project;

(ii) The Board of Public Works has given approval to the project when the proceeds of State bonds are to be used to finance the State share; and

(iii) The soil conservation district has certified to the Department that the project meets all applicable technical standards, and that all submitted invoices properly represent eligible costs.

(3) A REDUCTION IN STATE COST-SHARING RATES FOR RIPARIAN FOREST BUFFERS, RIPARIAN HERBACEOUS COVER, WETLAND RESTORATION, OR PASTURE MANAGEMENT MAY NOT BE BASED ON TONS OF SOIL SAVED OR AN AMORTIZATION FORMULA.

(4) STATE COST-SHARING RATES FOR PASTURE MANAGEMENT SHALL BE BASED ON THE APPLICABLE RATE ESTABLISHED BY THE U.S. DEPARTMENT OF AGRICULTURE'S ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

(5) STATE COST-SHARING RATES PAID FOR THE PLANTING OF MULTIPLE SPECIES OF COVER CROPS SHALL EQUAL OR EXCEED THE RATES PAID FOR THE PLANTING OF A SINGLE SPECIES OF COVER CROP.

[(3)] (6) (i) 1. Except as authorized under subsubparagraph 2 of this subparagraph and before the Department of Agriculture executes a [cost sharing] COST-SHARING agreement with a farm tenant, it shall obtain the consent of the landlord to the terms and conditions of the agreement.

2. The Department may execute the agreement without the consent of the landlord if:

A. The agreement concerns a short-term project that involves only the planting of a cover crop; and

B. The Department has sent by first-class mail written notice of a cover crop project to the landlord at least 10 calendar days before executing the agreement for the first cover crop project during the term of the lease.

(ii) The Department may also require the granting to the State of an appropriate security interest in any equipment, structures or similar items purchased with State money.

(b) (1) State [cost sharing] COST-SHARING funds shall be disbursed, [upon] ON warrant of the Comptroller, only after the Department has determined that the best management practice OR FIXED NATURAL FILTER PRACTICE has been established, or in the case of equipment, structures, or similar items, that it has been received and properly installed.

(2) Payment may be made either to the person when the person has advanced money, or directly to a vendor or contractor in accordance with the written agreement required by this section, or supplemental written agreements with the vendor or contractor.

(c) (1) **(I) [The] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE** Secretary of Agriculture and the Secretary of the Environment shall jointly [promulgate rules and] **ADOPT** regulations to implement this subtitle.

(II) [However, rules and regulations] **REGULATIONS** solely involving internal management of the [cost sharing] **COST-SHARING** program need only be [promulgated] **ADOPTED** by the Secretary of Agriculture.

(III) The Department of Natural Resources shall be consulted [prior to] **BEFORE** any [rule making effort] **REGULATIONS ARE ADOPTED** to assure coordination with its sediment control and related watershed programs.

(2) All [rules and] regulations [promulgated] ADOPTED under this section shall be approved by the Board of Public Works prior to the use of the proceeds of State bonds in the [cost sharing] COST-SHARING program.

(3) The Department of Agriculture and the Department of the Environment may enter into agreements with appropriate federal and local governmental entities to assist in administering this subtitle.

## Article – Environment

## <del>9-1605.2.</del>

(a) (1) There is a Bay Restoration Fund.

(h) (2) The Comptroller shall:

(ii) Transfer 40% of the funds to the Maryland Agriculture Water Quality [Cost Share] COST-SHARE-Program in the Department of Agriculture in order to fund cover crop activities AND THE IMPLEMENTATION OF FIXED NATURAL FILTER PRACTICES AS DEFINED UNDER § 8-701 OF THE AGRICULTURE ARTICLE.

(i) (2) Funds in the Bay Restoration Fund shall be used only:

(xi) Subject to the allocation of funds and the conditions under subsection (h) of this section, for projects related to the removal of nitrogen from on-site sewage disposal systems [and], cover crop activities, AND FIXED NATURAL FILTER PRACTICES AS DEFINED UNDER § 8-701 OF THE AGRICULTURE ARTICLE;

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

## Chapter 306

(House Bill 714)

AN ACT concerning

#### Anne Arundel County - Alcoholic Beverages - Gift Basket Permit

FOR the purpose of establishing, in Anne Arundel County, a gift basket permit; authorizing the Board of License Commissioners for Anne Arundel County to issue the permit to certain persons; prohibiting the Board from issuing the permit for certain uses; providing that the permit authorizes a permit holder to sell and deliver gift baskets containing beer, wine, or liquor to certain individuals under certain circumstances; requiring a permit holder to maintain certain records and submit certain reports; requiring a permit holder or certain employee to deliver a certain gift basket and require the person receiving a delivery of a certain gift basket to be at least a certain age; requiring an individual who delivers a certain gift basket to be at least a certain age; limiting the total annual sales from alcoholic beverages to a certain percentage of the annual gross sales of the permit holder; requiring the alcoholic beverages contained in a gift basket to be purchased from a retail license holder; requiring the Board to adopt certain regulations; establishing a fee for the permit; providing that certain distance requirements do not apply to the issuance of the permit; and generally relating to alcoholic beverages in Anne Arundel County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages Section 11–102 <u>and 11–1603(a)</u> Annotated Code of Maryland (2016 Volume and 2019 Supplement) BY adding to Article – Alcoholic Beverages Section 11–1006.1 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

<u>BY repealing and reenacting, with amendments,</u> <u>Article – Alcoholic Beverages</u> <u>Section 11–1603(b)</u> <u>Annotated Code of Maryland</u> (2016 Volume and 2019 Supplement)

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

# Article – Alcoholic Beverages

11-102.

This title applies only in Anne Arundel County.

## 11-1006.1.

- (A) THERE IS A GIFT BASKET PERMIT.
- (B) (1) THE BOARD MAY ISSUE THE PERMIT TO A PERSON:

# (1) (1) WHOSE PRIMARY BUSINESS IS THE SALE AND DELIVERY OF FLOWERS;

## (II) WHOSE BUSINESS INCLUDES THE SALE AND DELIVERY OF GIFT BASKETS OF FLOWERS, FOOD, OR OTHER ITEMS TO INDIVIDUALS IN THE STATE ON-BEHALF OF CUSTOMERS; AND

(2) (III) WHO DOES NOT HOLD ANY OTHER ALCOHOLIC BEVERAGES LICENSE OR PERMIT UNDER THIS ARTICLE.

(2) THE BOARD MAY NOT ISSUE THE PERMIT FOR USE IN CONJUNCTION WITH OR ON THE PREMISES OF A CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE.

(C) A HOLDER OF THE PERMIT:

(1) MAY SELL AND DELIVER<u>, TO CONSUMERS OF A LEGAL DRINKING</u> <u>AGE LOCATED IN THE COUNTY</u>, GIFT BASKETS CONTAINING:

#### (I) NOT MORE THAN 72 OUNCES OF BEER;

#### (II) NOT MORE THAN 2.25 LITERS OF WINE; OR

#### (III) NOT MORE THAN 2.25 LITERS OF LIQUOR BEER, WINE, OR LIQUOR TO CONSUMERS OF A LEGAL DRINKING AGE LOCATED IN THE STATE; AND

(2) SHALL MAINTAIN RECORDS AND SUBMIT REPORTS AS REQUIRED BY THE BOARD.

(D) (1) <u>SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE PERMIT</u> HOLDER OR AN EMPLOYEE OF THE PERMIT HOLDER SHALL:

(I) <u>DELIVER THE GIFT BASKET CONTAINING ALCOHOLIC</u> <u>BEVERAGES; AND</u>

(II) <u>REQUIRE THE PERSON RECEIVING A DELIVERY OF A GIFT</u> <u>BASKET CONTAINING ALCOHOLIC BEVERAGES TO DISPLAY PROOF THAT THE</u> <u>PERSON IS AT LEAST 21 YEARS OLD.</u>

(2) <u>AN INDIVIDUAL WHO DELIVERS A GIFT BASKET CONTAINING</u> <u>ALCOHOLIC BEVERAGES SHALL BE AT LEAST 21 YEARS OLD.</u>

(E) THE HOLDER'S ANNUAL SALES FROM ALCOHOLIC BEVERAGES MAY NOT EXCEED  $\frac{25\%}{10\%}$  OF THE HOLDER'S ANNUAL GROSS SALES.

(E) (F) THE ALCOHOLIC BEVERAGES CONTAINED IN A GIFT BASKET SHALL BE PURCHASED FROM A RETAIL LICENSE HOLDER.

(F) (G) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

(G) (H) THE FEE FOR A GIFT BASKET PERMIT IS \$100.

#### 11-1603.

(a) Except as provided in subsection (b) of this section, the Board may not issue a new license for an establishment whose entry is within 1,000 feet in a straight line from the entry of a place of worship or school.

(b) The prohibition against issuing a license in subsection (a) of this section does not apply to:

(1) the transfer of a license from the current license holder to a new license holder, unless the transfer would allow the sale of alcoholic beverages by another establishment within the 1,000-foot restriction;

(2) <u>a nonprofit club or nonprofit organization;</u>

(3) a restaurant that held a license at the time the restaurant was destroyed by fire, flood, windstorm, or other act of God, if a new place of worship or school has not been constructed within the 1,000-foot restriction;

(4) the issuance of a Class H beer and wine (on–sale) license or beer, wine, and liquor (on–sale) license;

(5) the issuance of a motel-restaurant complex or hotel-restaurant complex beer, wine, and liquor (on-sale) license; [or]

(6) the issuance of a Class BLX (deluxe restaurant) (on-sale) beer, wine, and liquor license; **OR** 

# (7) THE ISSUANCE OF A GIFT BASKET PERMIT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 307

(Senate Bill 525)

AN ACT concerning

# Anne Arundel County – Alcoholic Beverages – Gift Basket Permit

FOR the purpose of establishing, in Anne Arundel County, a gift basket permit; authorizing the Board of License Commissioners for Anne Arundel County to issue the permit to certain persons; prohibiting the Board from issuing the permit for certain uses; providing that the permit authorizes a permit holder to sell and deliver gift baskets containing beer, wine, or liquor to certain individuals under certain circumstances; requiring a permit holder to maintain certain records and submit certain reports; requiring a permit holder or certain employee to deliver a certain gift basket and require the person receiving a delivery of a certain gift basket to display proof of a certain age; requiring an individual who delivers a certain gift basket to be at least a certain age; limiting the total annual sales from alcoholic beverages to a certain percentage of the annual gross sales of the permit holder; requiring the alcoholic beverages contained in a gift basket to be purchased from a retail license holder; requiring the Board to adopt certain regulations; establishing a fee for the permit; providing that certain distance requirements do not apply to the issuance of the permit; and generally relating to alcoholic beverages in Anne Arundel County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages Section 11–102 <u>and 11–1603(a)</u> Annotated Code of Maryland (2016 Volume and 2019 Supplement)

BY adding to

Article – Alcoholic Beverages Section 11–1006.1 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

<u>Article – Alcoholic Beverages</u> <u>Section 11–1603(b)</u> <u>Annotated Code of Maryland</u> (2016 Volume and 2019 Supplement)

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

#### Article – Alcoholic Beverages

11 - 102.

This title applies only in Anne Arundel County.

#### 11 - 1006.1.

- (A) THERE IS A GIFT BASKET PERMIT.
- (B) (1) THE BOARD MAY ISSUE THE PERMIT TO A PERSON:

(1) (1) WHOSE PRIMARY BUSINESS IS THE SALE AND DELIVERY OF FLOWERS;

(II) WHOSE BUSINESS INCLUDES THE SALE AND DELIVERY OF GIFT BASKETS OF FLOWERS, FOOD, OR OTHER ITEMS <del>TO INDIVIDUALS IN THE STATE</del> <del>ON-BEHALF OF CUSTOMERS</del>; AND (2) (III) WHO DOES NOT HOLD ANY OTHER ALCOHOLIC BEVERAGES LICENSE OR PERMIT UNDER THIS ARTICLE.

(2) THE BOARD MAY NOT ISSUE THE PERMIT FOR USE IN CONJUNCTION WITH OR ON THE PREMISES OF A CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE.

(C) A HOLDER OF THE PERMIT:

(1) MAY SELL AND DELIVER<u>, TO CONSUMERS OF A LEGAL DRINKING</u> <u>AGE LOCATED IN THE COUNTY</u>, GIFT BASKETS CONTAINING:

(I) NOT MORE THAN 72 OUNCES OF BEER;

(II) NOT MORE THAN 2.25 LITERS OF WINE; OR

(III) NOT MORE THAN 2.25 LITERS OF LIQUOR BEER, WINE, OR LIQUOR TO CONSUMERS OF A LEGAL DRINKING AGE LOCATED IN THE STATE; AND

(2) SHALL MAINTAIN RECORDS AND SUBMIT REPORTS AS REQUIRED BY THE BOARD.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE PERMIT HOLDER OR AN EMPLOYEE OF THE PERMIT HOLDER SHALL:

(I) <u>DELIVER THE GIFT BASKET CONTAINING ALCOHOLIC</u> <u>BEVERAGES; AND</u>

(II) <u>REQUIRE THE PERSON RECEIVING A DELIVERY OF A GIFT</u> <u>BASKET CONTAINING ALCOHOLIC BEVERAGES TO DISPLAY PROOF THAT THE</u> <u>PERSON IS AT LEAST 21 YEARS OLD.</u>

(2) <u>AN INDIVIDUAL WHO DELIVERS A GIFT BASKET CONTAINING</u> <u>ALCOHOLIC BEVERAGES SHALL BE AT LEAST 21 YEARS OLD.</u>

(E) THE HOLDER'S ANNUAL SALES FROM ALCOHOLIC BEVERAGES MAY NOT EXCEED  $\frac{25\%}{10\%}$  OF THE HOLDER'S ANNUAL GROSS SALES.

(E) (F) THE ALCOHOLIC BEVERAGES CONTAINED IN A GIFT BASKET SHALL BE PURCHASED FROM A RETAIL LICENSE HOLDER.

(F) (G) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

#### (G) (H) THE FEE FOR A GIFT BASKET PERMIT IS \$100.

<u>11–1603.</u>

(a) Except as provided in subsection (b) of this section, the Board may not issue a new license for an establishment whose entry is within 1,000 feet in a straight line from the entry of a place of worship or school.

(b) The prohibition against issuing a license in subsection (a) of this section does not apply to:

(1) the transfer of a license from the current license holder to a new license holder, unless the transfer would allow the sale of alcoholic beverages by another establishment within the 1,000-foot restriction;

(2) <u>a nonprofit club or nonprofit organization;</u>

(3) a restaurant that held a license at the time the restaurant was destroyed by fire, flood, windstorm, or other act of God, if a new place of worship or school has not been constructed within the 1,000–foot restriction;

(4) the issuance of a Class H beer and wine (on–sale) license or beer, wine, and liquor (on–sale) license;

(5) the issuance of a motel-restaurant complex or hotel-restaurant complex beer, wine, and liquor (on-sale) license; [or]

(6) the issuance of a Class BLX (deluxe restaurant) (on-sale) beer, wine, and liquor license; **OR** 

#### (7) THE ISSUANCE OF A GIFT BASKET PERMIT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 308

(House Bill 722)

AN ACT concerning

#### Labor and Employment – Occupational Safety and Health – Heat Stress Standards

FOR the purpose of requiring the Commissioner of Labor and Industry, in consultation with a certain entity, to develop and adopt regulations on or before a certain date that include a certain standard establishing certain heat stress levels and to ensure that all employers comply with certain requirements with respect to occupational exposure to excessive heat; that require employers to protect employees from heat-related illness caused by heat stress; requiring Maryland Occupational Safety and Health to hold certain informational meetings before beginning a certain process; requiring the Commissioner to consider certain standards in developing regulations; requiring the Commissioner to report to certain committees of the General Assembly on or before a certain date; requiring certain employers to develop, implement, and maintain a certain excessive heat-related illness prevention plan for employees: requiring that certain excessive heat-related illness prevention plans be developed in a certain manner, tailored and specific to certain hazards, in writing and in a certain language under certain circumstances, and made available in a certain manner; requiring the plan to include certain procedures and methods; requiring the Commissioner to require certain employers to provide certain annual training and education to certain employees; requiring employers to provide certain training and education to employees who are supervisors; requiring that certain training be provided to certain employees at a certain time and in a certain manner; requiring employers to maintain certain records and data and to make certain records and data available to certain persons on request; requiring employers to adopt a certain policy prohibiting certain persons from taking certain actions against certain employees; prohibiting employers from taking certain actions against certain employees for taking certain actions; providing for the construction of certain <del>provisions of this Act;</del> defining certain terms; and generally relating to occupational safety and health and heat stress standards.

BY repealing and reenacting, without amendments,

Article – Labor and Employment Section 5–101 Annotated Code of Maryland (2016 Replacement Volume and 2019 Supplement)

BY adding to

Article – Labor and Employment
Section 5–1201 through 5–1203 to be under the new subtitle "Subtitle 12. Heat Stress Standards"
Annotated Code of Maryland
(2016 Replacement Volume and 2019 Supplement)

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

## Article - Labor and Employment

5-101.

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

(b) "Commissioner" means the Commissioner of Labor and Industry.

(c) (1) "Employee" means, except as provided in § 5-401 of this title, an individual whom an employer employs, for a wage or other compensation, in the business of the employer.

- (2) "Employee" includes:
  - (i) an individual whom a governmental unit employs;

(ii) an individual who is licensed as a taxicab driver and leases or rents a taxicab from a person who operates or owns a taxicab business in Baltimore City;

(iii) an individual who is employed for part-time or temporary help by a governmental unit or person who engages in a business that directly employs individuals to provide part-time or temporary help to another governmental unit or person; and

(iv) an individual who performs work for a governmental unit or person to whom the individual is provided by another governmental unit or person who engages in a business that directly employs individuals to provide part-time or temporary help.

(d) (1) "Employer" means:

(i) except as provided in § 5–401 of this title, a person who is engaged in commerce, industry, trade, or other business in the State and employs at least one employee in that business; or

- (ii) a public body.
- (2) "Employer" includes:

(i) a person who operates or owns a taxicab business in Baltimore City and leases or rents a taxicab to a licensed taxicab driver, to provide services to the public;

(ii) a governmental unit or person who engages in a business that directly employs individuals to provide part-time or temporary help to another governmental unit or person; and

(iii) a governmental unit or person who contracts directly with another governmental unit or person who engages in a business that directly employs individuals to provide part-time or temporary help to another governmental unit or person.

(e) "Occupational safety and health standard" means a regulation that requires:

(1) a condition that is reasonably appropriate or necessary to make employment and places of employment safe and healthful; or

(2) the adoption or use of a means, method, operation, practice, or process that is reasonably appropriate or necessary to make employment and places of employment safe and healthful.

(f) "Person" includes a successor.

(g) "Place of employment" means a place in or about which an employee is allowed to work.

- (h) "Public body" means:
  - (1) a governmental unit;
  - (2) a public or quasi–public corporation of the State;
  - (3) a school district in the State or any unit of the district; or
  - (4) a special district in the State or any unit of the district.

#### SUBTITLE 12. HEAT STRESS STANDARDS.

#### 5-1201.

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

# (B) "EXCESSIVE HEAT" MEANS LEVELS OF OUTDOOR OR INDOOR EXPOSURE TO HEAT THAT EXCEED THE CAPACITIES OF THE HUMAN BODY TO MAINTAIN NORMAL BODY FUNCTIONS AND MAY CAUSE HEAT-RELATED INJURY, ILLNESS, OR FATALITY.

(C) (2) "HEAT-RELATED ILLNESS" MEANS A SERIOUS MEDICAL CONDITION RESULTING FROM THE INABILITY OF THE BODY TO RID ITSELF OF EXCESS HEAT, INCLUDING HEAT RASH, HEAT CRAMPS, HEAT EXHAUSTION, HEAT SYNCOPE, AND HEAT STROKE.

(D) (3) "HEAT STRESS" MEANS THE NET LOAD TO WHICH A WORKER IS EXPOSED FROM THE COMBINED CONTRIBUTIONS OF METABOLIC HEAT, ENVIRONMENTAL FACTORS, AND CLOTHING WORN THAT RESULTS IN AN INCREASE IN HEAT STORAGE IN THE BODY, CAUSING BODY TEMPERATURE TO RISE TO SOMETIMES DANGEROUS LEVELS.

#### <del>5-1202.</del>

(B) (1) ON OR BEFORE OCTOBER 1, 2022, THE COMMISSIONER, IN CONSULTATION WITH THE MARYLAND OCCUPATIONAL SAFETY AND HEALTH ADVISORY BOARD, SHALL DEVELOP AND ADOPT REGULATIONS THAT:

(1) INCLUDE A STANDARD ESTABLISHING HEAT STRESS LEVELS FOR EMPLOYEES THAT, IF EXCEEDED, TRIGGER ACTION TO PROTECT EMPLOYEES FROM HEAT-RELATED ILLNESS; AND

(2) ENSURE ALL EMPLOYERS COMPLY WITH THE REQUIREMENTS DESCRIBED IN THIS SUBTITLE WITH RESPECT TO OCCUPATIONAL EXPOSURE TO EXCESSIVE HEAT REQUIRE EMPLOYERS TO PROTECT EMPLOYEES FROM HEAT-RELATED ILLNESS CAUSED BY HEAT STRESS.

(2) <u>BEFORE THE COMMISSIONER BEGINS THE PROCESS FOR</u> <u>DEVELOPING AND ADOPTING THE REGULATIONS REQUIRED UNDER PARAGRAPH (1)</u> <u>OF THIS SUBSECTION, MARYLAND OCCUPATIONAL SAFETY AND HEALTH SHALL</u> <u>HOLD INFORMATIONAL HEARINGS IN FOUR DIFFERENT GEOGRAPHICAL AREAS OF</u> <u>THE STATE FOR THE PURPOSE OF OBTAINING INPUT FROM INTERESTED PARTIES.</u>

(3) IN DEVELOPING THE REGULATIONS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSIONER SHALL CONSIDER STANDARDS CREATED BY THE NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH, THE AMERICAN CONFERENCE OF GOVERNMENTAL INDUSTRIAL HYGIENISTS, AND THE AMERICAN NATIONAL STANDARDS INSTITUTE.

#### <u>5-1203.</u>

(A) (1) EACH EMPLOYER SHALL DEVELOP, IMPLEMENT, AND MAINTAIN AN EFFECTIVE EXCESSIVE HEAT-RELATED ILLNESS PREVENTION PLAN FOR EMPLOYEES.

(2) THE PLAN REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE:

(I) DEVELOPED AND IMPLEMENTED WITH THE MEANINGFUL PARTICIPATION OF EMPLOYEES, EMPLOYEE REPRESENTATIVES, AND COLLECTIVE BARGAINING REPRESENTATIVES, AS APPLICABLE;

(II) TAILORED AND SPECIFIC TO HAZARDS IN THE PLACE OF EMPLOYMENT;

(III) IN WRITING AND IN THE LANGUAGE UNDERSTOOD BY A MAJORITY OF EMPLOYEES, IF THE LANGUAGE IS NOT ENGLISH; AND

(IV) MADE AVAILABLE, ON REQUEST, TO EMPLOYEES, EMPLOYEE REPRESENTATIVES, AND THE COMMISSIONER.

(B) EACH PLAN REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE PROCEDURES AND METHODS FOR:

(1) INITIAL AND REGULAR MONITORING OF EMPLOYEE EXPOSURE TO HEAT TO DETERMINE WHETHER AN EMPLOYEE'S EXPOSURE HAS BEEN EXCESSIVE;

(2) PROVIDING POTABLE WATER WITH A TEMPERATURE OF LESS THAN 15 DEGREES CELSIUS OR 59 DEGREES FAHRENHEIT;

(3) PROVIDING PAID REST BREAKS AND ACCESS TO SHADE, COOL-DOWN AREAS, OR CLIMATE-CONTROLLED SPACES;

(4) PROVIDING AN EMERGENCY RESPONSE FOR ANY EMPLOYEE WHO HAS SUFFERED INJURY AS A RESULT OF BEING EXPOSED TO EXCESSIVE HEAT;

(5) ACCLIMATIZING EMPLOYEES TO AREAS WHERE EXPOSURE TO HEAT IS PRESENT;

(6) LIMITING THE LENGTH OF TIME AN EMPLOYEE MAY BE EXPOSED TO HEAT DURING THE WORKDAY;

(7) IMPLEMENTING A HEAT ALERT PROGRAM TO PROVIDE NOTIFICATION WHEN THE NATIONAL WEATHER SERVICE OR OTHER COMPETENT WEATHER SERVICE FORECASTS THAT A HEAT WAVE IS LIKELY TO OCCUR IN THE FOLLOWING DAY OR DAYS, INCLUDING:

(I) POSTPONING TASKS THAT ARE NOT URGENT UNTIL THE HEAT WAVE IS OVER;

(II) INCREASING THE TOTAL NUMBER OF WORKERS TO REDUCE THE HEAT EXPOSURE OF EACH WORKER; (III) INCREASING REST ALLOWANCES;

(IV) REMINDING WORKERS TO DRINK LIQUIDS IN SMALL AMOUNTS FREQUENTLY TO PREVENT DEHYDRATION; AND

(V) TO THE EXTENT PRACTICABLE, MONITORING THE ENVIRONMENTAL HEAT AT JOB SITES AND RESTING PLACES;

(8) PREVENTING HAZARDS, INCLUDING THROUGH THE USE OF:

(I) ENGINEERING CONTROLS THAT INCLUDE THE ISOLATION OF HOT PROCESSES, THE ISOLATION OF EMPLOYEES FROM SOURCES OF HEAT, LOCAL EXHAUST VENTILATION, SHIELDING FROM A RADIANT HEAT SOURCE, THE INSULATION OF HOT SURFACES, AIR CONDITIONING, COOLING FANS, EVAPORATIVE COOLERS, AND NATURAL VENTILATION;

(II) ADMINISTRATIVE CONTROLS THAT LIMIT EXPOSURE TO A HAZARD BY ADJUSTMENT OF WORK PROCEDURES OR WORK SCHEDULES, INCLUDING ACCLIMATIZING EMPLOYEES, ROTATING EMPLOYEES, SCHEDULING WORK EARLIER OR LATER IN THE DAY, USING WORK-REST SCHEDULES, REDUCING WORK INTENSITY OR SPEED, CHANGING REQUIRED WORK CLOTHING, AND USING RELIEF WORKERS; AND

(III) PERSONAL PROTECTIVE EQUIPMENT, INCLUDING WATER-COOLED GARMENTS, AIR-COOLED GARMENTS, REFLECTIVE CLOTHING, AND COOLING VESTS;

(9) COORDINATING RISK ASSESSMENT EFFORTS, PLAN DEVELOPMENT, AND IMPLEMENTATION WITH OTHER EMPLOYERS WHO HAVE EMPLOYEES WHO WORK AT THE SAME WORK SITE; AND

(10) ALLOWING-EMPLOYEES TO CONTACT THE EMPLOYER DIRECTLY AND EFFICIENTLY TO COMMUNICATE IF THE EMPLOYEE FEELS LIKE THE EMPLOYEE IS SUFFERING FROM A HEAT-RELATED ILLNESS.

(C) THE COMMISSIONER SHALL REQUIRE AN EMPLOYER TO PROVIDE ANNUAL TRAINING AND EDUCATION TO EMPLOYEES WHO MAY BE EXPOSED TO HIGH HEAT LEVELS, INCLUDING TRAINING AND EDUCATION REGARDING:

(1) THE IDENTIFICATION OF HEAT-RELATED ILLNESS FACTORS;

(2) PERSONAL FACTORS THAT MAY INCREASE SUSCEPTIBILITY TO HEAT-RELATED ILLNESS;

- (3) SIGNS AND SYMPTOMS OF HEAT-RELATED ILLNESS;
- (4) **DIFFERENT TYPES OF HEAT-RELATED ILLNESS;**
- (5) THE IMPORTANCE OF ACCLIMATIZATION AND CONSUMPTION OF

FLUIDS;

- (6) AVAILABLE ENGINEERING CONTROL MEASURES;
- (7) ADMINISTRATIVE CONTROL MEASURES;

(8) THE IMPORTANCE OF REPORTING HEAT-RELATED SYMPTOMS BEING EXPERIENCED BY AN EMPLOYEE OR ANOTHER EMPLOYEE;

(9) RECORD-KEEPING REQUIREMENTS AND REPORTING PROCEDURES;

- (10) EMERGENCY RESPONSE PROCEDURES; AND
- (11) EMPLOYEE RIGHTS.

(D) IN ADDITION TO THE TRAINING AND EDUCATION REQUIRED UNDER SUBSECTION (C) OF THIS SECTION, THE EMPLOYER SHALL PROVIDE TRAINING AND EDUCATION TO EMPLOYEES WHO ARE SUPERVISORS, INCLUDING TRAINING AND EDUCATION REGARDING:

(1) PROPER PROCEDURES A SUPERVISOR IS REQUIRED TO FOLLOW UNDER THIS SECTION WITH RESPECT TO THE PREVENTION OF EMPLOYEE EXPOSURE TO EXCESSIVE HEAT;

(2) HOW TO RECOGNIZE HIGH-RISK SITUATIONS, INCLUDING HOW TO MONITOR WEATHER REPORTS AND WEATHER ADVISORIES AND HOW TO AVOID ASSIGNING AN EMPLOYEE TO A SITUATION THAT COULD PREDICTABLY COMPROMISE THE SAFETY OF THE EMPLOYEE; AND

(3) PROPER PROCEDURES, INCLUDING EMERGENCY RESPONSE PROCEDURES, TO FOLLOW WHEN AN EMPLOYEE EXHIBITS SIGNS OR REPORTS SYMPTOMS CONSISTENT WITH POSSIBLE HEAT RELATED ILLNESS.

(E) THE EDUCATION AND TRAINING REQUIRED UNDER THIS SECTION SHALL:

(1) BE PROVIDED BY AN EMPLOYER FOR EACH NEW EMPLOYEE **BEFORE STARTING A JOB ASSIGNMENT:** 

(2) PROVIDE EMPLOYEES OPPORTUNITIES TO ASK QUESTIONS, PROVIDE FEEDBACK, AND REQUEST ADDITIONAL INSTRUCTION, CLARIFICATION, OR **OTHER FOLLOW-UP:** 

<del>(3)</del> BE PROVIDED IN-PERSON BY AN INDIVIDUAL WITH KNOWLEDGE OF HEAT-RELATED ILLNESS PREVENTION AND OF THE PLAN OF THE EMPLOYER **REQUIRED UNDER SUBSECTION (A) OF THIS SECTION: AND** 

BE APPROPRIATE IN CONTENT AND VOCABULARY TO THE <del>(4)</del> LANGUAGE, EDUCATIONAL LEVEL, AND LITERACY OF THE EMPLOYEES:

(F) EACH EMPLOYER SHALL:

(1) MAINTAIN AT ALL TIMES:

RECORDS RELATED TO EACH PLAN OF THE EMPLOYER (∰) **REQUIRED UNDER SUBSECTION (A) OF THIS SECTION, INCLUDING HEAT-RELATED** ILLNESS RISK AND HAZARD ASSESSMENTS AND IDENTIFICATION, EVALUATION, **CORRECTION, AND TRAINING PROCEDURES;** 

(II) DATA ON ALL HEAT-RELATED ILLNESSES AND DEATHS THAT HAVE OCCURRED AT THE PLACE OF EMPLOYMENT: AND

(III) DATA ON ENVIRONMENTAL AND PHYSIOLOGICAL **MEASUREMENTS RELATED TO HEAT: AND** 

(2) MAKE THE RECORDS AND DATA AVAILABLE, ON REQUEST, TO EMPLOYEES AND THEIR REPRESENTATIVES, AND TO THE COMMISSIONER FOR EXAMINATION AND COPYING.

(G) (1) EACH EMPLOYER SHALL ADOPT A POLICY PROHIBITING ANY PERSON, INCLUDING AN AGENT OF THE EMPLOYER, FROM DISCRIMINATING OR **RETALIATING AGAINST AN EMPLOYEE FOR:** 

<del>(I)</del> EXERCISING THE RIGHTS OF THE EMPLOYEE UNDER THIS SECTION: OR

**REPORTING VIOLATIONS OF THIS SECTION TO THE FEDERAL** <del>(II)</del> **GOVERNMENT, THE STATE, OR A LOCAL GOVERNMENT,** 

(2) AN EMPLOYER MAY NOT DISCRIMINATE OR RETALIATE AGAINST AN EMPLOYEE FOR:

(I) REPORTING A HEAT-RELATED ILLNESS CONCERN TO, OR SEEKING ASSISTANCE OR INTERVENTION WITH RESPECT TO HEAT-RELATED HEALTH SYMPTOMS FROM, THE EMPLOYER, LOCAL EMERGENCY SERVICES, THE FEDERAL GOVERNMENT, THE STATE, OR A LOCAL GOVERNMENT; OR

(II) EXERCISING ANY OTHER RIGHTS OF THE EMPLOYEE UNDER THIS SECTION.

# (II) THIS SECTION MAY NOT BE CONSTRUED TO DIMINISH THE RIGHTS, PRIVILEGES, OR REMEDIES OF ANY EMPLOYEE UNDER A COLLECTIVE BARGAINING AGREEMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2022, the Commissioner of Labor and Industry shall report to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2–1257 of the State Government Article, on the implementation of this Act.

SECTION 2-3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 309

(House Bill 739)

AN ACT concerning

# Law Enforcement Body Camera Task Force

FOR the purpose of establishing the Law Enforcement Body Camera Task Force; providing for the composition, chair, 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 study and make recommendations regarding certain matters; requiring the Task Force to report its findings and recommendations to the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Law Enforcement Body Camera Task Force.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a)	There is a Law Enforcement Body Camera Task Force.	
(b)	The Task Force consists of the following members:	
the Senate;	(1)	two members of the Senate of Maryland, appointed by the President of
the House;	(2)	two members of the House of Delegates, appointed by the Speaker of
and	(3)	the Secretary of Information Technology, or the Secretary's designee;
	(4)	the following members:

(i) one representative of the Maryland Association of Counties, designated by the President of the Association;

(ii) <del>one representative</del> <u>two representatives</u> of the Maryland Municipal League <del>who is the chair or a member of the Maryland Municipal League's</del> <del>Hometown Emergency Preparedness Ad Hoc Committee, designated by the President of</del> <del>the League</del>;

(iii) one representative of the Prince George's County Municipal Association, designated by the President of the Association;

(iv) one representative of the Maryland Chiefs of Police Association, designated by the President of the Association;

(v) one representative of the Municipal Police Executive Association of the Maryland Municipal League, designated by the President of the League;

(vi) (v) one representative of the Maryland Sheriffs' Association, designated by the President of the Association;

(vii) (vi) one representative of the Maryland Correctional Administrators Association, designated by the President of the Association; and

(viii) (vii) one representative of the International Association of Campus Law Enforcement Administrators, designated by the President of the Association.

(c) The Speaker of the House and the President of the Senate shall jointly designate the chair and vice-chair of the Task Force.

(d) The Department of Public Safety and Correctional Services 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) study options for the economical storage of audio and video recordings made by law enforcement body–worn cameras; and

(2) make recommendations for storage considering the budgets of State, county, local, and campus law enforcement jurisdictions.

(g) On or before December 1, 2020, the Task Force shall report its findings and recommendations to the General Assembly, in accordance with § 2-1257 of the State Government Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020. It shall remain effective for a period of 1 year and, at the end of June 30, 2021, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 310

(House Bill 748)

AN ACT concerning

# Transportation – Kim Lamphier Bikeways Network Program

FOR the purpose of codifying the Bikeways Network Program; specifying the purpose of the Program; requiring the Department of Transportation to establish application and eligibility criteria for the Program; requiring the Governor to include in the State budget a certain annual appropriation for the Program; requiring that a certain amount of the appropriation be distributed for a certain purpose; renaming the Program to be the Kim Lamphier Bikeways Network Program; and generally relating to the Kim Lamphier Bikeways Network Program.

BY adding to Article – Transportation Section 2–608 Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

Preamble

WHEREAS, Kimberly Ann Lamphier, or "Kim", as she was known to most, was the leader in bringing safer cycling and more connected cycling infrastructure to Maryland, having played a major role in every significant recent piece of legislation on the topic, including the "three–foot rule", authorization for the use of pedestrian hybrid beacons, or HAWK signals, Complete Streets, and Vision Zero, to name a few, in addition to the many other causes for which she advocated; and

WHEREAS, Kim was an ardent supporter of State cycling infrastructure programs, including the Bikeways Network Program; and

WHEREAS, Cyclists throughout Maryland have directly benefited from Kim's tireless advocacy, support, and promotion of the sport of cycling; and

WHEREAS, Riding clubs, advocacy organizations, and local governments all continue to thrive and enjoy better cycling infrastructure because of Kim's efforts; now, therefore,

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

#### **Article – Transportation**

2-608.

(A) IN THIS SECTION, "PROGRAM" MEANS THE KIM LAMPHIER BIKEWAYS NETWORK PROGRAM.

(B) THERE IS A KIM LAMPHIER BIKEWAYS NETWORK PROGRAM IN THE DEPARTMENT.

(C) THE PURPOSE OF THE PROGRAM IS TO PROVIDE GRANT SUPPORT FOR BICYCLE NETWORK DEVELOPMENT ACTIVITIES.

(D) THE DEPARTMENT SHALL ESTABLISH APPLICATION AND ELIGIBILITY CRITERIA FOR THE PROGRAM.

(E) EACH YEAR, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL STATE BUDGET AN APPROPRIATION OF AT LEAST \$3,800,000 FROM THE TRANSPORTATION TRUST FUND FOR THE OPERATION OF THE PROGRAM. (F) AT LEAST \$100,000 OF THE APPROPRIATION REQUIRED UNDER SUBSECTION (E) OF THIS SECTION SHALL BE DISTRIBUTED TO THE MARYLAND ASSOCIATION OF COUNTIES AND THE MARYLAND MUNICIPAL LEAGUE TO PROVIDE TECHNICAL ASSISTANCE TO COUNTIES AND MUNICIPALITIES WITH THE DRAFTING AND SUBMISSION OF GRANT PROPOSALS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 311

(House Bill 749)

AN ACT concerning

#### Health Occupations – Dental Hygienists – Authority to Prescribe and Administer Medication

FOR the purpose of authorizing a dental hygienist who complies with certain provisions of this Act to prescribe certain medications; prohibiting a dental hygienist from prescribing certain drugs; prohibiting a dental hygienist from administering certain medications; authorizing a dental hygienist who complies with certain provisions of this Act to administer medication under a certain standing order and if the dental hygienist includes certain information in a certain manner in the patient's record; requiring a dental hygienist prescribing or administering medication as authorized under certain provisions of this Act to prescribe or administer the medication under certain supervision and in compliance with certain regulations and provisions of law; requiring a dental hygienist to complete certain educational requirements before prescribing or administering medication as authorized under certain provisions of this Act: authorizing the State Board of Dental Examiners to adopt certain regulations; establishing that the Maryland Pharmacy Act does not prohibit a dental hygienist from administering medications under certain provisions of this Act; altering a certain definition; making a conforming change; and generally relating to dental hygienists and the authority to prescribe and administer medication.

BY adding to

Article – Health Occupations Section 4–205(a)(1)(xi) and 4–206.4 Annotated Code of Maryland (2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations Section 4–205(a)(1)(xi) and (xii), 12–101(b), and 12–102(e) Annotated Code of Maryland (2014 Replacement Volume and 2019 Supplement)

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

# **Article – Health Occupations**

4 - 205.

- (a) In addition to the powers set forth elsewhere in this title, the Board may:
  - (1) Adopt regulations governing:

#### (XI) **REASONABLE REQUIREMENTS FOR:**

**1.** The education, training, evaluation, and examination of a dental hygienist before a dental hygienist may prescribe or administer medication under § 4–206.4 of this subtitle; and

2. PRESCRIBING OR ADMINISTERING MEDICATION BY A DENTAL HYGIENIST UNDER § 4–206.4 OF THIS SUBTITLE;

[(xi)] (XII) The discipline of a holder of any facility or administration permit for the administration of general anesthesia or sedation; and

[(xii)] (XIII) The release of patient dental records;

4-206.4.

(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A DENTAL HYGIENIST WHO COMPLIES WITH SUBSECTIONS (C) AND (D) (E) AND (F) OF THIS SECTION MAY PRESCRIBE:

(I) TOPICAL AND SYSTEMIC TYPES OF PRESCRIPTION OR OVER-THE-COUNTER FLUORIDE PREPARATIONS;

(II) TOPICAL ANTIMICROBIAL ORAL RINSES; AND

(III) IBUPROFEN NOT EXCEEDING 600 MG EVERY 6 HOURS FOR UP TO 3 DAYS AFTER NONSURGICAL PERIODONTAL THERAPY.

(2) A DENTAL HYGIENIST MAY NOT PRESCRIBE A DRUG:

(I) THAT IS CLASSIFIED AS A CONTROLLED DANGEROUS SUBSTANCE UNDER TITLE 5, SUBTITLE 4 OF THE CRIMINAL LAW ARTICLE OR A CONTROLLED SUBSTANCE AS DEFINED BY 21 U.S.C. § 812; OR

(II) THE PRESCRIPTION OF WHICH REQUIRES A FEDERAL DRUG ENFORCEMENT AGENCY REGISTRATION.

(B) **A** EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A DENTAL HYGIENIST WHO COMPLIES WITH SUBSECTIONS (C) AND (D) (E) AND (F) OF THIS SECTION MAY ADMINISTER MEDICATION, INCLUDING:

(1) <u>A MEDICATION LISTED UNDER SUBSECTION (A)(1) OF THIS</u> SECTION;

(2) <u>PREMEDICATION ANTIBIOTICS BY MOUTH AS REQUIRED FOR</u> <u>DENTAL TREATMENT;</u>

(3) SUBGINGIVAL ANTIBIOTICS AND ANTIMICROBIALS; AND

(4) NONOPIOID PAIN MEDICATION.

(C) A DENTAL HYGIENIST MAY NOT ADMINISTER A MEDICATION:

(1) THAT IS CLASSIFIED AS A CONTROLLED DANGEROUS SUBSTANCE UNDER TITLE 5, SUBTITLE 4 OF THE CRIMINAL LAW ARTICLE OR A CONTROLLED SUBSTANCE AS DEFINED BY 21 U.S.C. § 812;

(2) THE PRESCRIPTION OF WHICH REQUIRES A FEDERAL DRUG ENFORCEMENT AGENCY REGISTRATION; OR

(3) EXCEPT FOR LOCAL ANESTHESIA ADMINISTERED IN ACCORDANCE WITH § 4–206.1 OR § 4–206.3 OF THIS SUBTITLE, THAT IS ADMINISTERED BY INTRAMUSCULAR, SUBCUTANEOUS, INTRAVENOUS, OR INTRADERMAL INJECTION.

(D) <u>A DENTAL HYGIENIST MAY ADMINISTER A MEDICATION UNDER</u> SUBSECTION (B) OF THIS SECTION:

(1) UNDER A STANDING ORDER IN THE PATIENT'S RECORD THAT IS AUTHORIZED BY A SUPERVISING DENTIST; AND

(2) IF THE DENTAL HYGIENIST INCLUDES THE FOLLOWING INFORMATION IN WRITING IN THE PATIENT'S RECORD:

(I) THE NAME OF THE MEDICATION;

(II) THE DATE AND TIME THE MEDICATION WAS ADMINISTERED;

(III) THE ROUTE BY WHICH THE MEDICATION WAS ADMINISTERED; AND

(IV) THE DOSAGE OF THE MEDICATION THAT WAS ADMINISTERED.

(C) (E) A DENTAL HYGIENIST PRESCRIBING OR ADMINISTERING MEDICATION AS AUTHORIZED UNDER THIS SECTION SHALL PRESCRIBE OR ADMINISTER MEDICATION:

(1) UNDER THE GENERAL SUPERVISION OF A LICENSED DENTIST;

(2) IN COMPLIANCE WITH APPLICABLE REGULATIONS ADOPTED BY THE BOARD; AND

(3) IN COMPLIANCE WITH APPLICABLE PROVISIONS OF TITLE 12 OF THIS ARTICLE AND TITLE 21 OF THE HEALTH – GENERAL ARTICLE REGARDING PRESCRIPTION PACKAGING, LABELING, AND RECORD KEEPING.

(D) (F) BEFORE PRESCRIBING OR ADMINISTERING MEDICATION AS AUTHORIZED UNDER THIS SECTION, A DENTAL HYGIENIST SHALL COMPLETE ANY EDUCATIONAL REQUIREMENTS ESTABLISHED BY THE BOARD UNDER § 4-205(A)(1)(XI) OF THIS SUBTITLE THROUGH AN ACCREDITED DENTAL HYGIENE PROGRAM.

12-101.

(b) "Authorized prescriber" means any licensed dentist, LICENSED DENTAL HYGIENIST WITH PRESCRIPTIVE AUTHORITY UNDER § 4–206.4 OF THIS ARTICLE, licensed physician, licensed podiatrist, licensed veterinarian, advanced practice nurse with prescriptive authority under § 8–508 of this article, or other individual authorized by law to prescribe prescription or nonprescription drugs or devices.

12 - 102.

(e) (1) This title does not prohibit [a]:

(I) A dentist, physician, or podiatrist from administering a prescription drug or device in the course of treating a patient; OR

(II) A LICENSED DENTAL HYGIENIST FROM ADMINISTERING MEDICATION UNDER § 4–206.4 OF THIS ARTICLE.

(2) For the purposes of paragraph [(1)] (1)(I) of this subsection, "administering" means the direct introduction of a single dosage of a drug or device at a given time, whether by injection or other means, and whether in liquid, tablet, capsule, or other form.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 312

# (House Bill 758)

AN ACT concerning

#### Anne Arundel County – Alcoholic Beverages – Board of License Commissioners Staff and Compensation

FOR the purpose of requiring the Board of License Commissioners for Anne Arundel County to employ a full-time executive director whose salary is fixed by the Board within a certain county classified pay grade; requiring, instead of authorizing, the Board to employ a full-time administrator whose salary is fixed by the Board within a certain county classified pay grade; requiring the Board to employ two full-time secretaries whose salaries are fixed by the Board within a certain county classified pay grade; and generally relating to the Board of License Commissioners for Anne Arundel County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages Section 11–102 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Alcoholic Beverages Section 11–204(b) Annotated Code of Maryland (2016 Volume and 2019 Supplement)

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

#### Article – Alcoholic Beverages

11 - 102.

This title applies only in Anne Arundel County.

11-204.

(b) (1) The Board may employ:

(i) [no more than two full-time administrators whose annual salaries shall be fixed by the Board as in a general county classified salary schedule, within pay grade 16;

(ii)] inspectors, subject to § 11–206 of this subtitle; and

[(iii)] (II) clerical and other assistants as are necessary.

(2) The Board shall employ:

(i) a FULL-TIME EXECUTIVE DIRECTOR WHOSE ANNUAL SALARY SHALL BE FIXED BY THE BOARD AS IN A GENERAL COUNTY CLASSIFIED SALARY SCHEDULE, WITHIN PAY GRADE 17;

(II) A FULL-TIME ADMINISTRATOR WHOSE ANNUAL SALARY SHALL BE FIXED BY THE BOARD AS IN A GENERAL COUNTY CLASSIFIED SALARY SCHEDULE, WITHIN PAY GRADE 16;

(III) TWO full-time [secretary] SECRETARIES whose annual [salary] SALARIES shall be fixed by the Board as in a general county classified salary schedule, within pay grade 13; and

[(ii)] (IV) an attorney at an annual salary of \$60,000.

(3) (i) The Board may hire an attorney on a contractual basis to perform work that the attorney employed by the Board is unable to perform because of a conflict of interest.

(ii) The Board may spend no more than \$30,000 each year to hire a contractual attorney under subparagraph (i) of this paragraph.

(4) Except as otherwise provided in this subtitle, the Board may set the compensation of the employees.

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

1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 313

(Senate Bill 221)

AN ACT concerning

# Anne Arundel County – Alcoholic Beverages – Board of License Commissioners Staff and Compensation

- FOR the purpose of requiring the Board of License Commissioners for Anne Arundel County to employ a full-time executive director whose salary is fixed by the Board within a certain county classified pay grade; requiring, instead of authorizing, the Board to employ a full-time administrator whose salary is fixed by the Board within a certain county classified pay grade; requiring the Board to employ two full-time secretaries whose salaries are fixed by the Board within a certain county classified pay grade; and generally relating to the Board of License Commissioners for Anne Arundel County.
- BY repealing and reenacting, without amendments, Article – Alcoholic Beverages Section 11–102 Annotated Code of Maryland (2016 Volume and 2019 Supplement)
- BY repealing and reenacting, with amendments, Article – Alcoholic Beverages Section 11–204(b) Annotated Code of Maryland (2016 Volume and 2019 Supplement)

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

# **Article – Alcoholic Beverages**

11 - 102.

This title applies only in Anne Arundel County.

11-204.

(b) (1) The Board may employ:

(i) [no more than two full-time administrators whose annual salaries shall be fixed by the Board as in a general county classified salary schedule, within pay grade 16;

(ii)] inspectors, subject to § 11-206 of this subtitle; and

[(iii)] (II) clerical and other assistants as are necessary.

(2) The Board shall employ:

(i) a FULL-TIME EXECUTIVE DIRECTOR WHOSE ANNUAL SALARY SHALL BE FIXED BY THE BOARD AS IN A GENERAL COUNTY CLASSIFIED SALARY SCHEDULE, WITHIN PAY GRADE 17;

(II) A FULL-TIME ADMINISTRATOR WHOSE ANNUAL SALARY SHALL BE FIXED BY THE BOARD AS IN A GENERAL COUNTY CLASSIFIED SALARY SCHEDULE, WITHIN PAY GRADE 16;

(III) TWO full-time [secretary] SECRETARIES whose annual [salary] SALARIES shall be fixed by the Board as in a general county classified salary schedule, within pay grade 13; and

[(ii)] (IV) an attorney at an annual salary of \$60,000.

(3) (i) The Board may hire an attorney on a contractual basis to perform work that the attorney employed by the Board is unable to perform because of a conflict of interest.

(ii) The Board may spend not more than \$30,000 each year to hire a contractual attorney under subparagraph (i) of this paragraph.

(4) Except as otherwise provided in this subtitle, the Board may set the compensation of the employees.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 314

(House Bill 759)

AN ACT concerning

#### Historic Revitalization Tax Credit – Expansion – Rehabilitations of Common Elements of Condominiums <u>and Cooperative Projects</u>

- FOR the purpose of altering the definition of "small commercial project" under the historic revitalization tax credit program to include the rehabilitation of certain condominiums <u>and cooperative projects</u> if the rehabilitations target only certain common elements of the condominiums <u>or cooperative projects</u>; requiring the Director of the Maryland Historical Trust, in consultation with the Smart Growth Subcabinet, to adopt certain regulations; defining and altering certain terms; providing for the application of this Act; and generally relating to the historic revitalization tax credit.
- BY repealing and reenacting, with amendments, Article – State Finance and Procurement Section 5A–303(a) and (b)(1)(xi) Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)
- BY repealing and reenacting, without amendments, Article – State Finance and Procurement Section 5A–303(b)(4), (c)(1)(i), (2)(ii), and (4), and (e) Annotated Code of Maryland (2015 Replacement Volume and 2019 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**

- 5A-303.
  - (a) (1) In this section the following words have the meanings indicated.

(2) "Affordable housing" means a project or undertaking that has received an allocation of federal low-income housing tax credits by the Department of Housing and Community Development.

(3) "Agricultural structure" means a certified historic structure that is used or was used as an agricultural facility or for purposes related to agriculture.

- (4) **(I)** "Business entity" means:
  - [(i)] 1. a person conducting or operating a trade or business in the

State; or

[(ii)] 2. an organization operating in Maryland that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code.

# (II) "BUSINESS ENTITY" INCLUDES THE GOVERNING BODY OF A CONDOMINIUM <u>OR COOPERATIVE HOUSING CORPORATION</u>.

(5) "Certified heritage area" has the meaning stated in § 13–1101 of the Financial Institutions Article.

(6) (i) "Certified historic structure" means a structure that is located in the State and is:

1. listed in the National Register of Historic Places;

2. designated as a historic property under local law and determined by the Director to be eligible for listing on the National Register of Historic Places;

3. A. located in a historic district listed on the National Register of Historic Places or in a local historic district that the Director determines is eligible for listing on the National Register of Historic Places; and

of the district; or

B. certified by the Director as contributing to the significance

4. located in a certified heritage area and certified by the Maryland Heritage Areas Authority as contributing to the significance of the certified heritage area.

(ii) "Certified historic structure" does not include a structure that is owned by the State, a political subdivision of the State, or the federal government.

(7) "Certified rehabilitation" means a completed rehabilitation of a certified historic structure that the Director certifies is a substantial rehabilitation in conformance with the rehabilitation standards of the United States Secretary of the Interior.

(8) (i) "Commercial rehabilitation" means a rehabilitation of a structure other than a single–family, owner–occupied residence.

(ii) "Commercial rehabilitation" does not include a small commercial

project.

# (9) "COMMON ELEMENTS" HAS THE MEANING STATED IN § 11–101 OF THE REAL PROPERTY ARTICLE MEANS:

### (I) <u>ALL OF THE CONDOMINIUM EXCEPT THE UNITS, AS DEFINED</u> IN § 11–101 OF THE REAL PROPERTY ARTICLE; OR

# (II) <u>ALL OF THE COOPERATIVE PROJECT EXCEPT THE UNITS, AS</u> DEFINED IN § 5–6B–01 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.

(10) "Condominium" has the meaning stated in § 11–101 of the Real Property Article.

# (11) <u>"COOPERATIVE HOUSING CORPORATION" HAS THE MEANING</u> STATED IN § 5–6B–01 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.

# (12) <u>"COOPERATIVE PROJECT" HAS THE MEANING STATED IN §</u> <u>5-6B-01 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.</u>

[(9)] <del>(11)</del> <u>(13)</u> "Director" means the Director of the Maryland Historical Trust.

[(10)] (12) (14) "Financial assistance" means action by the State or a State unit to award grants, loans, loan guarantees, or insurance to a public or private entity to finance, wholly or partly, a project that involves or may result in building construction, building alteration, or land disturbance.

(13) (15) "GOVERNING BODY", UNLESS THE CONTEXT REQUIRES OTHERWISE, HAS:

# (I) WITH RESPECT TO A COOPERATIVE HOUSING CORPORATION, THE MEANING STATED IN § 5–6B–01 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE; OR

# (II) <u>WITH RESPECT TO A CONDOMINIUM</u>, THE MEANING STATED IN § 11–101 OF THE REAL PROPERTY ARTICLE.

[(11)] (14) (16) "High performance building" means a building that:

(i) meets or exceeds the current version of the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) green building rating system gold rating; or

(ii) achieves at least a comparable numeric rating according to a nationally recognized, accepted, and appropriate numeric sustainable development rating system, guideline, or standard approved by the Secretaries of Budget and Management and General Services under § 3–602.1 of this article.

[(12)] (15) (17) (i) "Historic property" means a district, site, building, structure, monument, or object significant to:

1. the prehistory or history of the State; or

2. the upland or underwater archeology, architecture, engineering, or culture of the State.

remains.

(ii)

[(13)] (16) (18) "Level 1 opportunity zone project" means a small commercial project or commercial rehabilitation completed by a qualified opportunity zone business if the following information is provided to the Director:

(i) the date of the qualified opportunity fund's investment in the opportunity zone project and the amount of the investment;

(ii) the total project or business investment, including any leverage;

"Historic property" includes related artifacts, records, and

(iii) the address and census tract of the qualified opportunity zone business and the qualified opportunity fund;

(iv) the North American Industrial Classification System Code for the qualified opportunity zone business;

(v) an impact report, including both qualitative and quantitative data on the qualified opportunity fund's investment in the opportunity zone project and its progress; and

(vi) any other information requested by the Director.

[(14)] (17) (19) "Level 2 opportunity zone project" means a small commercial project or commercial rehabilitation completed by a qualified opportunity zone business if:

(i) the requirements for a Level 1 opportunity zone project are met;

(ii) 1. accountability to residents of the communities in the qualified opportunity zone is maintained through their representation on any governing board or any advisory board of the qualified opportunity zone business; or

2. a community benefits agreement is negotiated and agreed to by community groups or strategic industry partnerships, as defined under § 11–701 of the Labor and Employment Article, in the opportunity zone and the qualified opportunity zone business that specifies a range of community benefits that the business agrees to provide as part of the development project; and (iii) 1. for an opportunity zone project located entirely within a municipal corporation, the municipal corporation, by resolution or by letter, delivered to the Director by the municipal corporation's authorized designee, approves the provision within the municipal corporation of the enhanced tax credits under this section; or

2. for an opportunity zone project that is not located entirely within a municipal corporation, the county, by resolution or by letter, delivered to the Director by the county's authorized designee, approves the provision within the county of the enhanced tax credits under this section.

[(15)] (18) (20) "Local historic district" means a district that the governing body of a county or municipal corporation, or the Mayor and City Council of Baltimore, has designated under local law as historic.

[(16)] (19) (21) "National register structure" means a structure that is:

(i) listed on the National Register of Historic Places; or

(ii) located in a historic district listed on the National Register of Historic Places and certified by the Director as contributing to the significance of the district.

[(17)] (20) (22) "Opportunity zone project" means a certified rehabilitation within a geographical area designated and in effect as a qualified opportunity zone in the State under § 1400Z–1 of the Internal Revenue Code.

[(18)] (21) (23) "Political subdivision" means a county or municipal corporation of the State.

[(19)] (22) (24) "Post–World War II structure" means a certified historic structure that was built after December 31, 1944, but before January 1, 1970.

[(20)] (23) (25) "Qualified opportunity fund" has the meaning stated in § 6–1001 of the Economic Development Article.

[(21)] (24) (26) "Qualified opportunity zone" has the meaning stated in § 6–1001 of the Economic Development Article.

[(22)] (25) (27) "Qualified opportunity zone business" has the meaning stated in § 6–1001 of the Economic Development Article.

[(23)] (26) (28) "Qualified rehabilitation expenditure" means any amount that:

(i) is properly chargeable to a capital account;

(ii) is expended in the rehabilitation of a structure that by the end of the calendar year in which the certified rehabilitation is completed is a certified historic structure;

(iii) is expended in compliance with a plan of proposed rehabilitation that has been approved by the Director; and

- (iv) is not funded, financed, or otherwise reimbursed by any:
  - 1. State or local grant;

2. grant made from the proceeds of tax–exempt bonds issued by the State, a political subdivision of the State, or an instrumentality of the State or of a political subdivision of the State;

section; or

3. State tax credit other than the tax credit under this

4. other financial assistance from the State or a political subdivision of the State, other than a loan that must be repaid at an interest rate that is greater than the interest rate on general obligation bonds issued by the State at the most recent bond sale prior to the time the loan is made.

(ii) "Single-family, owner-occupied residence" includes:

1. a residential unit in a cooperative project owned by or leased to a cooperative housing corporation<del>, as defined in § 5–6B–01 of the Corporations</del> <del>and Associations Article,</del> and leased for exclusive occupancy to, and occupied by, a member of the corporation and the member's immediate family under a proprietary lease; or

2. a small commercial project.

[(25)] (28) (30) "Small commercial project" means a rehabilitation of a structure if:

(i) the qualified rehabilitation expenditures do not exceed \$500,000;

and

(ii) 1. the structure is primarily used for commercial, income-producing purposes;

2. the structure:

A. is a residential unit in a consecutive series of similar residential units that are arranged in a row, side by side; and

B. is sold as part of a development project for exclusive occupancy to, and occupied by, the resident; [or]

3. the structure is a targeted project; **OR** 

# 4. THE STRUCTURE IS A CONDOMINIUM <u>OR</u> <u>COOPERATIVE PROJECT</u> AND THE REHABILITATION TARGETS ONLY THE COMMON ELEMENTS OF THE CONDOMINIUM <u>OR COOPERATIVE PROJECT</u>.

[(26)] (29) (31) "Smart Growth Subcabinet" means the Smart Growth Subcabinet established under Title 9, Subtitle 14 of the State Government Article.

[(27)] (30) (32) "State unit" has the meaning stated in § 11–101 of the State Government Article.

[(28)] (31) (33) "Substantial rehabilitation" means rehabilitation of a structure for which the qualified rehabilitation expenditures, during the 24-month period selected by the individual or business entity ending with or within the taxable year, exceed:

(i) for single-family, owner-occupied residential property, \$5,000;

or

- (ii) for all other property, the greater of:
  - 1. the adjusted basis of the structure; or
  - 2. \$25,000.
- [(29)] (32) (34) "Targeted project" means a rehabilitation of:
  - (i) an agricultural structure; or
  - (ii) a post–World War II structure.

(b) (1) The Director, in consultation with the Smart Growth Subcabinet, shall adopt regulations to:

(xi) for small commercial projects:

1. establish conditions regarding the percentage of the structure that may be used for residential rental purposes if the structure is used for both commercial and residential rental purposes;

# 2. ESTABLISH APPLICATION PROCEDURES FOR GOVERNING BODIES OF CONDOMINIUMS <u>AND COOPERATIVE HOUSING</u> <u>CORPORATIONS</u> AND CONDITIONS REGARDING THE REHABILITATION OF COMMON ELEMENTS OF CONDOMINIUMS <u>AND COOPERATIVE PROJECTS</u>;

[2.] **3.** specify criteria for determining whether a certified historic structure is:

A. an agricultural structure; or

B. a post–World War II structure; and

[3.] 4. specify criteria and procedures for the issuance of initial credit certificates under subsection (e) of this section; and

(4) (i) Except as provided in subsection (e) of this section, a small commercial project shall be treated as a single-family, owner-occupied residential property, including the limitation on the amount of the tax credit provided in subsection (c)(2)(ii) of this section.

(ii) A small commercial project is subject to the credit recapture provision in subsection (f) of this section.

(c) (1) (i) Except as otherwise provided in this section, for the taxable year in which a certified rehabilitation is completed, an individual or business entity may claim a tax credit in an amount equal to 20% of the individual's or business entity's qualified rehabilitation expenditures for the rehabilitation.

(2) (ii) For a rehabilitation other than a commercial rehabilitation, the State tax credit allowed under this section may not exceed:

1. \$50,000 for a rehabilitation other than a Level 1 or Level 2 opportunity zone project;

2. \$55,000 for a Level 1 opportunity zone project; or

3. \$60,000 for a Level 2 opportunity zone project.

(4) If the tax credit allowed under this section in any taxable year exceeds the total tax otherwise payable by the business entity or the individual for that taxable year, the individual or business entity may claim a refund in the amount of the excess.

(e) (1) Subject to the provisions of this subsection, the Director shall issue an initial credit certificate for each approved small commercial project on a first-come, first-served basis.

(2) An initial credit certificate issued under this subsection shall state the maximum amount of tax credit for which the applicant is eligible.

(3) (i) The Director may not issue an initial credit certificate under this subsection after the aggregate amount of initial credit certificates issued for small commercial projects totals \$4,000,000.

(ii) For a targeted project, the Director may not issue an initial credit certificate under this subsection:

1. after the aggregate amount of initial credit certificates issued for agricultural structures totals \$1,000,000; or

2. after the aggregate amount of initial credit certificates issued for post–World War II structures totals \$1,000,000.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020, and shall be applicable to all taxable years beginning after December 31, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 315

(House Bill 760)

AN ACT concerning

# Maryland School for the Blind – Board of Directors – Reappointments

FOR the purpose of prohibiting, with a certain exception, a member of the Board of Directors of the Maryland School for the Blind who serves a certain number of consecutive terms from being reappointed for a certain period of time; authorizing the immediate reappointment of the Chairman of the Board; and generally relating to the Board of Directors of the Maryland School for the Blind.

BY repealing and reenacting, with amendments,

Article – Education Section 8–310 Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

# Article – Education

8-310.

(a) (1) In this section the following words have the meanings indicated.

(2) "Board" means the Board of Directors of the Maryland School for the Blind.

(3) "Superintendent" means the State Superintendent of Schools.

(b) The Maryland School for the Blind, a body corporate of the State the charter of which was established on May 19, 1853, shall be governed by the Board.

(c) (1) The Board consists of 25 members.

(2) Of the 25 members of the Board:

(i) Subject to confirmation by the Senate of Maryland, five members, including one member of the Senate of Maryland and one member of the Maryland House of Delegates, shall be appointed jointly by the Governor and the Superintendent, with recommendations from the Chairman of the Board; and

(ii) 20 members shall be elected according to the charter and bylaws of the Maryland School for the Blind.

(3) (i) The term of a member is 3 years.

(ii) [No member of the Board appointed after June 1, 1999, except the Chairman, may be reappointed for more than 2 additional terms.

(iii)] A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed.

[(iv)] (III) Any vacancy shall be filled in the same manner in which the vacating member was appointed.

(IV) 1. EXCEPT AS PROVIDED IN SUBPARAGRAPH 2 OF THIS PARAGRAPH, A MEMBER WHO SERVES THREE CONSECUTIVE TERMS MAY NOT BE REAPPOINTED FOR 1 YEAR AFTER COMPLETION OF THOSE TERMS.

2. THE CHAIRMAN OF THE BOARD MAY BE REAPPOINTED TO SERVE ADDITIONAL TERMS IMMEDIATELY AFTER COMPLETION OF THREE CONSECUTIVE TERMS.

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

1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 316

# (Senate Bill 640)

AN ACT concerning

#### Maryland School for the Blind - Board of Directors - Reappointments

FOR the purpose of prohibiting, with a certain exception, a member of the Board of Directors of the Maryland School for the Blind who serves a certain number of consecutive terms from being reappointed for a certain period of time; authorizing the immediate reappointment of the Chairman of the Board; and generally relating to the Board of Directors of the Maryland School for the Blind.

BY repealing and reenacting, with amendments,

Article – Education Section 8–310 Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

# Article – Education

8-310.

- (a) (1) In this section the following words have the meanings indicated.
  - (2) "Board" means the Board of Directors of the Maryland School for the

Blind.

(3) "Superintendent" means the State Superintendent of Schools.

(b) The Maryland School for the Blind, a body corporate of the State the charter of which was established on May 19, 1853, shall be governed by the Board.

- (c) (1) The Board consists of 25 members.
  - (2) Of the 25 members of the Board:

(i) Subject to confirmation by the Senate of Maryland, five members, including one member of the Senate of Maryland and one member of the Maryland House of Delegates, shall be appointed jointly by the Governor and the Superintendent, with recommendations from the Chairman of the Board; and

(ii) 20 members shall be elected according to the charter and bylaws of the Maryland School for the Blind.

(3) (i) The term of a member is 3 years.

(ii) [No member of the Board appointed after June 1, 1999, except the Chairman, may be reappointed for more than 2 additional terms.

(iii)] A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed.

[(iv)] (III) Any vacancy shall be filled in the same manner in which the vacating member was appointed.

(IV) 1. EXCEPT AS PROVIDED IN SUBPARAGRAPH 2 OF THIS PARAGRAPH, A MEMBER WHO SERVES THREE CONSECUTIVE TERMS MAY NOT BE REAPPOINTED FOR 1 YEAR AFTER COMPLETION OF THOSE TERMS.

2. THE CHAIRMAN OF THE BOARD MAY BE REAPPOINTED TO SERVE ADDITIONAL TERMS IMMEDIATELY AFTER COMPLETION OF THREE CONSECUTIVE TERMS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 317

# (House Bill 761)

AN ACT concerning

#### Somerset County – Property Tax Exemption for Manufacturing Property – Eastern Shore Forest Products, Inc.

FOR the purpose of providing that certain limitations on the duration of certain tax exemptions for certain manufacturing property in Somerset County do not apply to

an exemption granted to Eastern Shore Forest Products, Inc.; and generally relating to a tax exemption for manufacturing property in Somerset County.

BY repealing and reenacting, with amendments, The Public Local Laws of Somerset County Section 11–101 Article 20 – Public Local Laws of Maryland (2015 Edition, as amended)

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

# Article 20 – Somerset County

11-101.

(a) For the purpose of encouraging the location of new industries in Somerset County and for the purpose of encouraging the growth and development of factories, manufacturing industries, fabricating or assembling facilities, industrial plants, and the like in the County, the County Commissioners may exempt from County taxation factories, manufacturing industries, fabricating or assembling facilities, industrial plants, and the like, and the land, machinery, and tools which those facilities use, and stock in trade or products of the facilities that are located in the County, as provided in this section.

(b) The County Commissioners shall determine what factories, manufacturing industries, fabricating or assembling facilities, industrial plants, and the like are within the meaning and purpose of this section.

(c) The exemption from County taxation shall be granted only in those instances where 10 or more wage earners are regularly employed by the person, persons, or corporation applying to the County Commissioners for benefits under this title.

(d) A tax exemption may not be granted except to new industries or to established local industries which are making substantial bona fide improvements or expansion or undertaking similar new construction work, and shall be granted only with respect to property as is represented by such new improvements, expansion, or construction work.

# (e) (1) THE LIMITATIONS UNDER PARAGRAPHS (2) AND (3) OF THIS SUBSECTION DO NOT APPLY TO A TAX EXEMPTION GRANTED UNDER THIS SECTION TO EASTERN SHORE FOREST PRODUCTS, INC.

[(1)] (2) The tax exemption shall be granted for only 1 year or portion of 1 year at a time, at the expiration of which the exemption may be renewed after reapplication and approval by the County Commissioners.

[(2)] (3) An exemption may not continue for longer than 5 years.

(f) Any and all hearings upon tax exemptions are matters of public knowledge, and action may not be taken upon a request for an exemption earlier than the next regular business session of the County Commissioners after that session at which the initial request for the exemption was made.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 318

(Senate Bill 352)

AN ACT concerning

#### Somerset County – Tax Exemption for Manufacturing Property – Duration <u>Property Tax Exemption for Manufacturing Property – Eastern Shore Forest</u> <u>Products, Inc.</u>

FOR the purpose of <u>providing that certain limitations on the duration of certain tax</u> <u>exemptions for certain manufacturing property in Somerset County do not apply to</u> <u>an exemption granted to Eastern Shore Forest Products, Inc.</u>; <del>repealing the</del> <u>limitation on the maximum duration that certain tax exemptions for certain</u> <u>manufacturing property in Somerset County may be granted</u>; and generally relating to a tax exemption for manufacturing property in Somerset County.

BY repealing and reenacting, with amendments, The Public Local Laws of Somerset County Section 11–101 Article 20 – Public Local Laws of Maryland (2015 Edition, as amended)

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

#### Article 20 – Somerset County

11–101.

(a) For the purpose of encouraging the location of new industries in Somerset County and for the purpose of encouraging the growth and development of factories, manufacturing industries, fabricating or assembling facilities, industrial plants, and the like in the County, the County Commissioners may exempt from County taxation factories, (b) The County Commissioners shall determine what factories, manufacturing industries, fabricating or assembling facilities, industrial plants, and the like are within the meaning and purpose of this section.

(c) The exemption from County taxation shall be granted only in those instances where 10 or more wage earners are regularly employed by the person, persons, or corporation applying to the County Commissioners for benefits under this title.

(d) A tax exemption may not be granted except to new industries or to established local industries which are making substantial bona fide improvements or expansion or undertaking similar new construction work, and shall be granted only with respect to property as is represented by such new improvements, expansion, or construction work.

### (e) (1) THE LIMITATIONS UNDER PARAGRAPHS (2) AND (3) OF THIS SUBSECTION DO NOT APPLY TO A TAX EXEMPTION GRANTED UNDER THIS SECTION TO EASTERN SHORE FOREST PRODUCTS, INC.

(e) [(1)] (2) The tax exemption shall be granted for only 1 year or portion of 1 year at a time, at the expiration of which the exemption may be renewed after reapplication and approval by the County Commissioners.

[(2)] (3) An exemption may not continue for longer than 5 years.

(f) Any and all hearings upon tax exemptions are matters of public knowledge, and action may not be taken upon a request for an exemption earlier than the next regular business session of the County Commissioners after that session at which the initial request for the exemption was made.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 319

(House Bill 771)

AN ACT concerning

#### Lodging Establishments – Accessible Rooms for Individuals With Disabilities – Bed Height

FOR the purpose of requiring each accessible room in a lodging establishment to be furnished with a bed of a certain height <del>on or before a certain date</del>, beginning on a certain date; requiring at least certain percentages of accessible rooms in a lodging establishment to be furnished with a bed of a certain height, beginning on certain dates; defining a certain term; and generally relating to lodging establishments.

BY repealing and reenacting, without amendments, Article – Business Regulation Section 15–201(a) and (c) Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

BY adding to Article – Business Regulation Section 15–208 Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

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

#### Article – Business Regulation

15-201.

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

(c) "Lodging establishment" means an inn, hotel, motel, or other establishment that has at least four rooms available for a fee to transient guests for lodging or sleeping purposes.

#### 15-208.

(A) IN THIS SECTION, "ACCESSIBLE ROOM" MEANS A ROOM IN A LODGING ESTABLISHMENT THAT IS REQUIRED TO BE IN COMPLIANCE WITH THE TRANSIENT LODGING REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT.

(B) ON OR BEFORE APRIL 1, 2021 SUBJECT TO SUBSECTION (C) OF THIS SECTION, EACH ACCESSIBLE ROOM IN A LODGING ESTABLISHMENT SHALL BE FURNISHED WITH A BED THAT:

(1) MEASURES AT LEAST 20 INCHES BUT NOT MORE THAN 23 INCHES HIGH FROM THE FLOOR TO THE TOP OF THE MATTRESS, WHETHER OR NOT THE MATTRESS IS COMPRESSED; AND

(2) HAS AT LEAST A 7–INCH VERTICAL CLEARANCE UNDER THE BED FOR LIFT ACCESS.

**(C)** (1) **BEGINNING DECEMBER** 31, 2021, EACH LODGING ESTABLISHMENT SHALL FURNISH AT LEAST 25%OF THE LODGING ESTABLISHMENT'S ACCESSIBLE BED THAT ROOMS WITH A MEETS THE **REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.** 

(2) <u>BEGINNING DECEMBER 31, 2022, EACH LODGING</u> ESTABLISHMENT SHALL FURNISH AT LEAST 50% OF THE LODGING ESTABLISHMENT'S ACCESSIBLE ROOMS WITH A BED THAT MEETS THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.

(3) BEGINNING DECEMBER 31, 2023, EACH LODGING ESTABLISHMENT SHALL FURNISH AT LEAST 75% OF THE LODGING ESTABLISHMENT'S ACCESSIBLE ROOMS WITH A BED THAT MEETS THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.

# (4) <u>BEGINNING DECEMBER 31, 2024, EACH ACCESSIBLE ROOM IN A</u> <u>LODGING ESTABLISHMENT SHALL BE FURNISHED WITH A BED THAT MEETS THE</u> <u>REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION.</u>

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 320

# (House Bill 774)

AN ACT concerning

#### Financial Institutions – Commissioner of Financial Regulation – Nondepository Special Fund

FOR the purpose of including in the Nondepository Special Fund certain fees, assessments, or revenue received by the Commissioner of Financial Regulation associated with the Commissioner's authority to investigate complaints of violations by credit card

processors; requiring the Commissioner to pay into the General Fund of the State certain fines and penalties collected by the Commissioner from credit card processors; altering the purpose of the Nondepository Special Fund; and generally relating to the Nondepository Special Fund.

BY repealing and reenacting, with amendments, Article – Financial Institutions Section 11–610(a)(13)(i), (b)(1), and (c)(12) Annotated Code of Maryland (2011 Replacement Volume and 2019 Supplement)

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

### **Article – Financial Institutions**

11-610.

(a) There is a Nondepository Special Fund that consists of:

(13) (i) Any other fee, examination or investigation fee or assessment, or revenue received by the Commissioner under this subtitle, Subtitles 2, 3, 4, and 5 of this title, Title 12, Subtitles 1, 4, 9, and 10 of this article, **TITLE 12, SUBTITLE 14 OF THE COMMERCIAL LAW ARTICLE,** and Title 14, Subtitles 12 and 19 of the Commercial Law Article; and

(b) Notwithstanding subsection (a) of this section:

(1) The Commissioner shall pay all fines and penalties collected by the Commissioner under Title 2, Subtitle 1 of this article, this subtitle, Subtitles 2, 3, 4, and 5 of this title, Title 12, Subtitles 1, 4, 9, and 10 of this article, **TITLE 12, SUBTITLE 14 OF THE COMMERCIAL LAW ARTICLE,** and Title 14, Subtitles 12 and 19 of the Commercial Law Article into the General Fund of the State; and

(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:

(12) Title 12[, Subtitles 5, 6, 9, and 10] of the Commercial Law Article;

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

## Chapter 321

## (Senate Bill 409)

AN ACT concerning

## Financial Institutions – Commissioner of Financial Regulation – Nondepository Special Fund

FOR the purpose of including in the Nondepository Special Fund certain fees, assessments, or revenue received by the Commissioner of Financial Regulation associated with the Commissioner's authority to investigate complaints of violations by credit card processors; requiring the Commissioner to pay into the General Fund of the State certain fines and penalties collected by the Commissioner from credit card processors; altering the purpose of the Nondepository Special Fund; and generally relating to the Nondepository Special Fund.

BY repealing and reenacting, with amendments, Article – Financial Institutions Section 11–610(a)(13)(i), (b)(1), and (c)(12) Annotated Code of Maryland (2011 Replacement Volume and 2019 Supplement)

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

## **Article – Financial Institutions**

11-610.

(a) There is a Nondepository Special Fund that consists of:

(13) (i) Any other fee, examination or investigation fee or assessment, or revenue received by the Commissioner under this subtitle, Subtitles 2, 3, 4, and 5 of this title, Title 12, Subtitles 1, 4, 9, and 10 of this article, **TITLE 12, <u>SUBTITLE 14</u>** OF THE **COMMERCIAL LAW ARTICLE,** and Title 14, Subtitles 12 and 19 of the Commercial Law Article; and

(b) Notwithstanding subsection (a) of this section:

(1) The Commissioner shall pay all fines and penalties collected by the Commissioner under Title 2, Subtitle 1 of this article, this subtitle, Subtitles 2, 3, 4, and 5 of this title, Title 12, Subtitles 1, 4, 9, and 10 of this article, **TITLE 12, SUBTITLE 14 OF THE COMMERCIAL LAW ARTICLE,** and Title 14, Subtitles 12 and 19 of the Commercial Law Article into the General Fund of the State; and

(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:

(12) Title 12[, Subtitles 5, 6, 9, and 10] of the Commercial Law Article;

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 322

(House Bill 777)

AN ACT concerning

### Kent County Alcohol Act of 2020

FOR the purpose of altering the days and hours of sale under a Class B wine shop and lounge license in Kent County; authorizing the Board of License Commissioners for Kent County to issue a refillable container permit for draft beer to certain license holders; establishing an application process, hours of sale, and fees for the permit; requiring the Board to adopt certain regulations; authorizing the Board to issue a Class C multiple event beer, wine, and liquor license; providing that the license entitles the license holder to exercise certain privileges at certain events held by a volunteer fire company; limiting the number of days that the license may be used; providing for the license application; providing that the license is issued for a single premises to certain applicants; requiring a server certified by an approved alcohol awareness program to be on the premises when alcoholic beverages are served under the license; establishing the annual fees for the license; prohibiting the Board from issuing a certain refund under certain circumstances; authorizing a volunteer fire company in the county to store certain alcoholic beverages on certain premises in a certain manner; requiring a certain license holder to keep certain records in a certain manner for certain purposes; requiring the records to be available for inspection; authorizing certain personnel to inspect certain premises; establishing penalties for certain violations; and generally relating to alcoholic beverages in Kent County.

BY renumbering

Article – Alcoholic Beverages Section 24–1102 to be Section 24–1103 Annotated Code of Maryland (2016 Volume and 2019 Supplement) BY repealing and reenacting, without amendments, Article – Alcoholic Beverages Section 24–102 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Alcoholic Beverages Section 24–1003 and 24–1101 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

BY adding to Article – Alcoholic Beverages Section 24–1102, 24–1309, and 24–1310 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 24–1102 of Article – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 24–1103.

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

### **Article – Alcoholic Beverages**

24 - 102.

This title applies only in Kent County.

24 - 1003.

- (a) There is a Class B wine shop and lounge license.
- (b) The license authorizes the holder to:
  - (1) sell wine for on-premises and off-premises consumption; and
  - (2) sell or serve:
    - (i) bread and other baked goods;
    - (ii) chili;
    - (iii) chocolate;

- (iv) crackers;
- (v) cured meat;
- (vi) fruits (whole and cut);
- (vii) salads and vegetables (whole and cut);
- (viii) hard and soft cheese (whole and cut);
- (ix) ice cream;
- (x) jam;
- (xi) vinegar;
- (xii) pizza;
- (xiii) prepackaged sandwiches and other prepackaged foods ready to

be eaten;

- (xiv) soup; and
- (xv) condiments.

(c) The license holder may sell wine[:

- (1) on Monday through Friday,] from 6 a.m. to 2 a.m. the following day[;
- (2) on Saturday, from 6 a.m. to 1 a.m. the following day; and
- (3) on Sunday, from 9 a.m. to midnight, for off-premises consumption only].
- (d) The license holder is not subject to any requirement regarding the percentage of average daily receipts derived from the sale of food.
  - (e) An individual under the legal drinking age may enter the licensed premises.
  - (f) The annual license fee is \$300.

#### 24 - 1101.

(a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:

(1) § 4-1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and

(2) § 4–1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) [The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article do not apply in the county:

(1) § 4-1104 ("Refillable container permit — Draft beer"); and

(2) §] SECTION 4–1105 ("Refillable container permit — Wine") OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

(C) SECTION 4–1104 ("REFILLABLE CONTAINER PERMIT — DRAFT BEER") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 24–1102 OF THIS SUBTITLE.

### 24-1102.

(A) THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF A CLASS A LICENSE, A CLASS B LICENSE, OR A CLASS D LICENSE.

(B) AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.

(C) THE HOURS OF SALE FOR THE PERMIT:

(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING LICENSE; AND

(2) END AT MIDNIGHT.

(D) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

(E) THE BOARD MAY CHARGE ANNUAL PERMIT FEES OF UP TO:

(1) \$50 FOR AN APPLICANT WHO HOLDS AN UNDERLYING LICENSE WITH AN OFF-SALE PRIVILEGE; OR

(2) \$500 FOR AN APPLICANT WHO HOLDS AN UNDERLYING LICENSE WITHOUT AN OFF-SALE PRIVILEGE.

24-1309.

(A) THE BOARD MAY ISSUE A CLASS C MULTIPLE EVENT BEER, WINE, AND LIQUOR LICENSE.

(B) THE LICENSE ENTITLES THE LICENSE HOLDER TO EXERCISE ANY PRIVILEGE CONFERRED BY THE LICENSE AT AN EVENT HELD BY A VOLUNTEER FIRE COMPANY.

(C) THE NUMBER OF DAYS FOR WHICH A MULTIPLE EVENT LICENSE MAY BE USED BY A SINGLE APPLICANT MAY NOT EXCEED 24 PER CALENDAR YEAR.

(D) (1) THE LICENSE APPLICATION SHALL BE IN THE FORM THAT THE BOARD PROVIDES.

(2) THE APPLICANT SHALL SIGN THE FORM.

(E) (1) A MULTIPLE EVENT LICENSE SHALL BE ISSUED:

(I) FOR ONE PREMISES ONLY; AND

(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, TO THE SAME APPLICANT FOR ALL EVENTS FOR WHICH THE LICENSE IS ISSUED.

(2) THE BOARD MAY:

(I) APPROVE IN WRITING A SUBSTITUTE APPLICANT; AND

(II) BEFORE APPROVING A SUBSTITUTE APPLICANT, HOLD A HEARING.

(F) A SERVER WHO IS CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM SHALL BE ON THE PREMISES FOR WHICH A MULTIPLE EVENT LICENSE IS ISSUED WHEN ALCOHOLIC BEVERAGES ARE SERVED.

- (G) (1) THE ANNUAL FEE FOR A LICENSE IS:
  - (I) \$200 FOR NOT MORE THAN 12 EVENTS PER YEAR; AND
  - (II) \$400 FOR AT LEAST 13 BUT NOT MORE THAN 24 EVENTS PER

YEAR.

(2) THE BOARD MAY NOT ISSUE A REFUND IF A LICENSE HOLDER HOLDS FEWER EVENTS DURING THE CALENDAR YEAR THAN THE LICENSE HOLDER IS ENTITLED TO HOLD.

24-1310.

(A) THIS SECTION APPLIES ONLY TO VOLUNTEER FIRE COMPANIES.

(B) ALCOHOLIC BEVERAGES MAY BE STORED ON THE LICENSED PREMISES BETWEEN INDIVIDUAL LICENSED EVENTS IF THE ALCOHOLIC BEVERAGES:

(1) ARE IN A SPECIALLY IDENTIFIED LOCKED AND SECURED LOCATION; AND

(2) ARE NOT SOLD OR CONSUMED EXCEPT DURING LICENSED EVENT HOURS FOR LICENSED EVENT PURPOSES.

(C) (1) A LICENSE HOLDER SHALL KEEP COMPLETE AND ACCURATE RECORDS OF ALL ALCOHOLIC BEVERAGES PURCHASED AND SOLD ON THE LICENSED PREMISES.

(2) THE RECORDS SHALL BE:

(I) MAINTAINED ON THE LICENSED PREMISES FOR 2 YEARS; AND

(II) AVAILABLE FOR INSPECTION BY AUTHORIZED PERSONNEL OF THE COMPTROLLER AND THE BOARD.

(3) THE RECORDS SHALL INCLUDE A COMPLETED PRE– AND POST–INVENTORY OF ALL ALCOHOLIC BEVERAGES FOR EACH INDIVIDUAL EVENT.

(D) AUTHORIZED PERSONNEL OF THE COMPTROLLER AND THE BOARD MAY INSPECT THE PREMISES OF A LICENSE HOLDER AS PROVIDED UNDER § 6-202 OF THIS ARTICLE.

(E) A LICENSE HOLDER WHO VIOLATES THIS SECTION IS SUBJECT TO:

(1) FOR THE FIRST OFFENSE, A FINE OF \$100; AND

(2) FOR A SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$500 AND DENIAL OF FUTURE REQUESTS FOR A LICENSE FOR AN INDIVIDUAL EVENT OR A SPECIAL MULTIPLE EVENT LICENSE.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

### Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

## Chapter 323

### (Senate Bill 792)

AN ACT concerning

#### Kent County Alcohol Act of 2020

FOR the purpose of altering the days and hours of sale under a Class B wine shop and lounge license in Kent County; authorizing the Board of License Commissioners for Kent County to issue a refillable container permit for draft beer to certain license holders; establishing an application process, hours of sale, and fees for the permit; requiring the Board to adopt certain regulations; authorizing the Board to issue a Class C multiple event beer, wine, and liquor license; providing that the license entitles the license holder to exercise certain privileges at certain events held by a volunteer fire company; limiting the number of days that the license may be used; providing for the license application; providing that the license is issued for a single premises to certain applicants; requiring a server certified by an approved alcohol awareness program to be on the premises when alcoholic beverages are served under the license; establishing the annual fees for the license; prohibiting the Board from issuing a certain refund under certain circumstances; authorizing a volunteer fire company in the county to store certain alcoholic beverages on certain premises in a certain manner; requiring a certain license holder to keep certain records in a certain manner for certain purposes; requiring the records to be available for inspection; authorizing certain personnel to inspect certain premises; establishing penalties for certain violations; and generally relating to alcoholic beverages in Kent County.

### BY renumbering

Article – Alcoholic Beverages Section 24–1102 to be Section 24–1103 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

BY repealing and reenacting, without amendments, Article – Alcoholic Beverages Section 24–102 Annotated Code of Maryland (2016 Volume and 2019 Supplement) BY repealing and reenacting, with amendments, Article – Alcoholic Beverages

Section 24–1003 and 24–1101 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

BY adding to Article – Alcoholic Beverages Section 24–1102, 24–1309, and 24–1310 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 24–1102 of Article – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 24–1103.

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

## Article – Alcoholic Beverages

24 - 102.

This title applies only in Kent County.

24-1003.

- (a) There is a Class B wine shop and lounge license.
- (b) The license authorizes the holder to:
  - (1) sell wine for on-premises and off-premises consumption; and
  - (2) sell or serve:
    - (i) bread and other baked goods;
    - (ii) chili;
    - (iii) chocolate;
    - (iv) crackers;
    - (v) cured meat;
    - (vi) fruits (whole and cut);

- (vii) salads and vegetables (whole and cut);
- (viii) hard and soft cheese (whole and cut);
- (ix) ice cream;
- (x) jam;
- (xi) vinegar;
- (xii) pizza;
- (xiii) prepackaged sandwiches and other prepackaged foods ready to

be eaten;

- (xiv) soup; and
- (xv) condiments.

(c) The license holder may sell wine[:

- (1) on Monday through Friday,] from 6 a.m. to 2 a.m. the following day[;
- (2) on Saturday, from 6 a.m. to 1 a.m. the following day; and
- (3) on Sunday, from 9 a.m. to midnight, for off-premises consumption only].

(d) The license holder is not subject to any requirement regarding the percentage of average daily receipts derived from the sale of food.

(e) An individual under the legal drinking age may enter the licensed premises.

(f) The annual license fee is \$300.

#### 24-1101.

(a) The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article apply in the county without exception or variation:

(1) § 4–1102 ("Corkage — Consuming wine not purchased from license holder on licensed premises"); and

(2) § 4–1103 ("Removal of partially consumed bottle of wine from licensed premises").

(b) [The following sections of Title 4, Subtitle 11 ("Additional License Privileges") of Division I of this article do not apply in the county:

(1) § 4–1104 ("Refillable container permit — Draft beer"); and

(2) §] SECTION 4–1105 ("Refillable container permit — Wine") OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

(C) SECTION 4–1104 ("REFILLABLE CONTAINER PERMIT — DRAFT BEER") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 24–1102 OF THIS SUBTITLE.

24-1102.

(A) THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF A CLASS A LICENSE, A CLASS B LICENSE, OR A CLASS D LICENSE.

(B) AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.

(C) THE HOURS OF SALE FOR THE PERMIT:

(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING LICENSE; AND

(2) END AT MIDNIGHT.

(D) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

(E) THE BOARD MAY CHARGE ANNUAL PERMIT FEES OF UP TO:

(1) \$50 FOR AN APPLICANT WHO HOLDS AN UNDERLYING LICENSE WITH AN OFF–SALE PRIVILEGE; OR

(2) \$500 FOR AN APPLICANT WHO HOLDS AN UNDERLYING LICENSE WITHOUT AN OFF-SALE PRIVILEGE.

24-1309.

(A) THE BOARD MAY ISSUE A CLASS C MULTIPLE EVENT BEER, WINE, AND LIQUOR LICENSE.

(B) THE LICENSE ENTITLES THE LICENSE HOLDER TO EXERCISE ANY PRIVILEGE CONFERRED BY THE LICENSE AT AN EVENT HELD BY A VOLUNTEER FIRE COMPANY.

(C) THE NUMBER OF DAYS FOR WHICH A MULTIPLE EVENT LICENSE MAY BE USED BY A SINGLE APPLICANT MAY NOT EXCEED 24 PER CALENDAR YEAR.

(D) (1) THE LICENSE APPLICATION SHALL BE IN THE FORM THAT THE BOARD PROVIDES.

(2) THE APPLICANT SHALL SIGN THE FORM.

(E) (1) A MULTIPLE EVENT LICENSE SHALL BE ISSUED:

(I) FOR ONE PREMISES ONLY; AND

(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, TO THE SAME APPLICANT FOR ALL EVENTS FOR WHICH THE LICENSE IS ISSUED.

- (2) THE BOARD MAY:
  - (I) APPROVE IN WRITING A SUBSTITUTE APPLICANT; AND

(II) BEFORE APPROVING A SUBSTITUTE APPLICANT, HOLD A HEARING.

(F) A SERVER WHO IS CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM SHALL BE ON THE PREMISES FOR WHICH A MULTIPLE EVENT LICENSE IS ISSUED WHEN ALCOHOLIC BEVERAGES ARE SERVED.

- (G) (1) THE ANNUAL FEE FOR A LICENSE IS:
  - (I) \$200 FOR NOT MORE THAN 12 EVENTS PER YEAR; AND

(II) \$400 FOR AT LEAST 13 BUT NOT MORE THAN 24 EVENTS PER YEAR.

(2) THE BOARD MAY NOT ISSUE A REFUND IF A LICENSE HOLDER HOLDS FEWER EVENTS DURING THE CALENDAR YEAR THAN THE LICENSE HOLDER IS ENTITLED TO HOLD.

24-1310.

(A) THIS SECTION APPLIES ONLY TO VOLUNTEER FIRE COMPANIES.

(B) ALCOHOLIC BEVERAGES MAY BE STORED ON THE LICENSED PREMISES BETWEEN INDIVIDUAL LICENSED EVENTS IF THE ALCOHOLIC BEVERAGES:

(1) ARE IN A SPECIALLY IDENTIFIED LOCKED AND SECURED LOCATION; AND

(2) ARE NOT SOLD OR CONSUMED EXCEPT DURING LICENSED EVENT HOURS FOR LICENSED EVENT PURPOSES.

(C) (1) A LICENSE HOLDER SHALL KEEP COMPLETE AND ACCURATE RECORDS OF ALL ALCOHOLIC BEVERAGES PURCHASED AND SOLD ON THE LICENSED PREMISES.

(2) THE RECORDS SHALL BE:

(I) MAINTAINED ON THE LICENSED PREMISES FOR 2 YEARS; AND

(II) AVAILABLE FOR INSPECTION BY AUTHORIZED PERSONNEL OF THE COMPTROLLER AND THE BOARD.

(3) THE RECORDS SHALL INCLUDE A COMPLETED PRE– AND POST–INVENTORY OF ALL ALCOHOLIC BEVERAGES FOR EACH INDIVIDUAL EVENT.

(D) AUTHORIZED PERSONNEL OF THE COMPTROLLER AND THE BOARD MAY INSPECT THE PREMISES OF A LICENSE HOLDER AS PROVIDED UNDER § 6-202 OF THIS ARTICLE.

(E) A LICENSE HOLDER WHO VIOLATES THIS SECTION IS SUBJECT TO:

(1) FOR THE FIRST OFFENSE, A FINE OF \$100; AND

(2) FOR A SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$500 AND DENIAL OF FUTURE REQUESTS FOR A LICENSE FOR AN INDIVIDUAL EVENT OR A SPECIAL MULTIPLE EVENT LICENSE.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 324

## (House Bill 781)

AN ACT concerning

## Health Insurance - In Vitro Fertilization - Revisions

FOR the purpose of prohibiting certain entities from discriminating on the basis of the marital status of a policyholder or subscriber when providing coverage for certain expenses arising from in vitro fertilization procedures; altering the circumstances under which certain entities are required to provide coverage for certain expenses arising from in vitro fertilization procedures; making conforming changes; providing for the application of this Act; providing for a delayed effective date; and generally relating to health insurance and coverage for in vitro fertilization procedures.

BY repealing and reenacting, with amendments, Article – Insurance Section 15–810 Annotated Code of Maryland (2017 Replacement Volume and 2019 Supplement)

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

## **Article – Insurance**

15 - 810.

(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 that provides coverage for infertility benefits other than in vitro fertilization may not require as a condition of that coverage, for a patient who is married to an individual of the same sex:

(1) that the patient's spouse's sperm be used in the covered treatments or procedures; or

(2) that the patient demonstrate infertility exclusively by means of a history of unsuccessful heterosexual intercourse.

(c) (1) This subsection does not apply to insurers, nonprofit health service plans, and health maintenance organizations that provide hospital, medical, or surgical benefits under health insurance policies or contracts:

(i) that are issued or delivered to a small employer in the State; and

(ii) for which the Administration has determined that in vitro fertilization procedures are not essential health benefits, as determined under § 31-116 of this article.

(2) An entity subject to this section that provides pregnancy-related benefits may not exclude benefits for all outpatient expenses arising from in vitro fertilization procedures performed on a policyholder or subscriber or on the dependent spouse of a policyholder or subscriber.

(3) The benefits under this subsection shall be provided:

(i) for insurers and nonprofit health service plans, to the same extent as the benefits provided for other pregnancy–related procedures; and

(ii) for health maintenance organizations, to the same extent as the benefits provided for other infertility services.

## (4) AN ENTITY PROVIDING COVERAGE UNDER THIS SUBSECTION MAY NOT DISCRIMINATE BASED ON THE MARITAL STATUS OF A POLICYHOLDER OR SUBSCRIBER.

(d) Subsection (c) of this section applies if:

(1) the patient is the policyholder or subscriber or a covered dependent of the policyholder or subscriber;

(2) for a **MARRIED** patient whose spouse is of the opposite sex, the patient's oocytes are fertilized with the patient's spouse's sperm, unless:

(i) the patient's spouse is unable to produce and deliver functional sperm; and

(ii) the inability to produce and deliver functional sperm does not result from:

- 1. a vasectomy; or
- 2. another method of voluntary sterilization;

(3) (i) **FOR A MARRIED PATIENT,** the patient and the patient's spouse have a history of involuntary infertility, which may be demonstrated by a history of:

1. if the patient and the patient's spouse are of opposite sexes, intercourse of at least [2 years'] **1 YEAR'S** duration failing to result in pregnancy; or

2. if the patient and the patient's spouse are of the same sex, [six] THREE attempts of artificial insemination over the course of [2 years] 1 YEAR failing to result in pregnancy; or

(ii) the infertility **OF THE PATIENT OR THE PATIENT'S SPOUSE** is associated with any of the following medical conditions:

1. endometriosis;

2. exposure in utero to diethylstilbestrol, commonly known as DES;

3. blockage of, or surgical removal of, one or both fallopian tubes (lateral or bilateral salpingectomy); or

4. abnormal male factors, including oligospermia, contributing to the infertility;

#### (4) FOR AN UNMARRIED PATIENT:

(I) THE PATIENT HAS HAD THREE ATTEMPTS OF ARTIFICIAL INSEMINATION OVER THE COURSE OF 1 YEAR FAILING TO RESULT IN PREGNANCY; OR

(II) THE INFERTILITY IS ASSOCIATED WITH ANY OF THE FOLLOWING MEDICAL CONDITIONS OF THE PATIENT:

1. ENDOMETRIOSIS;

2. EXPOSURE IN UTERO TO DIETHYLSTILBESTROL, COMMONLY KNOWN AS DES;

**3.** BLOCKAGE OF, OR SURGICAL REMOVAL OF, ONE OR BOTH FALLOPIAN TUBES (LATERAL OR BILATERAL SALPINGECTOMY); OR

4. ABNORMAL MALE FACTORS, INCLUDING OLIGOSPERMIA, CONTRIBUTING TO THE INFERTILITY;

[(4)] (5) the patient has been unable to attain a successful pregnancy through a less costly infertility treatment for which coverage is available under the policy or contract; and

[(5)] (6) the in vitro fertilization procedures are performed at medical facilities that conform to applicable guidelines or minimum standards issued by the American College of Obstetricians and Gynecologists or the American Society for Reproductive Medicine.

(e) An entity subject to this section may limit coverage of the benefits for in vitro fertilization required under this section to three in vitro fertilization attempts per live birth, not to exceed a maximum lifetime benefit of \$100,000.

(f) An entity subject to this section is not responsible for any costs incurred by a policyholder or subscriber or a dependent of a policyholder or subscriber in obtaining donor sperm.

(g) A denial of coverage for in vitro fertilization benefits required under this section by an entity subject to this section constitutes an adverse decision under Subtitle 10A of this title.

(h) This section may not be construed to require an entity subject to this section to provide coverage for a treatment or a procedure that would not treat a diagnosed medical condition of a patient.

(i) Notwithstanding any other provision of this section, if the coverage required under this section conflicts with the bona fide religious beliefs and practices of a religious organization, on request of the religious organization, an entity subject to this section shall exclude the coverage otherwise required under this section in a policy or contract with the religious organization.

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, 2021.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2021.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 325

(Senate Bill 988)

## Health Insurance - In Vitro Fertilization - Revisions

FOR the purpose of prohibiting certain entities from discriminating on the basis of the marital status of a policyholder or subscriber when providing coverage for certain expenses arising from in vitro fertilization procedures; altering the circumstances under which certain entities are required to provide coverage for certain expenses arising from in vitro fertilization procedures; making conforming changes; providing for the application of this Act; providing for a delayed effective date; and generally relating to health insurance and coverage for in vitro fertilization procedures.

BY repealing and reenacting, with amendments,

Article – Insurance Section 15–810 Annotated Code of Maryland (2017 Replacement Volume and 2019 Supplement)

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

## Article – Insurance

15-810.

(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 that provides coverage for infertility benefits other than in vitro fertilization may not require as a condition of that coverage, for a patient who is married to an individual of the same sex:

(1) that the patient's spouse's sperm be used in the covered treatments or procedures; or

(2) that the patient demonstrate infertility exclusively by means of a history of unsuccessful heterosexual intercourse.

(c) (1) This subsection does not apply to insurers, nonprofit health service plans, and health maintenance organizations that provide hospital, medical, or surgical benefits under health insurance policies or contracts:

(i) that are issued or delivered to a small employer in the State; and

(ii) for which the Administration has determined that in vitro fertilization procedures are not essential health benefits, as determined under § 31-116 of this article.

(2) An entity subject to this section that provides pregnancy-related benefits may not exclude benefits for all outpatient expenses arising from in vitro fertilization procedures performed on a policyholder or subscriber or on the dependent spouse of a policyholder or subscriber.

(3) The benefits under this subsection shall be provided:

(i) for insurers and nonprofit health service plans, to the same extent as the benefits provided for other pregnancy-related procedures; and

(ii) for health maintenance organizations, to the same extent as the benefits provided for other infertility services.

## (4) AN ENTITY PROVIDING COVERAGE UNDER THIS SUBSECTION MAY NOT DISCRIMINATE BASED ON THE MARITAL STATUS OF A POLICYHOLDER OR SUBSCRIBER.

(d) Subsection (c) of this section applies if:

(1) the patient is the policyholder or subscriber or a covered dependent of the policyholder or subscriber;

(2) for a **MARRIED** patient whose spouse is of the opposite sex, the patient's oocytes are fertilized with the patient's spouse's sperm, unless:

(i) the patient's spouse is unable to produce and deliver functional sperm; and

(ii) the inability to produce and deliver functional sperm does not result from:

- 1. a vasectomy; or
- 2. another method of voluntary sterilization;

(3) (i) **FOR A MARRIED PATIENT,** the patient and the patient's spouse have a history of involuntary infertility, which may be demonstrated by a history of:

1. if the patient and the patient's spouse are of opposite sexes, intercourse of at least [2 years'] **1 YEAR'S** duration failing to result in pregnancy; or

2. if the patient and the patient's spouse are of the same sex, [six] THREE attempts of artificial insemination over the course of [2 years] 1 YEAR failing to result in pregnancy; or

(ii) the infertility **OF THE PATIENT OR THE PATIENT'S SPOUSE** is associated with any of the following medical conditions:

1. endometriosis;

2. exposure in utero to diethylstilbestrol, commonly known as DES;

3. blockage of, or surgical removal of, one or both fallopian tubes (lateral or bilateral salpingectomy); or

4. abnormal male factors, including oligospermia, contributing to the infertility;

(4) FOR AN UNMARRIED PATIENT:

(I) THE PATIENT HAS HAD THREE ATTEMPTS OF ARTIFICIAL INSEMINATION OVER THE COURSE OF 1 YEAR FAILING TO RESULT IN PREGNANCY; OR

(II) THE INFERTILITY IS ASSOCIATED WITH ANY OF THE FOLLOWING MEDICAL CONDITIONS OF THE PATIENT:

1. ENDOMETRIOSIS;

2. EXPOSURE IN UTERO TO DIETHYLSTILBESTROL, COMMONLY KNOWN AS DES;

**3.** BLOCKAGE OF, OR SURGICAL REMOVAL OF, ONE OR BOTH FALLOPIAN TUBES (LATERAL OR BILATERAL SALPINGECTOMY); OR

4. ABNORMAL MALE FACTORS, INCLUDING OLIGOSPERMIA, CONTRIBUTING TO THE INFERTILITY;

[(4)] (5) the patient has been unable to attain a successful pregnancy through a less costly infertility treatment for which coverage is available under the policy or contract; and

[(5)] (6) the in vitro fertilization procedures are performed at medical facilities that conform to applicable guidelines or minimum standards issued by the American College of Obstetricians and Gynecologists or the American Society for Reproductive Medicine.

(e) An entity subject to this section may limit coverage of the benefits for in vitro fertilization required under this section to three in vitro fertilization attempts per live birth, not to exceed a maximum lifetime benefit of \$100,000.

(f) An entity subject to this section is not responsible for any costs incurred by a policyholder or subscriber or a dependent of a policyholder or subscriber in obtaining donor sperm.

(g) A denial of coverage for in vitro fertilization benefits required under this section by an entity subject to this section constitutes an adverse decision under Subtitle 10A of this title.

(h) This section may not be construed to require an entity subject to this section to provide coverage for a treatment or a procedure that would not treat a diagnosed medical condition of a patient.

(i) Notwithstanding any other provision of this section, if the coverage required under this section conflicts with the bona fide religious beliefs and practices of a religious organization, on request of the religious organization, an entity subject to this section shall exclude the coverage otherwise required under this section in a policy or contract with the religious organization.

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, 2021.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2021.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 326

(Senate Bill 343)

AN ACT concerning

**Calvert County – Public Facilities Bond** 

FOR the purpose of authorizing and empowering the County Commissioners of Calvert County, from time to time, to borrow not more than \$46,881,848 \$36,881,848 to finance the construction, improvement, or development of certain public buildings, roads, and facilities in Calvert County, as herein defined, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds: empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, county, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and generally relating to the issuance and sale of such bonds.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, as used herein, the term "County" means the body politic and corporate of the State of Maryland known as the County Commissioners of Calvert County, and the term "construction, improvement, or development of public facilities" means the acquisition, alteration, construction, reconstruction, enlargement, equipping, expansion, extension, improvement, rehabilitation, renovation, upgrading, and repair of public buildings, roads, and facilities, including but not limited to Beach Elementary School, upgrades to fire and rescue apparatuses, Twin Beach Library, Stafford Road, the St. Leonard Fire Department and Rescue Squad facility, the Prince Frederick Wastewater Treatment Plant, and the Solomons Septage Receiving facility, and issuance costs together with the costs of acquiring land or interests in land as well as any related architectural, financial, legal, planning, or engineering services.

SECTION 2. AND BE IT FURTHER ENACTED, That the County is hereby authorized to finance any part or all of the costs of the public facilities described in Section 1 of this Act, and to borrow money and incur indebtedness for that purpose, at one time or from time to time, in an amount not exceeding, in the aggregate, \$46,881,848 \$36,881,848 and to evidence such borrowing by the issuance and sale upon its full faith and credit of general obligation bonds in like par amount, which may be issued at one time or from time to time, in one or more groups or series, as the County may determine.

SECTION 3. AND BE IT FURTHER ENACTED, That the bonds shall be issued in accordance with a resolution of the County, which shall describe generally the construction, improvement, or development of public facilities for which the proceeds of the bond sale are intended and the amount needed for those purposes. The County shall have and is hereby granted full and complete authority and discretion in the resolution to fix and determine with respect to the bonds of any issue: the designation, date of issue, denomination or denominations, form or forms, and tenor of the bonds which, without limitation, may be

issued in registered form within the meaning of § 19–204 of the Local Government Article of the Annotated Code of Maryland, as amended; the rate or rates of interest payable thereon, or the method of determining the same, which may include a variable rate; the date or dates and amount or amounts of maturity, which need not be in equal par amounts or in consecutive annual installments, provided only that no bond of any issue shall mature later than 30 years from the date of its issue; the manner of selling the bonds, which may be at either public or private sale, for such price or prices as may be determined to be for the best interests of Calvert County; the manner of executing and sealing the bonds, which may be by facsimile; the terms and conditions, if any, under which bonds may be tendered for payment or purchase prior to their stated maturity; the terms or conditions, if any, under which bonds may or shall be redeemed prior to their stated maturity; the place or places of payment of the principal of and the interest on the bonds, which may be at any bank or trust company within or without the State of Maryland; covenants relating to compliance with applicable requirements of federal income tax law, including (without limitation) covenants regarding the payment of rebate or penalties in lieu of rebate; covenants relating to compliance with applicable requirements of federal or state securities laws; and generally all matters incident to the terms, conditions, issuance, sale, and delivery thereof.

The bonds may be made redeemable before maturity, at the option of the County, at such price or prices and under such terms and conditions as may be fixed by the County prior to the issuance of the bonds, either in the resolution or in a bond order pursuant to the bond resolution. The bonds may be issued in registered form and provision may be made for the registration of the principal only. In case any officer whose signature appears on any bond ceases to be such officer before the delivery thereof, such signature shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery. The bonds and the issuance and sale thereof shall be exempt from the provisions of §§ 19–205 and 19–206 of the Local Government Article of the Annotated Code of Maryland, as amended.

The County may enter into agreements with agents, banks, fiduciaries, insurers, or others for the purpose of enhancing the marketability of any security for the bonds and for the purpose of securing any tender option that may be granted to holders of the bonds, all as may be determined and presented in the aforesaid resolution, which may (but need not) state as security for the performance by the County of any monetary obligations under such agreements the same security given by the County to bondholders for the performance by the County of its monetary obligations under the bonds.

If the County determines in the resolution to offer any of the bonds by solicitation of competitive bids at public sale, the resolution shall fix the terms and conditions of the public sale and shall adopt a form of notice of sale, which shall outline the terms and conditions, and a form of advertisement, which shall be published in one or more daily or weekly newspapers having a general circulation in the County and which may also be published in one or more journals having a circulation primarily among banks and investment bankers. At least one publication of the advertisement shall be made not less than 10 days before the sale of the bonds.

Upon delivery of any bonds to the purchaser or purchasers, payment therefor shall be made to the Treasurer of Calvert County or such other official of Calvert County as may be designated to receive such payment in a resolution passed by the County before such delivery.

SECTION 4. AND BE IT FURTHER ENACTED, That the net proceeds of the sale of bonds shall be used and applied exclusively and solely for the acquisition, construction, improvement, or development of public facilities for which the bonds are sold. If the amounts borrowed shall prove inadequate to finance the projects described in the resolution, the County may issue additional bonds with the limitations hereof for the purpose of evidencing the borrowing of additional funds for such financing, provided the resolution authorizing the sale of additional bonds shall so recite, but if the net proceeds of the sale of any issue of bonds exceed the amount needed to finance the projects described in the resolution, the excess funds so borrowed and not expended shall be applied to the payment of the next principal maturity of the bonds or to the redemption of any part of the bonds which have been made redeemable or to the purchase and cancellation of bonds, unless the County shall adopt a resolution allocating the excess funds to the acquisition, construction, improvement, or development of other public facilities, as defined and within the limits set forth in this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That the bonds hereby authorized shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest on the bonds as and when they become payable. In each and every fiscal year that any of the bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all the assessable property within the corporate limits of the County in rate and amount sufficient to provide for or assure the payment, when due, of the principal of and interest on all the bonds maturing in each such fiscal year and, in the event the proceeds from the taxes so levied in any such fiscal year shall prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any such deficiency. The County may apply to the payment of the principal of and interest on any bonds issued hereunder any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality thereof, or from any other source, if such funds are granted for the purpose of assisting the County in financing the acquisition, construction, improvement, or development of the public facilities defined in this Act and, to the extent of any such funds received or receivable in any fiscal year, the taxes that are required to be levied may be reduced accordingly.

SECTION 6. AND BE IT FURTHER ENACTED, That the County is further authorized and empowered, at any time and from time to time, to issue its bonds in the manner hereinabove described for the purpose of refunding, by payment at maturity or upon purchase or redemption, any bonds issued hereunder. The validity of any such refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the obligations so refunded. The powers herein granted with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds. Such refunding bonds may be issued by the County in such an amount as shall be necessary for the purpose of providing it with funds to pay any of its outstanding bonds issued hereunder at maturity, for the purpose of providing it with funds to purchase in the open market any of its outstanding bonds issued hereunder, prior to the maturity thereof, or for the purpose of providing it with funds for the redemption prior to maturity of any outstanding bonds issued hereunder which are, by their terms, redeemable, for the purpose of providing it with funds to pay interest on any outstanding bonds issued hereunder prior to their payment at maturity of purchase or redemption in advance of maturity, or for the purpose of providing it with funds to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds issued hereunder. The proceeds of the sale of any such refunding bonds shall be segregated and set apart by the County as a separate trust fund to be used solely for the purpose of paying the purchase or redemption prices of the bonds to be refunded.

SECTION 7. AND BE IT FURTHER ENACTED, That the County may, prior to the preparation of definitive bonds, issue interim certificates or temporary bonds, exchangeable for definitive bonds when such bonds have been executed and are available for such delivery, provided, however, that any such interim certificates or temporary bonds shall be issued in all respects subject to the restrictions and requirements set forth in this Act. The County may, by appropriate resolution, provide for the replacement of any bonds issued hereunder which shall have become mutilated or lost or destroyed upon such conditions and after receiving such indemnity as the County may require.

SECTION 8. AND BE IT FURTHER ENACTED, That any and all obligations issued pursuant to the authority of this Act, their transfer, the interest payable thereon, and any income derived therefrom in the hands of the holders thereof from time to time (including any profit made in the sale thereof) shall be and are hereby declared to be at all times exempt from State, county, municipal, or other taxation of every kind and nature whatsoever within the State of Maryland. Nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes.

SECTION 9. AND BE IT FURTHER ENACTED, That the authority to borrow money and issue bonds conferred on the County by this Act shall be deemed to provide an additional and alternative authority for borrowing money and shall be regarded as supplemental and additional to powers conferred upon the County by other laws and shall not be regarded as in derogation of any power now existing; and all Acts of the General Assembly of Maryland heretofore passed authorizing the County to borrow money are hereby continued to the extent that the powers contained in such Acts have not been exercised, and nothing contained in this Act may be construed to impair, in any way, the validity of any bonds that may have been issued by the County under the authority of any said Acts, and the validity of the bonds is hereby ratified, confirmed, and approved. This Act, being necessary for the welfare of the inhabitants of Calvert County, shall be liberally construed to effect the purposes hereof. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

#### Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 327

## (House Bill 787)

AN ACT concerning

## Garrett County - Overdue Property Tax - Interest Rate

FOR the purpose of altering the rate of interest for overdue property tax for a certain county; and generally relating to the interest rate for overdue property tax for a certain county.

BY repealing and reenacting, with amendments, Article – Tax – Property Section 14–603(b)(1) Annotated Code of Maryland (2019 Replacement Volume)

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

### Article – Tax – Property

14-603.

(b) For the following counties and municipal corporations the rate of interest for each month or fraction of a month that county or municipal corporation property tax or taxing district property tax is overdue is:

(1) **[1%] 1.5%** for Garrett County;

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 328

(Senate Bill 354)

AN ACT concerning

Garrett County – Overdue Property Tax – Interest Rate

#### Chapter 329

FOR the purpose of altering the rate of interest for overdue property tax for a certain county; and generally relating to the interest rate for overdue property tax for a certain county.

BY repealing and reenacting, with amendments, Article – Tax – Property Section 14–603(b)(1) Annotated Code of Maryland (2019 Replacement Volume)

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

#### Article – Tax – Property

14-603.

(b) For the following counties and municipal corporations the rate of interest for each month or fraction of a month that county or municipal corporation property tax or taxing district property tax is overdue is:

(1) **[1%] 1.5%** for Garrett County;

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 329

(House Bill 795)

AN ACT concerning

#### Montgomery County – Authority of County Council Over Inspector General – Montgomery County Public Schools

#### MC 14-20

FOR the purpose of authorizing the County Council of Montgomery County to enact a local law that grants to the Montgomery County Inspector General certain authority over the Montgomery County Board of Education and public schools located in Montgomery County; making conforming changes; and generally relating to the authority of the County Council of Montgomery County and the Montgomery County Inspector General. BY repealing and reenacting, with amendments,

The Public Local Laws of Montgomery County Section 2–151A Article 16 – Public Local Laws of Maryland (2004 Edition and July–August 2019 Supplement, as amended) (As enacted by Chapter 167 of the Acts of the General Assembly of 2019)

BY repealing

The Public Local Laws of Montgomery County Section 2–151A Article 16 – Public Local Laws of Maryland (2004 Edition and July–August 2019 Supplement, as amended) (As enacted by Chapter 168 of the Acts of the General Assembly of 2019)

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

## Article 16 – Montgomery County

2–151A.

The County Council may, by local law, grant to the Inspector General the same authority over [Montgomery College] THE FOLLOWING ENTITIES that the Inspector General has over a department of County government:

(1) THE HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY;

(2) MONTGOMERY COLLEGE; AND

# (3) THE MONTGOMERY COUNTY BOARD OF EDUCATION AND THE PUBLIC SCHOOLS LOCATED IN MONTGOMERY COUNTY.

[2–151A.

The County Council may, by local law, grant to the Inspector General the same authority over the Housing Opportunities Commission of Montgomery County that the Inspector General has over a department of County government.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

## Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

## Chapter 330

## (House Bill 800)

AN ACT concerning

#### Montgomery County - Housing Opportunities Commission - Alterations

#### MC 02-20

FOR the purpose of requiring the Housing Opportunities Commission of Montgomery County to prepare written minutes of each meeting as soon as practicable after the meeting and stream live video of the open meetings of the Montgomery Commission; requiring the Montgomery Commission to submit its proposed budget to the members of the Montgomery County Delegation to the General Assembly by a <del>certain date each year;</del> requiring the Montgomery Commission to publish on its website on or before a certain date each year a certain financial report and a certain copy of a certain audit report; requiring that, in performing certain duties, the Montgomery Commission publish certain information of which the Montgomery Commission is not specifically required to deny inspection under a certain act; requiring the Montgomery Commission to report certain payment data in a certain manner on or before a certain date; authorizing the Montgomery Commission to enter into an agreement with the county government to include payment data on a <del>certain website;</del> requiring the Montgomery Commission to develop and operate a certain searchable website if the Montgomery Commission does not enter into a certain agreement with the county government; establishing requirements for the searchable website; providing for the construction of certain provisions of this Act; defining certain terms; and generally relating to the Housing Opportunities Commission of Montgomery County.

BY repealing and reenacting, without amendments,

Article – Housing and Community Development Section 16–105 Annotated Code of Maryland (2019 Replacement Volume and 2019 Supplement)

BY adding to

Article – Housing and Community Development Section 16–107.1 and 16–114 Annotated Code of Maryland (2019 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Housing and Community Development Section <del>16–111 and</del> 16–112 Annotated Code of Maryland (2019 Replacement Volume and 2019 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

### Article – Housing and Community Development

#### 16 - 105.

The Housing Opportunities Commission of Montgomery County, formerly the Housing Authority of Montgomery County, is a public body corporate and politic that:

(1) exercises public and essential governmental functions; and

(2) has all the powers necessary or convenient to carry out the purposes of this Division II.

#### 16-107.1.

### THE MONTGOMERY COMMISSION SHALL:

(1) PREPARE WRITTEN MINUTES OF EACH MEETING AS SOON AS PRACTICABLE AFTER THE MEETING; AND

(2) STREAM LIVE VIDEO OF THE OPEN MEETINGS OF THE MONTGOMERY COMMISSION.

#### <del>16-111.</del>

(a) By May 1 of each year, the Montgomery Commission shall submit its proposed budget to the County Council-AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, TO THE MEMBERS OF THE MONTGOMERY COUNTY DELEGATION TO THE GENERAL ASSEMBLY.

(b) The public shall have an appropriate opportunity to comment on the proposed budget.

#### 16-112.

(a) On or before November 30 of each year, the Montgomery Commission shall issue a financial report for the previous fiscal year based on a certified audit.

(b) The Montgomery Commission shall publish a summary of the financial report in at least two newspapers of general circulation in the county.

# (C) (1) ON OR BEFORE **November 30** <u>December 15</u> Each year, the Montgomery Commission shall publish on its website:

(I) THE FINANCIAL REPORT ISSUED UNDER SUBSECTION (A) OF THIS SECTION; AND

(II) A FULL AND COMPLETE COPY OF THE CERTIFIED AUDIT REPORT FOR THE PREVIOUS FISCAL YEAR.

(2) IN SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IN PERFORMING THE DUTIES REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE MONTGOMERY COMMISSION SHALL PUBLISH ALL INFORMATION IN A PUBLIC RECORD THAT RELATES TO A FINANCIAL REPORT OR A CERTIFIED AUDIT REPORT OF WHICH THE MONTGOMERY COMMISSION IS NOT SPECIFICALLY REQUIRED TO DENY AN INSPECTION UNDER THE PUBLIC INFORMATION ACT.

(3) PARAGRAPH (2) OF THIS SUBSECTION MAY NOT BE CONSTRUED AS A WAIVER OF INFORMATION THAT IS PROTECTED BY PRIVILEGE.

16-114.

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

(2) (I) "PAYEE" MEANS A PERSON THAT RECEIVES FROM THE MONTGOMERY COMMISSION AN AGGREGATE PAYMENT OF <u>AT LEAST</u> \$25,000 in a single fiscal year.

(II) "PAYEE" DOES NOT INCLUDE:

**1.** AN EMPLOYEE OF THE MONTGOMERY COMMISSION WITH RESPECT TO THE EMPLOYEE'S COMPENSATION; OR

2. A RETIREE OF THE MONTGOMERY COMMISSION WITH RESPECT TO THE RETIREE'S RETIREMENT ALLOWANCE.

(3) "PAYMENT DATA" MEANS, AT A MINIMUM, THE FOLLOWING INFORMATION FOR A PARTICULAR FISCAL YEAR:

(I) THE NAME OF EACH PAYEE THAT RECEIVED A PAYMENT FROM THE MONTGOMERY COMMISSION;

(II) THE LOCATION OF THE PAYEE BY POSTAL ZIP CODE;

(III) THE AMOUNT OF THE PAYMENT; AND

(IV) THE PURPOSE OF THE PAYMENT.

(4) "SEARCHABLE WEBSITE" MEANS A WEBSITE CREATED IN ACCORDANCE WITH THIS SECTION THAT ALLOWS A USER TO SEARCH AND DISPLAY PAYMENT DATA OF THE MONTGOMERY COMMISSION.

(B) ON OR BEFORE JULY 1, 2021 <u>December 1, 2021</u>, the Montgomery Commission shall report payment data in accordance with subsection (c) <del>OR (d)</del> of this section.

## (C) THE MONTGOMERY COMMISSION MAY ENTER INTO AN AGREEMENT WITH THE COUNTY GOVERNMENT TO INCLUDE THE MONTGOMERY COMMISSION'S PAYMENT DATA ON THE SPENDINGMONTGOMERY WEBSITE.

(D) (C) (1) IF THE MONTGOMERY COMMISSION DOES NOT ENTER INTO AN AGREEMENT WITH THE COUNTY GOVERNMENT UNDER SUBSECTION (C) OF THIS SECTION, THE THE MONTGOMERY COMMISSION SHALL DEVELOP AND OPERATE A SINGLE SEARCHABLE WEBSITE ACCESSIBLE TO THE PUBLIC AT NO COST.

(2) THE SEARCHABLE WEBSITE SHALL ALLOW A USER TO:

(I) SEARCH PAYMENT DATA FOR FISCAL YEAR 2020 AND EACH FISCAL YEAR THEREAFTER; AND

- (II) SEARCH BY THE FOLLOWING DATA FIELDS:
  - 1. PAYEE NAME; AND
  - **2.** PAYEE ZIP CODE.

(E) (D) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE THE DISCLOSURE OF INFORMATION THAT IS REQUIRED TO BE KEPT CONFIDENTIAL UNDER FEDERAL, STATE, OR LOCAL LAW.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 331

(House Bill 805)

#### AN ACT concerning

## Montgomery County – Public Safety – Buildings Used for Agritourism

#### MC 26-20

FOR the purpose of adding Montgomery County to the list of counties that exempt agricultural buildings used for agritourism from certain building performance standards; <u>exempting a building used for agritourism in Montgomery County from a</u> <u>certain building permit requirement under certain circumstances</u>; and generally relating to buildings used for agritourism in Montgomery County.

BY repealing and reenacting, without amendments, Article – Public Safety Section 12–501(a) and (h) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Public Safety Section 12–508 Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

## Article – Public Safety

12 - 501.

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

(h) "Standards" means the Maryland Building Performance Standards.

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:

(1) Allegany County, Anne Arundel County, Baltimore County, Calvert County, Carroll County, Cecil County, Charles County, Dorchester County, Frederick County, Garrett County, Harford County, Howard County, Kent County, **MONTGOMERY COUNTY,** Prince George's County, St. Mary's County, Somerset County, and Talbot County; or

(2) a county where the local legislative body has approved the application of this section to the 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) Except as provided in subsection (e) <u>AND (F)</u> of this section, 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) does not require more than 50 people to occupy an individual building at any one time.

(e) In Allegany County, Anne Arundel County, Baltimore County, Carroll County, Cecil County, Garrett County, Howard County, Kent County, Prince George's County, and St. Mary's 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) (1) IN MONTGOMERY COUNTY, AN EXISTING AGRICULTURAL BUILDING USED FOR AGRITOURISM IS NOT CONSIDERED A CHANGE OF OCCUPANCY THAT REQUIRES A BUILDING PERMIT AS PROVIDED IN THIS SUBSECTION.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, IF THE SUBORDINATE USE OF AGRITOURISM DOES NOT REQUIRE MORE THAN 50 PEOPLE TO OCCUPY AN INDIVIDUAL BUILDING AT ANY ONE TIME, THEN THAT USE <u>MUST BE:</u>

(I) IN ACCORDANCE WITH LIMITATIONS ESTABLISHED BY THE DEPARTMENT; AND

# (II) LIMITED TO LEVELS OF THE BUILDING ON WHICH A GROUND LEVEL EXIT IS LOCATED.

## (3) IF THE SUBORDINATE USE OF AGRITOURISM REQUIRES MORE THAN 50 PEOPLE BUT FEWER THAN 100 PEOPLE TO OCCUPY AN INDIVIDUAL BUILDING AT ANY ONE TIME, THEN THAT USE MUST BE:

(I) IN ACCORDANCE WITH THE REQUIREMENTS IN PARAGRAPH (2) OF THIS SUBSECTION; AND

## (II) THE TOTAL WIDTH AND NUMBER OF MEANS OF EGRESS MUST MEET OR EXCEED THE INTERNATIONAL BUILDING CODE STANDARD THAT APPLIES TO EGRESS COMPONENTS OTHER THAN STAIRWAYS IN A BUILDING WITHOUT A SPRINKLER SYSTEM.

- (G) 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) (H) The Department shall adopt regulations to implement this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 332

(House Bill 810)

AN ACT concerning

Workers' Compensation – Washington County – Volunteer Company – Fire and Rescue Academy Student FOR the purpose of providing that a member of a volunteer company in Washington County who is at least a certain age and is enrolled in a certain fire and rescue academy program is a covered employee for the purpose of receiving workers' compensation benefits; and generally relating to workers' compensation insurance for members of volunteer companies in Washington County.

BY repealing and reenacting, without amendments, Article – Labor and Employment Section 9–234(a) and (z) Annotated Code of Maryland (2016 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Labor and Employment Section 9–234(w) Annotated Code of Maryland (2016 Replacement Volume and 2019 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 - 234.

- (a) (1) In this section the following words have the meanings indicated.
  - (2) (i) "On duty" means:
    - 1. fighting a fire;

2. performing a duty of a member of an advanced life support unit or an ambulance, first aid, or rescue squad in a volunteer company;

3. except as provided in subparagraph (ii) of this paragraph, performing a duty that the volunteer company assigns to the member;

4. performing a duty that a written bylaw or rule of government adopted for the volunteer company assigns to the member;

5. going to or from performing a duty included under item 1, 2, 3, or 4 of this subparagraph;

6. accompanying an accident or fire victim while being transported to a hospital in a helicopter;

7. returning to the home station of the individual after

Chapter 332

accompanying a victim under item 6 of this subparagraph;

8. performing a duty assigned to a member of a fire company appointed as a deputy sheriff under § 7-302 or § 7-303 of the Public Safety Article; or

9. performing a duty assigned to an individual appointed to serve as a member of the fire police in Washington County under § 7–304 of the Public Safety Article.

(ii) "On duty" does not include attendance of a member of a volunteer company at a social function unless a written bylaw or rule of government adopted for the volunteer company requires the attendance or participation of the member.

- (3) "Volunteer company" means:
  - (i) a volunteer advanced life support unit;
  - (ii) a volunteer ambulance company or squad;
  - (iii) a volunteer fire company or department;
  - (iv) a volunteer rescue company, department, or squad; and
  - (v) a volunteer fire police unit.

(w) (1) [Unless] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, UNLESS an election is made under paragraph (2) of this subsection, a member of a volunteer company in Washington County is not a covered employee.

(2) The Board of County Commissioners for Washington County may provide by resolution for members of a volunteer company in the county to be covered employees while on duty.

# (3) A MEMBER OF A VOLUNTEER COMPANY IN WASHINGTON COUNTY IS A COVERED EMPLOYEE IF THE INDIVIDUAL IS AT LEAST 15 YEARS OLD AND IS ENROLLED IN THE FIRE AND RESCUE ACADEMY PROGRAM OPERATED BY THE WASHINGTON COUNTY BOARD OF EDUCATION.

(z) (1) For the purposes of this title, a member of a volunteer company who is a covered employee under this section is an employee of the political subdivision of the State where the volunteer company is organized.

(2) A member of a volunteer company shall be covered while on duty by a policy of workers' compensation insurance.

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

1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 333

# (House Bill 817)

AN ACT concerning

### Regulations Affecting Small Businesses – Certification of Comparable Local Regulation

FOR the purpose of requiring a certain unit of State government proposing a regulation affecting small businesses to include a certain certification regarding a certain local regulation in a certain economic impact analysis rating and a certain economic impact analysis <u>in a certain manner</u>; authorizing a certain unit of State government to include a certain statement in a proposed regulation under certain circumstances; and generally relating to regulations affecting small businesses.

BY repealing and reenacting, without amendments, Article – State Government Section 2–1505.2(a) and (b) Annotated Code of Maryland (2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – State Government Section 2–1505.2(d) and (e) Annotated Code of Maryland (2014 Replacement Volume and 2019 Supplement)

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

## Article – State Government

2-1505.2.

(a) (1) In this section the following words have the meanings indicated.

(2) "Committee" means the Joint Committee on Administrative, Executive, and Legislative Review.

(3) "Economic impact analysis" means an estimate of the cost or the economic benefit to small businesses that may be affected by a regulation proposed by an agency pursuant to Title 10, Subtitle 1 of this article.

(4) "Economic impact analysis rating" means an estimate that a proposed regulation will have:

- (i) minimal or no economic impact on small businesses; or
- (ii) meaningful economic impact on small businesses.

(5) "Small business" means a corporation, partnership, sole proprietorship, or other business entity, including its affiliates, that:

- (i) is independently owned and operated;
- (ii) is not dominant in its field; and
- (iii) employs 50 or fewer full-time employees.

(b) (1) An economic impact analysis rating and an economic impact analysis, as appropriate, shall be prepared by the appropriate Executive Branch agency for each regulation that the agency proposes for adoption pursuant to Title 10, Subtitle 1 of this article.

(2) A copy of the economic impact analysis rating and the economic impact analysis required under this subsection shall be submitted by the appropriate agency:

(i) to the Department of Legislative Services no later than the time the agency submits the regulation to the Committee to allow the Department to comment on the economic impact analysis rating and the economic impact analysis; and

(ii) to the Committee at the time the agency submits the regulation to the Committee.

(d) The economic impact analysis rating and the economic impact analysis required under this section shall include:

(1) estimates directly relating to the following factors, as appropriate:

- [(1)] (I) cost of providing goods and services;
- [(2)] (II) effect on the workforce;
- [(3)] (III) effect on the cost of housing;

[(4)] (IV) efficiency in production and marketing;

[(5)] (V) capital investment, taxation, competition, and economic development; and

[(6)] (VI) consumer choice; AND

# (2) A CERTIFICATION STATING, <u>AFTER POSTING THE REGULATION OR</u> <u>SCOPE OF THE REGULATION AS REQUIRED BY § 10–110(D)(3)(VII) OF THIS ARTICLE,</u> <u>WHETHER THE AGENCY HAS RECEIVED NOTICE OF</u> WHETHER ANY EXISTING REGULATION OF A COMPARABLE NATURE THAT IS AT LEAST AS STRINGENT AS THE PROPOSED REGULATION HAS BEEN ADOPTED BY A UNIT OF A LOCAL GOVERNMENT.

(e) (1) The Executive Branch agency or the Department of Legislative Services preparing the economic impact analysis rating and the economic impact analysis required under this section shall consult with, as appropriate:

- (i) other units of State government;
- (ii) units of local government; and

(iii) business, trade, consumer, labor, and other groups impacted by or having an interest in the regulation.

(2) On request of the Executive Director of the Department of Legislative Services, a unit of the State or a local government shall provide the Department with assistance or information in the preparation of an economic impact analysis rating and economic impact analysis.

(3) IF THE PROMULGATING UNIT CERTIFIES, AFTER POSTING THE REGULATION OR SCOPE OF THE REGULATION AS REQUIRED BY § 10–110(D)(3)(VII) OF THIS ARTICLE, THAT THE UNIT HAS RECEIVED NOTICE OF AND DETERMINED THAT AN EXISTING REGULATION OF A COMPARABLE NATURE THAT IS AT LEAST AS STRINGENT AS THE PROPOSED REGULATION HAS BEEN ADOPTED BY ANY UNIT OF LOCAL GOVERNMENT, THE UNIT MAY INCLUDE IN THE UNIT'S PROPOSED REGULATION A STATEMENT THAT COMPLIANCE WITH THE LOCAL REGULATION WILL CONSTITUTE COMPLIANCE WITH THE PROPOSED REGULATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 334

# (House Bill 823)

AN ACT concerning

# State Fire Marshal – Sprinkler Systems Enforcement

FOR the purpose of requiring the State Fire Marshal to enforce certain requirements relating to fire sprinkler systems; and generally relating to the duties of the State Fire Marshal.

BY repealing and reenacting, with amendments,

Article – Public Safety Section 6–305(a) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

# Article – Public Safety

6-305.

- (a) The State Fire Marshal shall enforce:
  - (1) all laws of the State that relate to:
    - (i) the prevention of fire;

(ii) the storage, sale, and use of explosives, combustibles, or other dangerous articles, in solid, liquid, or gaseous form;

(iii) the installation and maintenance of all kinds of equipment intended to control, detect, or extinguish fire;

(iv) the means and adequacy of exit, in case of fire, from buildings and all other places in which individuals work, live, or congregate, except buildings that are used solely as dwelling houses for no more than two families; and

(v) the suppression of arson; [and]

(2) the regulations adopted by the Commission under Subtitle 2 of this title; AND

(3) ANY REQUIREMENTS RELATING TO THE INSTALLATION OF AUTOMATIC SPRINKLER SYSTEMS IN NEW ONE– AND TWO–FAMILY DWELLINGS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

### Chapter 335

#### (Senate Bill 746)

AN ACT concerning

#### State Fire Marshal - Sprinkler Systems Enforcement

FOR the purpose of requiring the State Fire Marshal to enforce certain requirements relating to fire sprinkler systems; and generally relating to the duties of the State Fire Marshal.

BY repealing and reenacting, with amendments, Article – Public Safety Section 6–305(a) Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

#### Article – Public Safety

6 - 305.

- (a) The State Fire Marshal shall enforce:
  - (1) all laws of the State that relate to:
    - (i) the prevention of fire;

(ii) the storage, sale, and use of explosives, combustibles, or other dangerous articles, in solid, liquid, or gaseous form;

(iii) the installation and maintenance of all kinds of equipment intended to control, detect, or extinguish fire;

(iv) the means and adequacy of exit, in case of fire, from buildings and all other places in which individuals work, live, or congregate, except buildings that are used solely as dwelling houses for no more than two families; and

(v) the suppression of arson; [and]

(2) the regulations adopted by the Commission under Subtitle 2 of this title; AND

(3) ANY REQUIREMENTS RELATING TO THE INSTALLATION OF AUTOMATIC SPRINKLER SYSTEMS IN NEW ONE– AND TWO–FAMILY DWELLINGS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 336

# (House Bill 835)

AN ACT concerning

# Labor and Employment – Incentive Programs for Hiring and Retraining – List

FOR the purpose of requiring the Maryland Department of Labor to develop a list of any federal or State incentive programs available to an employer who hires and trains formerly incarcerated individuals; requiring the Department to make the list available on the main page of the Department's website; and generally relating to a list of incentive programs for hiring and retraining formerly incarcerated individuals.

BY adding to

Article – Labor and Employment Section 11–605 Annotated Code of Maryland (2016 Replacement Volume and 2019 Supplement)

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

### Article - Labor and Employment

11-605.

(A) THE DEPARTMENT SHALL DEVELOP A LIST OF ANY FEDERAL OR STATE INCENTIVE PROGRAMS AVAILABLE TO AN EMPLOYER WHO HIRES AND TRAINS FORMERLY INCARCERATED INDIVIDUALS.

(B) THE DEPARTMENT SHALL MAKE THE LIST ACCESSIBLE ON THE MAIN PAGE OF THE DEPARTMENT'S WEBSITE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 337

(House Bill 837)

AN ACT concerning

# Public Health – Maternal Mortality and Morbidity – Implicit Bias Training and Study

FOR the purpose of altering the purposes of the Cultural and Linguistic Health Care Professional Competency Program; requiring the Cultural and Linguistic Health Care Professional Competency Program to provide a certain certificate to certain individuals and, on request, certain facilities; requiring the Cultural and Linguistic Health Care Professional Competency Program to establish a certain training program for certain health care professionals on or before a certain date; requiring the Cultural and Linguistic Health Care Professional Competency Program to establish a certain training program using best practices; providing that a certain training program may include best practices used in other states; requiring certain health care professionals to complete certain training on or before a certain date and with certain frequency; requiring the Cultural and Linguistic Health Care Professional Competency Program to offer certain training to certain health care professionals; requiring the Maryland Maternal Mortality Review Program, in consultation with certain entities, to conduct a certain study and report its findings to certain committees of the General Assembly on or before a certain date; defining certain terms; and generally relating to maternal mortality and morbidity and implicit bias training.

BY repealing and reenacting, with amendments,

Article – Health – General Section 20–1302 and 20–1304 Annotated Code of Maryland (2019 Replacement Volume)

BY adding to

Article – Health – General Section 20–1305 Annotated Code of Maryland (2019 Replacement Volume)

# Preamble

WHEREAS, Every person should be entitled to dignity and respect during and after pregnancy and childbirth and patients should receive the best care possible regardless of their race, gender, age, class, sexual orientation, gender identity, disability, language proficiency, nationality, immigration status, gender expression, or religion; and

WHEREAS, The United States has the highest maternal mortality rate in the developed world, where about 700 women die each year from childbirth and another 50,000 suffer from severe complications; and

WHEREAS, For women of color, particularly Black women, the maternal mortality rate remains three to four times higher than White women; and

WHEREAS, Forty–one percent of all pregnancy–related deaths had a good–to–strong chance of preventability; and

WHEREAS, Pregnancy–related deaths among Black women are also more likely to be miscoded; and

WHEREAS, Access to prenatal care, socioeconomic status, and general physical health do not fully explain the disparity seen in Black women's maternal mortality and morbidity rates and there is a growing body of evidence that Black women are often treated unfairly and unequally in the health care system; and

WHEREAS, Implicit bias is a key cause that drives health disparities in communities of color; and

WHEREAS, Health care providers in Maryland are not required to undergo any implicit bias testing or training; and

WHEREAS, It is in the interest of the State to reduce the effects of implicit bias in pregnancy, childbirth, and postnatal care so that all people are treated with dignity and respect by their health care providers; now, therefore,

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

# Article – Health – General

1741

20-1302.

(a) There is a Cultural and Linguistic Health Care Professional Competency Program.

(b) The purpose of the Program is to [provide]:

(1) **PROVIDE** for a voluntary program in which educational classes are offered to health care professionals to teach health care professionals:

[(1)] (I) Methods to improve the health care professionals' cultural and linguistic competency to communicate with non-English speaking patients and patients from other cultures who are English speaking;

[(2)] (II) Cultural beliefs and practices that may impact patient health care practices and allow health care professionals to incorporate the knowledge of the beliefs and practices in the diagnosis and treatment of patients; and

[(3)] (III) Methods to enable health care professionals to increase the health literacy of their patients to improve the patient's ability to obtain, process, and understand basic health information and services to make appropriate health care decisions; AND

(2) ESTABLISH AND PROVIDE AN EVIDENCE–BASED IMPLICIT BIAS TRAINING PROGRAM FOR HEALTH CARE PROFESSIONALS INVOLVED IN THE PERINATAL CARE OF PATIENTS UNDER § 20–1305 OF THIS SUBTITLE.

20 - 1304.

(A) The Maryland Department of Health shall develop a method through which the appropriate professional licensing board recognizes the training received by health care professionals under this subtitle, either through continuing education credits or otherwise.

# (B) THE PROGRAM SHALL PROVIDE A CERTIFICATE OF TRAINING COMPLETION FOR ANY INDIVIDUAL WHO COMPLETES THE TRAINING ESTABLISHED UNDER § 20–1305 OF THIS SUBTITLE, AND TO A FACILITY ON REQUEST.

#### 20 - 1305.

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

(2) "IMPLICIT BIAS" MEANS A BIAS IN JUDGMENT THAT RESULTS FROM SUBTLE COGNITIVE PROCESSES, INCLUDING THE FOLLOWING PREJUDICES AND STEREOTYPES THAT OFTEN OPERATE AT A LEVEL BELOW CONSCIOUS AWARENESS AND WITHOUT INTENTIONAL CONTROL:

(I) PREJUDICIAL NEGATIVE FEELINGS OR BELIEFS ABOUT A GROUP THAT AN INDIVIDUAL HOLDS WITHOUT BEING AWARE OF THE FEELINGS OR BELIEFS; AND

(II) UNCONSCIOUS ATTRIBUTIONS OF PARTICULAR QUALITIES TO A MEMBER OF A SPECIFIC SOCIAL GROUP THAT ARE INFLUENCED BY EXPERIENCE AND BASED ON LEARNED ASSOCIATIONS BETWEEN VARIOUS QUALITIES AND SOCIAL CATEGORIES, INCLUDING RACE AND GENDER.

(3) "PERINATAL CARE" MEANS THE PROVISION OF CARE DURING PREGNANCY, LABOR, DELIVERY, AND POSTPARTUM AND NEONATAL PERIODS.

(4) "PERINATAL CARE FACILITY" INCLUDES:

(I) A HOSPITAL, AS DEFINED IN § 19–301 OF THIS ARTICLE, THAT PROVIDES PERINATAL CARE; AND

(II) A FREESTANDING BIRTHING CENTER, AS DEFINED IN § 19-3B-01 of this article.

(B) (1) ON OR BEFORE JANUARY 1, 2021, THE PROGRAM SHALL ESTABLISH AN EVIDENCE-BASED IMPLICIT BIAS TRAINING PROGRAM FOR ALL HEALTH CARE PROFESSIONALS INVOLVED IN THE PERINATAL CARE OF PATIENTS IN A PERINATAL CARE FACILITY.

(2) (I) THE PROGRAM SHALL ESTABLISH THE IMPLICIT BIAS PROGRAM REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION USING BEST PRACTICES IN IMPLICIT BIAS TRAINING.

(II) THE IMPLICIT BIAS PROGRAM REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY INCLUDE BEST PRACTICES USED IN OTHER STATES.

(C) ON OR BEFORE JANUARY 1, 2022, AND ONCE EVERY 2 YEARS THEREAFTER OR MORE FREQUENTLY, AS DETERMINED BY THE PERINATAL CARE FACILITY, A HEALTH CARE PROFESSIONAL WHO IS AN EMPLOYEE OF, AND INVOLVED IN THE PERINATAL CARE OF PATIENTS AT, A PERINATAL CARE FACILITY SHALL COMPLETE THE TRAINING ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION.

(D) THE PROGRAM SHALL OFFER THE TRAINING ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION TO ANY HEALTH CARE PROFESSIONAL INVOLVED

IN PERINATAL CARE OF PATIENTS AT A PERINATAL CARE FACILITY WHO IS NOT REQUIRED TO COMPLETE THE TRAINING UNDER SUBSECTION (C) OF THIS SECTION BECAUSE THE HEALTH CARE PROFESSIONAL IS NOT AN EMPLOYEE OF A PERINATAL CARE FACILITY.

SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Maternal Mortality Review Program, in consultation with the maternal mortality review committee of MedChi <del>and</del>, the local maternal mortality review teams<sub>7</sub> established under Title 13, Subtitle 12 of the Health – General Article, <u>and the Maryland Maternal Health Innovation Program</u>, shall:

(1) Study:

(i) How reporting on severe maternal morbidity could be added to the responsibilities of the Maternal Mortality Review Program;

(ii) What diagnoses and conditions should be included in the definition of "severe maternal morbidity";

(iii) How data on severe maternal morbidity would be collected and reported; and

(iv) What would be the fiscal impact of adding severe maternal morbidity to the Maternal Mortality Review Program's review and reporting responsibilities; and

(2) On or before December 31, 2020, report its findings and recommendations to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2-1257 of the State Government Article.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 338

(House Bill 844)

AN ACT concerning

City of Annapolis - Alcoholic Beverages Licenses - Club Public Event Permit

#### Chapter 338

FOR the purpose of establishing a club public event permit in the City of Annapolis; authorizing the Board of License Commissioners for the City of Annapolis to issue the permit to a holder of a Class C license; specifying that the permit authorizes a club to sell certain alcoholic beverages to an individual who is not a member or a guest of a member for on-premises consumption during a certain public event; requiring a permit holder to submit an application for approval to the Board at least a certain number of days before a public event; authorizing the Board to approve up to a certain number of public events per permit holder in a calendar year; and generally relating to alcoholic beverages licenses in the City of Annapolis.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages Section 10–102 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

#### BY adding to

Article – Alcoholic Beverages Section 10–1104 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

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

### Article – Alcoholic Beverages

#### 10 - 102.

This title applies only in the City of Annapolis.

#### 10 - 1104.

(A) THERE IS A CLUB PUBLIC EVENT PERMIT.

(B) THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF A CLASS C LICENSE.

(C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE PERMIT AUTHORIZES A CLUB TO SELL ALCOHOLIC BEVERAGES THAT ARE ALLOWED UNDER THE CLUB'S CLASS C LICENSE:

(1) DURING A PUBLIC EVENT SPONSORED BY THE CLUB AT THE PLACE DESCRIBED IN THE LICENSE;

(2) TO AN INDIVIDUAL WHO IS NOT A MEMBER OF THE CLUB OR A

GUEST OF A MEMBER; AND

(3) FOR ON-PREMISES CONSUMPTION.

(D) (1) A PERMIT HOLDER SHALL:

(I) SUBMIT AN APPLICATION FOR APPROVAL TO THE BOARD AT LEAST 45 DAYS BEFORE A PUBLIC EVENT; AND

(II) OBTAIN THE APPROVAL OF THE BOARD BEFORE EACH PUBLIC EVENT.

# (2) THE BOARD, IN ITS DISCRETION, MAY APPROVE UP TO 12 PUBLIC EVENTS PER PERMIT HOLDER IN A CALENDAR YEAR.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 339

(Senate Bill 503)

AN ACT concerning

### City of Annapolis - Alcoholic Beverages Licenses - Club Public Event Permit

FOR the purpose of establishing a club public event permit in the City of Annapolis; authorizing the Board of License Commissioners for the City of Annapolis to issue the permit to a holder of a Class C license; specifying that the permit authorizes a club to sell certain alcoholic beverages to an individual who is not a member or a guest of a member for on-premises consumption during a certain public event; requiring a permit holder to submit an application for approval to the Board at least a certain number of days before a public event; authorizing the Board to approve up to a certain number of public events per permit holder in a calendar year; and generally relating to alcoholic beverages licenses in the City of Annapolis.

BY repealing and reenacting, without amendments, Article – Alcoholic Beverages Section 10–102 Annotated Code of Maryland (2016 Volume and 2019 Supplement) BY adding to Article – Alcoholic Beverages Section 10–1104 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

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

### Article – Alcoholic Beverages

10 - 102.

This title applies only in the City of Annapolis.

10-1104.

(A) THERE IS A CLUB PUBLIC EVENT PERMIT.

(B) THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF A CLASS C LICENSE.

(C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE PERMIT AUTHORIZES A CLUB TO SELL ALCOHOLIC BEVERAGES THAT ARE ALLOWED UNDER THE CLUB'S CLASS C LICENSE:

(1) DURING A PUBLIC EVENT SPONSORED BY THE CLUB AT THE PLACE DESCRIBED IN THE LICENSE;

(2) TO AN INDIVIDUAL WHO IS NOT A MEMBER OF THE CLUB OR A GUEST OF A MEMBER; AND

(3) FOR ON-PREMISES CONSUMPTION.

(D) (1) A PERMIT HOLDER SHALL:

(I) SUBMIT AN APPLICATION FOR APPROVAL TO THE BOARD AT LEAST 45 DAYS BEFORE A PUBLIC EVENT; AND

(II) OBTAIN THE APPROVAL OF THE BOARD BEFORE EACH PUBLIC EVENT.

(2) THE BOARD, IN ITS DISCRETION, MAY APPROVE UP TO 12 PUBLIC EVENTS PER PERMIT HOLDER IN A CALENDAR YEAR.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 340

# (House Bill 845)

AN ACT concerning

# Prince George's County - Alcoholic Beverages - Carillon Development

# <u>PG 315-20</u>

FOR the purpose of authorizing the Board of License Commissioners for Prince George's County to issue up to a certain number of Class B–DD licenses for restaurants located within the Carillon development; and generally relating to alcoholic beverages licenses in Prince George's County.

BY repealing and reenacting, without amendments, Article – Alcoholic Beverages Section 26–102 and 26–1613(a) Annotated Code of Maryland (2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Alcoholic Beverages Section 26–1614(a) Annotated Code of Maryland (2016 Volume and 2019 Supplement)

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

# Article – Alcoholic Beverages

26 - 102.

This title applies only in Prince George's County.

26 - 1613.

#### Chapter 340

(a) There is a Class B–DD (Development District) 7–day beer, wine, and liquor license.

26–1614.

(a) The Board may issue:

(1) up to four Class B–DD (Development District) licenses for restaurants located within the Capital Plaza commercial area, consisting of commercial properties within the area bounded by the Baltimore–Washington Parkway on the west and northwest, Maryland Route 450 on the south, and Cooper Lane on the east and northeast;

(2) up to four Class B–DD (Development District) licenses for restaurants located within the area of Greenbelt Station, located inside the Capital Beltway and adjacent to the Greenbelt Metro Station;

(3) up to six Class B–DD (Development District) licenses for restaurants located within the area of Ritchie Station Marketplace;

(4) subject to subsection (b) of this section, up to six Class B–DD (Development District) licenses for restaurants located within the Towne Centre at Laurel;

(5) up to five Class B–DD (Development District) licenses to restaurants located within the area of Riverdale Park Station inside the Capital Beltway and adjacent to U.S. Route 1;

(6) up to two Class B–DD (Development District) licenses to restaurants located within the area of Riverdale Park Town Center, bounded by Rhode Island Avenue on the west and Queensbury Road on the south;

(7) up to two Class B–DD (Development District) licenses to restaurants located within the Buena Vista West mixed–use development, located in the northwest quadrant of the intersection of MD–704/Martin Luther King Jr. Highway and MD–450/Annapolis Road;

(8) up to five Class B–DD (Development District) licenses to restaurants located within the Karington mixed–used development, located in the southwest quadrant of the intersection of MD–214/Central Avenue and US–301/Crain Highway;

(9) up to two Class B–DD (Development District) licenses to restaurants located within the Clinton Marketplace mixed–use development, located in the southwest quadrant of the intersection of MD–223/Piscataway Road and Brandywine Road;

(10) one Class B–DD (Development District) license to a restaurant located within 1.5 miles surrounding Rivertowne Commons, at the intersection of Livingston Road and Oxon Hill Road;

(11) one Class B–DD (Development District) license to a restaurant located at the intersection of Route 373 and Route 210/Indian Head Highway;

(12) one Class B–DD (Development District) license to a restaurant located within 1.5 miles surrounding Iverson Mall, at the intersection of Iverson Street and Branch Avenue; [and]

(13) one Class B–DD (Development District) license to a restaurant located within 1 mile surrounding the intersection of East–West Highway and Belcrest Road; AND

# (14) UP TO 10 CLASS B-DD (DEVELOPMENT DISTRICT) LICENSES TO RESTAURANTS LOCATED WITHIN THE CARILLON DEVELOPMENT, LOCATED NEAR THE ARENA DRIVE EXIT OF THE CAPITAL BELTWAY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 341

(House Bill 847)

AN ACT concerning

### State Coordinator for Autism Strategy and Advisory Stakeholder Group on Autism–Related Needs

FOR the purpose of establishing the State Coordinator for Autism Strategy in the Department of Disabilities; requiring the State Coordinator, in consultation with the Advisory Stakeholder Group on Autism-Related Needs, to identify and evaluate certain existing services for individuals with autism and their families, develop a certain strategic plan on or before a certain date, identify certain performance measures, and monitor and evaluate the implementation of the strategic plan and the State's success in addressing certain needs; requiring a certain strategic plan to specify certain performance measures; requiring the State Coordinator to submit a certain report to the Secretary of Disabilities, the Governor, and the General Assembly on or before a certain date each year, and to publish each report on the Department's website within a certain number of days after submittal; establishing the Advisory Stakeholder Group on Autism-Related Needs; providing for the composition, chair, staffing, and meetings of the Advisory Stakeholder Group; prohibiting a member of the Advisory Stakeholder Group from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Advisory Stakeholder Group to work with the State Coordinator and make recommendations regarding certain matters; providing that the State Coordinator is a member of the Maryland Commission on Disabilities; and generally relating to the State Coordinator for Autism Strategy and the Advisory Stakeholder Group on Autism-Related Needs.

BY repealing and reenacting, without amendments, Article – Human Services

Section 7–101(a), (c), and (d) Annotated Code of Maryland (2019 Replacement Volume and 2019 Supplement)

BY adding to

Article – Human Services Section 7–111 and 7–112 Annotated Code of Maryland (2019 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Human Services Section 7–120(a) Annotated Code of Maryland (2019 Replacement Volume and 2019 Supplement)

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

### Article – Human Services

7 - 101.

- (a) In this subtitle the following words have the meanings indicated.
- (c) "Commission" means the Maryland Commission on Disabilities.
- (d) "Department" means the Department of Disabilities.

### 7–111.

(A) THERE IS A STATE COORDINATOR FOR AUTISM STRATEGY IN THE DEPARTMENT.

(B) THE STATE COORDINATOR FOR AUTISM STRATEGY, IN CONSULTATION WITH THE ADVISORY STAKEHOLDER GROUP ON AUTISM-RELATED NEEDS ESTABLISHED UNDER § 7–112 OF THIS SUBTITLE, SHALL: (1) IDENTIFY AND EVALUATE EXISTING PUBLIC, PRIVATE, AND NONPROFIT SERVICES FOR INDIVIDUALS WITH AUTISM AND THEIR FAMILIES;

(2) ON OR BEFORE JULY 1, 2021, DEVELOP A STRATEGIC PLAN FOR ADDRESSING AUTISM-RELATED NEEDS IN THE STATE, INCLUDING, AT A MINIMUM, NEEDS IN THE AREAS OF EMPLOYMENT, HOUSING, HEALTH CARE, TRAINING FOR FIRST RESPONDERS AND CRIMINAL JUSTICE PROFESSIONALS, AND IDENTIFICATION AND INTERVENTION;

(3) IDENTIFY NATIONAL BENCHMARKS AND OTHER PERFORMANCE MEASURES TO BE INCLUDED IN THE STRATEGIC PLAN AND USED IN EVALUATING THE SUCCESS OF THE STATE IN ADDRESSING AUTISM-RELATED NEEDS; AND

(4) MONITOR AND EVALUATE THE IMPLEMENTATION OF THE STRATEGIC PLAN AND THE SUCCESS OF THE STATE IN ADDRESSING AUTISM-RELATED NEEDS, INCLUDING SUCCESS IN MEETING NATIONAL BENCHMARKS.

(C) THE STRATEGIC PLAN REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL SPECIFY PERFORMANCE MEASURES, INCLUDING ANY NATIONAL BENCHMARKS, FOR MONITORING AND EVALUATING SUCCESS IN ADDRESSING AUTISM-RELATED NEEDS IN THE STATE INCLUDING, AT A MINIMUM, THE FOLLOWING:

(1) REDUCING THE UNEMPLOYMENT AND UNDEREMPLOYMENT RATES OF PEOPLE WITH AUTISM;

(2) IMPROVING POSTSECONDARY TRANSITION SERVICES AND GRADUATION RATES;

(3) INCREASING DEGREE–GRANTING COLLEGE ADMISSION AND PARTICIPATION AND POSTSECONDARY VOCATIONAL INTERNSHIPS AND APPRENTICESHIPS LEADING TO LICENSURE;

(4) INCREASING THE AVAILABILITY OF SAFE, AFFORDABLE, AND ACCESSIBLE HOUSING;

(5) IDENTIFYING AND REDUCING THE NEGATIVE PHYSICAL AND MENTAL HEALTH OUTCOMES OF PEOPLE WITH AUTISM, INCLUDING:

(I) IDENTIFYING AND IMPROVING CAREGIVER AND FAMILY SUPPORT AND RESPITE SERVICES;

(II) EVALUATING NEED AND IMPLEMENTATION STRATEGIES FOR THE ADULT AUTISM WAIVER;

(III) REDUCING WAIT TIMES FOR THE AUTISM WAIVER REGISTRY;

(IV) PROMOTING SOCIAL INCLUSION AND UNDERSTANDING FOR PEOPLE WITH AUTISM; AND

(V) ENSURING EQUITABLE ACCESS TO DIAGNOSTIC AND THERAPEUTIC SUPPORT SERVICES IN RURAL AREAS AND FOR UNDERSERVED POPULATIONS; AND

(6) EVALUATING THE NEED FOR AND MAKING RECOMMENDATIONS REGARDING TRAINING PROGRAMS FOR LAW ENFORCEMENT, CRIMINAL JUSTICE PROFESSIONALS, OR OTHER FIRST RESPONDERS THAT ADDRESS THE EFFECTIVE RECOGNITION OF AND RESPONSE TO THE NEEDS OF INDIVIDUALS WITH AUTISM AND THEIR CAREGIVERS.

(D) (1) ON OR BEFORE JULY 1 EACH YEAR, BEGINNING IN 2021, THE STATE COORDINATOR FOR AUTISM STRATEGY SHALL SUBMIT A REPORT TO THE SECRETARY OF DISABILITIES, THE GOVERNOR, AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE DEVELOPMENT, IMPLEMENTATION, AND EFFECTIVENESS OF THE STRATEGIC PLAN REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.

(2) WITHIN 30 DAYS AFTER A REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS SUBMITTED, THE STATE COORDINATOR FOR AUTISM STRATEGY SHALL PUBLISH THE REPORT ON THE DEPARTMENT'S WEBSITE.

7–112.

(A) THERE IS AN ADVISORY STAKEHOLDER GROUP ON AUTISM–RELATED NEEDS.

(B) THE ADVISORY STAKEHOLDER GROUP ON AUTISM–RELATED NEEDS CONSISTS OF THE FOLLOWING MEMBERS:

(1) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE STATE SUPERINTENDENT'S DESIGNEE;

(2) THE SECRETARY OF DISABILITIES, OR THE SECRETARY'S DESIGNEE;

(3) THE SECRETARY OF HUMAN SERVICES, OR THE SECRETARY'S DESIGNEE;

(4) THE SECRETARY OF HEALTH, OR THE SECRETARY'S DESIGNEE;

(5) THE STATE COORDINATOR FOR AUTISM STRATEGY;

(6) ONE REPRESENTATIVE OF THE MARYLAND SPEECH-LANGUAGE-HEARING ASSOCIATION;

(7) ONE REPRESENTATIVE OF THE MARYLAND DEVELOPMENTAL DISABILITIES COUNCIL; AND

(8) ONE REPRESENTATIVE OF THE MARYLAND OCCUPATIONAL THERAPY ASSOCIATION;

- (9) ONE REPRESENTATIVE OF THE ARC MARYLAND;
- (10) ONE REPRESENTATIVE OF PATHFINDERS FOR AUTISM;
- (11) ONE REPRESENTATIVE OF ITINERIS; AND

(8) (12) THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR:

- (I) A SCHOOL PSYCHOLOGIST;
- (II) A PHYSICAL THERAPIST;
- (III) AN OCCUPATIONAL THERAPIST;
- (IV) (III) A PEDIATRICIAN;
- (V) (IV) TWO PARENTS OF CHILDREN WITH AUTISM;
- (VI) (V) TWO SELF-ADVOCATES WITH AUTISM;
- (VII) (VI) ONE REPRESENTATIVE OF PUBLIC UNIVERSITIES IN THE STATE:

(VIII) (VII) ONE REPRESENTATIVE OF LOCAL PUBLIC SCHOOL SYSTEMS IN THE STATE; AND

#### (VIII) ONE REPRESENTATIVE FROM THE BUSINESS COMMUNITY;

(IX) ANY ADDITIONAL MEMBERS WITH EXPERTISE OR EXPERIENCE IN AUTISM-RELATED NEEDS AS CONSIDERED NECESSARY.

(C) THE STATE COORDINATOR FOR AUTISM STRATEGY SHALL CHAIR THE ADVISORY STAKEHOLDER GROUP ON AUTISM–RELATED NEEDS.

(D) THE DEPARTMENT OF DISABILITIES SHALL PROVIDE STAFF FOR THE ADVISORY STAKEHOLDER GROUP ON AUTISM–RELATED NEEDS.

(E) A MEMBER OF THE ADVISORY STAKEHOLDER GROUP ON AUTISM-RELATED NEEDS:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE ADVISORY STAKEHOLDER GROUP ON AUTISM–RELATED NEEDS; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(F) THE ADVISORY STAKEHOLDER GROUP ON AUTISM–RELATED NEEDS SHALL WORK WITH THE STATE COORDINATOR FOR AUTISM STRATEGY TO:

(1) IDENTIFY AND EVALUATE EXISTING SERVICES FOR INDIVIDUALS WITH AUTISM AND THEIR FAMILIES;

(2) DEVELOP A STRATEGIC PLAN FOR ADDRESSING AUTISM–RELATED NEEDS IN THE STATE;

(3) PROMOTE, MONITOR, AND EVALUATE IMPLEMENTATION OF THE STRATEGIC PLAN; AND

(4) RECOMMEND AND IMPLEMENT CHANGES TO THE STRATEGIC PLAN.

(G) (1) THE ADVISORY STAKEHOLDER GROUP ON AUTISM-RELATED NEEDS SHALL HOLD ITS INITIAL MEETING ON OR BEFORE DECEMBER 31, 2020.

(2) BEGINNING IN 2021, THE ADVISORY STAKEHOLDER GROUP ON AUTISM-RELATED NEEDS SHALL MEET QUARTERLY EACH CALENDAR YEAR.

7–120.

(a) The Commission consists of:

(1) the following members, appointed by the Governor:

- (i) one individual with a physical disability;
- (ii) one individual who has experienced mental illness;

(iii) two individuals with a developmental disability, including one with an intellectual disability;

- (iv) one individual who is blind;
- (v) one individual who is deaf or hard of hearing;
- (vi) one parent or foster parent of a child with a disability;
- (vii) four members of the general public who have disabilities;

(viii) three representatives from statewide disability advocacy organizations;

(ix) one representative from the home health care industry;

(x) one representative from a statewide organization of providers of services and support for individuals with disabilities;

(xi) one representative from the Alliance of Local Commissions on Disability; and

(xii) two representatives from the Board, one of whom shall be selected by the Secretary and one of whom shall be the Secretary of Budget and Management or the designee of the Secretary of Budget and Management;

(2) one representative from the Senate of Maryland, appointed by the President of the Senate; [and]

(3) one representative from the Maryland House of Delegates, appointed by the Speaker of the House; AND

#### (4) THE STATE COORDINATOR FOR AUTISM STRATEGY.

SECTION 2. AND BE IT FURTHER ENACTED, That, until the position of State Coordinator for Autism Strategy established under § 7–111 of the Human Services Article, as enacted by Section 1 of this Act, is filled, the Secretary of Disabilities, or the Secretary's designee, shall chair the Advisory Stakeholder Group on Autism–Related Needs established under § 7–112 of the Human Services Article, as enacted by Section 1 of this Act. SECTION  $\frac{2}{2}$ , 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 342

# (House Bill 848)

AN ACT concerning

# Montgomery County – Agricultural Land Transfer Tax – Alterations

#### MC 7-20

FOR the purpose of altering the circumstances under which the Montgomery County Council may impose a tax on the transfer of agricultural land; providing that the tax does not apply to certain transfers of agricultural land; requiring that the revenue derived from the tax on transfers of agricultural land be used for certain agricultural purposes; requiring that the tax on the transfer of agricultural land be reduced in a certain manner under certain circumstances; making a technical correction; and generally relating to the Montgomery County agricultural land transfer tax.

BY repealing and reenacting, with amendments, The Public Local Laws of Montgomery County Section 52–30 Article 16 – Public Local Laws of Maryland (2004 Edition and June 2019 Supplement, as amended)

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

### Article 16 – Montgomery County

52 - 30.

(a) The county council for Montgomery County is empowered and authorized to levy and impose by resolution or ordinance a tax to be paid and collected on the transfer in Montgomery County of:

(1) Any fee simple interest in real property, except by way of mortgage, deed of trust, or deed of trust for the benefit of creditors;

(2) Stock or other evidence of ownership in a cooperative housing corporation or similar entity; [and]

(3) Any leasehold interest in real property, where such lease contains a covenant for perpetual renewal; and

(4) Any nonresidential leasehold interest in real property where there is a simultaneous or subsequent transfer of the fee interest in the real property to:

- (i) Any transferee or assignee of the leasehold; or
- (ii) Any entity in which a transferee or assignee of the leasehold has

any interest.

(b) The rate of such tax shall not exceed:

(1) Six percent of the value of the consideration for any transfer of land, excluding improvements thereon, [which, while owned by the transferor, has been] THAT IS OR WAS assessed [at any time during the five years preceding transfer] on the basis of being actively devoted to farm or agricultural use. The tax shall be paid by the transferor of [such] THE land. THE TAX DOES NOT APPLY TO A TRANSFER OF LAND IF THE LAND WAS SUBJECT TO THE TAX AT THE TIME OF A PREVIOUS TRANSFER. THE REVENUE DERIVED FROM THE TAX SHALL BE USED FOR AGRICULTURAL LAND PRESERVATION PROGRAMS OR OTHER PROGRAMS THAT SUPPORT AGRICULTURE IN THE COUNTY. THE TAX SHALL BE REDUCED BY 65% IF THE LAND WAS ASSESSED ON THE BASIS OF ANY ASSESSMENT OTHER THAN THE FARM OR AGRICULTURAL USE ASSESSMENT FOR 5 OR MORE FULL CONSECUTIVE TAXABLE YEARS BEFORE THE TRANSFER; or

(2) Six percent of the value of the consideration for any transfer of real property which, after the effective date of any such rate of tax has been rezoned to a more intensive use at the instance of the transferor, transferee, or any other person who has or had at the time of application for rezoning a financial, contractual, or proprietary interest in the property, but excluding the value of improvements constructed after such rezoning; or

(3) Four percent of the value of the consideration for the initial transfer of a residential unit subject to a condominium regime offered for rent for residential purposes prior to the establishment of the condominium regime. The tax shall be paid by the initial transferor of the residential unit. The tax shall be in addition to the tax provided in paragraph (5) of this subsection; or

(4) Four percent of the value of the consideration for the initial transfer of stock or other evidence of membership in a cooperative housing corporation or similar entity where such stock corresponds to a residential unit which is being converted from rental status to a system of cooperative housing corporation ownership under which title to a multi–unit residential facility is held by a corporation, the shareholders or members of which, by virtue of such ownership or membership, are entitled to enter into an occupancy agreement for a particular residential unit. This tax shall not be applicable to transfers

made pursuant to the purchase of a building by or on behalf of a bona fide tenants association. The tax shall be paid by the initial transferor of the residential unit and shall be in addition to the tax provided in paragraph (5) of this subsection; or

One percent of the value of the consideration for any other transfer (5)including any nonresidential leasehold interest and fee interest under subsection (a)(4) of this section based on the:

Average annual rent over the term of the lease, including (i) renewals, capitalized at 10 percent plus any additional consideration payable, other than rent; or

> If the average annual rent can not be determined, the greater of: (ii)

1. 105 percent of the minimum average annual rent, as determined by the lease, capitalized at 10 percent, plus any additional consideration payable, other than rent; or

2. 150 percent of the assessment of the real property subject

to lease.

No transfer of any interest in such property shall be taxed hereunder where (c) the transfer is to any nonprofit hospital or nonprofit religious or charitable organization, association or corporation, nor to any municipal, county or State government, or instrumentalities, agencies or political subdivisions thereof; provided, that no exemption shall be granted hereunder to a transfer under paragraph (b)(1) of this section unless the transferor is a nonprofit hospital or nonprofit religious or charitable organization, association or corporation, or a municipal, county or State government, or instrumentality, agency or political subdivision thereof. The county council may provide for any additional exemptions from the provisions of this section.

(d) No tax levied pursuant to this section shall apply to transfers pursuant to contracts or agreements entered into prior to the effective date of such tax.

The county council is further empowered and authorized to fix a penalty not (e) in excess of one thousand dollars or imprisonment not exceeding six months, or both such fine and imprisonment, for violation of the provisions of any resolution or ordinance of the county council adopted pursuant to this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 343

# (House Bill 852)

AN ACT concerning

# Health Insurance – Prostate Cancer Screening <u>Services</u> – Prohibiting Cost–Sharing

FOR the purpose of prohibiting certain insurers, nonprofit health service plans, and health maintenance organizations from applying a deductible, a copayment, or coinsurance to coverage for <u>certain preventive care screening services for</u> prostate cancer screenings; prohibiting certain insurers, nonprofit health service plans, and health maintenance organizations from reducing or eliminating certain coverage due to certain provisions of law; making a conforming change; providing for the application of this Act; providing for a delayed effective date; and generally relating to health insurance coverage for prostate cancer screenings screenings screenings.

BY repealing and reenacting, with amendments,

Article – Insurance Section 15–825 Annotated Code of Maryland (2017 Replacement Volume and 2019 Supplement)

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

# Article – Insurance

15 - 825.

(a) This section applies to:

(1) insurers and nonprofit health service plans that provide inpatient 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 inpatient 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 the expenses incurred in conducting a medically recognized diagnostic examination which shall include a digital rectal exam and a blood test called the prostate–specific antigen (PSA) test:

(1) for men who are between 40 and 75 years of age;

(2) when used for the purpose of guiding patient management in monitoring the response to prostate cancer treatment;

(3) when used for staging in determining the need for a bone scan in patients with prostate cancer; or

(4) when used for male patients who are at high risk for prostate cancer.

[(c) An entity subject to this section shall provide the benefits required under this section to the same extent as for any other medical condition under the enrollee's or insured's contract or policy with the entity.]

(C) AN SUBJECT TO FEDERAL GUIDANCE ON THE PREVENTIVE CARE SAFE HARBOR FOR THE ABSENCE OF A PREVENTIVE CARE DEDUCTIBLE PROVIDED FOR UNDER 26 U.S.C. § 223(C)(2)(C), AN ENTITY SUBJECT TO THIS SECTION MAY NOT APPLY A DEDUCTIBLE, A COPAYMENT, OR COINSURANCE TO COVERAGE FOR PREVENTIVE CARE SCREENING SERVICES FOR PROSTATE CANCER SCREENINGS, WHICH SHALL INCLUDE A DIGITAL RECTAL EXAM AND A BLOOD TEST CALLED THE PROSTATE-SPECIFIC ANTIGEN (PSA) TEST IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

# (D) AN ENTITY SUBJECT TO THIS SECTION MAY NOT REDUCE OR ELIMINATE COVERAGE UNDER A POLICY OR CONTRACT 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, 2021.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2021.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 344

(Senate Bill 661)

AN ACT concerning

Health Insurance – Prostate Cancer Screening <u>Services</u> – Prohibiting Cost–Sharing FOR the purpose of prohibiting certain insurers, nonprofit health service plans, and health maintenance organizations from applying a deductible, a copayment, or coinsurance to coverage for <u>certain preventive care screening services for</u> prostate cancer screenings; prohibiting certain insurers, nonprofit health service plans, and health maintenance organizations from reducing or eliminating certain coverage due to certain provisions of law; making a conforming change; providing for the application of this Act; providing for a delayed effective date; and generally relating to health insurance coverage for prostate cancer screenings screenings.

BY repealing and reenacting, with amendments, Article – Insurance Section 15–825 Annotated Code of Maryland (2017 Replacement Volume and 2019 Supplement)

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

### Article – Insurance

15 - 825.

(a) This section applies to:

(1) insurers and nonprofit health service plans that provide inpatient 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 inpatient 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 the expenses incurred in conducting a medically recognized diagnostic examination which shall include a digital rectal exam and a blood test called the prostate-specific antigen (PSA) test:

(1) for men who are between 40 and 75 years of age;

(2) when used for the purpose of guiding patient management in monitoring the response to prostate cancer treatment;

(3) when used for staging in determining the need for a bone scan in patients with prostate cancer; or

(4) when used for male patients who are at high risk for prostate cancer.

[(c) An entity subject to this section shall provide the benefits required under this section to the same extent as for any other medical condition under the enrollee's or insured's contract or policy with the entity.]

(C) AN SUBJECT TO FEDERAL GUIDANCE ON THE PREVENTIVE CARE SAFE HARBOR FOR THE ABSENCE OF A PREVENTIVE CARE DEDUCTIBLE PROVIDED FOR UNDER 26 U.S.C. § 223(C)(2)(C), AN ENTITY SUBJECT TO THIS SECTION MAY NOT APPLY A DEDUCTIBLE, A COPAYMENT, OR COINSURANCE TO COVERAGE FOR PREVENTIVE CARE SCREENING SERVICES FOR PROSTATE CANCER SCREENINGS, WHICH SHALL INCLUDE A DIGITAL RECTAL EXAM AND A BLOOD TEST CALLED THE PROSTATE-SPECIFIC ANTIGEN (PSA) TEST IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

# (D) AN ENTITY SUBJECT TO THIS SECTION MAY NOT REDUCE OR ELIMINATE COVERAGE UNDER A POLICY OR CONTRACT 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, 2021.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2021.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 345

(House Bill 857)

AN ACT concerning

# Public Safety - Certification of Police Officers

FOR the purpose of providing that employment by a certain business does not constitute involvement in the illegal distribution, production, cultivation, transportation, or sale of a controlled dangerous substance for purposes of police officer certification or recertification under certain circumstances; and generally relating to certification of police officers by the Maryland Police Training and Standards Commission.

BY adding to

Article – Public Safety Section 3–209.2 Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

# Article – Public Safety

3-209.2.

EMPLOYMENT BY A BUSINESS LICENSED AS A DISPENSARY, GROWER, OR PROCESSOR BY THE NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION UNDER TITLE 13, SUBTITLE 33 OF THE HEALTH – GENERAL ARTICLE DOES NOT CONSTITUTE INVOLVEMENT IN THE ILLEGAL DISTRIBUTION, PRODUCTION, CULTIVATION, TRANSPORTATION, OR SALE OF A CONTROLLED DANGEROUS SUBSTANCE FOR PURPOSES OF POLICE OFFICER CERTIFICATION OR RECERTIFICATION IF#

(1) THE INDIVIDUAL'S EMPLOYMENT WAS NOT TERMINATED FOR ILLEGAL OR IMPROPER CONDUCT<del>; AND</del>

(2) THE BUSINESS WAS NOT SUBJECT TO LEGAL ACTION ARISING FROM ILLEGAL OR IMPROPER TRADE PRACTICES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 346

(Senate Bill 347)

AN ACT concerning

# Public Safety – Certification of Police Officers

FOR the purpose of providing that employment by a certain business does not constitute involvement in the illegal distribution, production, cultivation, transportation, or sale of a controlled dangerous substance for purposes of police officer certification or recertification under certain circumstances; and generally relating to certification of police officers by the Maryland Police Training and Standards Commission.

BY adding to Article – Public Safety Section 3–209.2 Annotated Code of Maryland (2018 Replacement Volume and 2019 Supplement)

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

#### Article – Public Safety

#### 3-209.2.

EMPLOYMENT BY A BUSINESS LICENSED AS A DISPENSARY, GROWER, OR PROCESSOR BY THE NATALIE M. LAPRADE MEDICAL CANNABIS COMMISSION UNDER TITLE 13, SUBTITLE 33 OF THE HEALTH – GENERAL ARTICLE DOES NOT CONSTITUTE INVOLVEMENT IN THE ILLEGAL DISTRIBUTION, PRODUCTION, CULTIVATION, TRANSPORTATION, OR SALE OF A CONTROLLED DANGEROUS SUBSTANCE FOR PURPOSES OF POLICE OFFICER CERTIFICATION OR RECERTIFICATION IF#

(1) THE INDIVIDUAL'S EMPLOYMENT WAS NOT TERMINATED FOR ILLEGAL OR IMPROPER CONDUCT<del>; AND</del>

(2) THE BUSINESS WAS NOT SUBJECT TO LEGAL ACTION ARISING FROM ILLEGAL OR IMPROPER TRADE PRACTICES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 347

(House Bill 858)

AN ACT concerning

#### **Courts - Documentary Evidence - Protective Order**

FOR the purpose of authorizing a defendant in a malpractice claim against a licensed professional to move for a protective order to limit the disclosure of certain documentary evidence under certain circumstances; requiring a court, on a certain motion by the defendant, to review the claimant's request for documentary evidence and authorizing the court to issue a certain protective order for good cause shown; providing for the application of this Act; and generally relating to qualified experts and documentary evidence.

BY repealing and reenacting, without amendments, Article – Courts and Judicial Proceedings

Section 3–2C–01 Annotated Code of Maryland (2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Courts and Judicial Proceedings Section 3–2C–02 Annotated Code of Maryland (2013 Replacement Volume and 2019 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

3-2C-01.

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

(b) "Claim" means a civil action, including an original claim, counterclaim, cross-claim, or third-party claim, originally filed in a circuit court or United States District Court against a licensed professional or the employer, partnership, or other entity through which the licensed professional performed professional services that is based on the licensed professional's alleged negligent act or omission in rendering professional services, within the scope of the professional's license, permit, or certificate, for others.

(c) "Licensed professional" means:

(1) An architect licensed under Title 3 of the Business Occupations and Professions Article;

(2) An interior designer certified under Title 8 of the Business Occupations and Professions Article;

(3) A landscape architect licensed under Title 9 of the Business Occupations and Professions Article;

(4) A professional engineer licensed under Title 14 of the Business Occupations and Professions Article; or

(5) A professional land surveyor or property line surveyor licensed under Title 15 of the Business Occupations and Professions Article.

(d) (1) "Qualified expert" means an individual who is a licensed professional, or comparably licensed or certified professional under the laws of another jurisdiction, knowledgeable in the accepted standard of care in the same discipline as the licensed professional against whom a claim is filed.

(2) "Qualified expert" does not include:

(i) A party to the claim;

(ii) An employee or partner of a party;

(iii) An employee or stockholder of a professional corporation of which a party is a stockholder; or

(iv) A person having a financial interest in the outcome of the claim.

3-2C-02.

(a) (1) Except as provided in subsections (b) and (c) of this section, a claim shall be dismissed, without prejudice, if the claimant fails to file a certificate of a qualified expert with the court.

(2) A certificate of a qualified expert shall:

(i) Contain a statement from a qualified expert attesting that the licensed professional failed to meet an applicable standard of professional care;

(ii) Subject to the provisions of subsections (b) and (c) of this section, be filed within 90 days after the claim is filed; and

(iii) Be served on all other parties to the claim or the parties' attorneys of record in accordance with the Maryland Rules.

(b) (1) **[**Upon**] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON** written request made by the claimant within 30 days of the date the claim is served, the defendant shall produce documentary evidence that would be otherwise discoverable, if the documentary evidence is reasonably necessary in order to obtain a certificate of a qualified expert.

(2) (I) THE DEFENDANT MAY MOVE FOR A PROTECTIVE ORDER TO LIMIT THE DISCLOSURE OF DOCUMENTARY EVIDENCE REQUESTED UNDER THIS SUBSECTION TO PROTECT THE DEFENDANT FROM ANNOYANCE, EMBARRASSMENT, OPPRESSION, OR UNDUE BURDEN OR EXPENSE.

(II) ON MOTION BY THE DEFENDANT UNDER THIS PARAGRAPH,

THE COURT:

1. SHALL REVIEW THE CLAIMANT'S REQUEST FOR DOCUMENTARY EVIDENCE; AND

#### 2. FOR GOOD CAUSE SHOWN, MAY ISSUE A PROTECTIVE ORDER SPECIFYING THE DOCUMENTARY EVIDENCE THAT THE DEFENDANT IS REQUIRED TO PRODUCE.

(3) The time for filing a certificate of a qualified expert shall begin on the date on which the defendant's production of the documentary evidence under paragraph (1) OR (2) of this subsection is completed.

[(3)] (4) The defendant's failure to produce the requested documentary evidence under paragraph (1) OR (2) of this subsection shall constitute a waiver of the requirement that the claimant file a certificate of a qualified expert as to that defendant.

(c) (1) Upon written request by the claimant and a finding of good cause by the court, the court may waive or modify the requirement for the filing of the certificate of a qualified expert.

(2) The time for filing the certificate of merit of a qualified expert shall be suspended until the court rules on the request and, absent an order to the contrary, the certificate shall be filed within 90 days of the court's ruling.

(d) Discovery by the defendant as to the basis of the certificate of a qualified expert shall be available.

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 claim filed before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 348

(Senate Bill 249)

AN ACT concerning

FOR the purpose of authorizing a defendant in a malpractice claim against a licensed professional to move for a protective order to limit the disclosure of certain documentary evidence under certain circumstances; requiring a court, on a certain motion by the defendant, to review the claimant's request for documentary evidence and authorizing the court to issue a certain protective order for good cause shown; providing for the application of this Act; and generally relating to qualified experts and documentary evidence.

BY repealing and reenacting, without amendments, Article – Courts and Judicial Proceedings Section 3–2C–01 Annotated Code of Maryland (2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Courts and Judicial Proceedings Section 3–2C–02 Annotated Code of Maryland (2013 Replacement Volume and 2019 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

3-2C-01.

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

(b) "Claim" means a civil action, including an original claim, counterclaim, cross-claim, or third-party claim, originally filed in a circuit court or United States District Court against a licensed professional or the employer, partnership, or other entity through which the licensed professional performed professional services that is based on the licensed professional's alleged negligent act or omission in rendering professional services, within the scope of the professional's license, permit, or certificate, for others.

(c) "Licensed professional" means:

(1) An architect licensed under Title 3 of the Business Occupations and Professions Article;

(2) An interior designer certified under Title 8 of the Business Occupations and Professions Article;

(3) A landscape architect licensed under Title 9 of the Business Occupations and Professions Article;

(4) A professional engineer licensed under Title 14 of the Business Occupations and Professions Article; or

(5) A professional land surveyor or property line surveyor licensed under Title 15 of the Business Occupations and Professions Article.

(d) (1) "Qualified expert" means an individual who is a licensed professional, or comparably licensed or certified professional under the laws of another jurisdiction, knowledgeable in the accepted standard of care in the same discipline as the licensed professional against whom a claim is filed.

(2) "Qualified expert" does not include:

- (i) A party to the claim;
- (ii) An employee or partner of a party;

 $(\mbox{iii})$   $% (\mbox{iii})$  An employee or stockholder of a professional corporation of which a party is a stockholder; or

(iv) A person having a financial interest in the outcome of the claim.

3-2C-02.

(a) (1) Except as provided in subsections (b) and (c) of this section, a claim shall be dismissed, without prejudice, if the claimant fails to file a certificate of a qualified expert with the court.

(2) A certificate of a qualified expert shall:

(i) Contain a statement from a qualified expert attesting that the licensed professional failed to meet an applicable standard of professional care;

(ii) Subject to the provisions of subsections (b) and (c) of this section, be filed within 90 days after the claim is filed; and

(iii) Be served on all other parties to the claim or the parties' attorneys of record in accordance with the Maryland Rules.

(b) (1) **[Upon] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON** written request made by the claimant within 30 days of the date the claim is served, the defendant shall produce documentary evidence that would be otherwise discoverable, if the documentary evidence is reasonably necessary in order to obtain a certificate of a qualified expert.

(2) (I) THE DEFENDANT MAY MOVE FOR A PROTECTIVE ORDER TO

LIMIT THE DISCLOSURE OF DOCUMENTARY EVIDENCE REQUESTED UNDER THIS SUBSECTION TO PROTECT THE DEFENDANT FROM ANNOYANCE, EMBARRASSMENT, OPPRESSION, OR UNDUE BURDEN OR EXPENSE.

(II) ON MOTION BY THE DEFENDANT UNDER THIS PARAGRAPH, THE COURT:

1. SHALL REVIEW THE CLAIMANT'S REQUEST FOR DOCUMENTARY EVIDENCE; AND

2. FOR GOOD CAUSE SHOWN, MAY ISSUE A PROTECTIVE ORDER SPECIFYING THE DOCUMENTARY EVIDENCE THAT THE DEFENDANT IS REQUIRED TO PRODUCE.

(3) The time for filing a certificate of a qualified expert shall begin on the date on which the defendant's production of the documentary evidence under paragraph (1) OR (2) of this subsection is completed.

[(3)] (4) The defendant's failure to produce the requested documentary evidence under paragraph (1) OR (2) of this subsection shall constitute a waiver of the requirement that the claimant file a certificate of a qualified expert as to that defendant.

(c) (1) Upon written request by the claimant and a finding of good cause by the court, the court may waive or modify the requirement for the filing of the certificate of a qualified expert.

(2) The time for filing the certificate of merit of a qualified expert shall be suspended until the court rules on the request and, absent an order to the contrary, the certificate shall be filed within 90 days of the court's ruling.

(d) Discovery by the defendant as to the basis of the certificate of a qualified expert shall be available.

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 claim filed before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 349

#### (House Bill 860)

#### AN ACT concerning

#### Montgomery County – Alcoholic Beverages – Town of Kensington

#### MC 15-20

- FOR the purpose of authorizing, in the Town of Kensington in Montgomery County, the Board of License Commissioners for Montgomery County to renew, approve the transfer of, and otherwise provide for certain licenses; repealing a limitation on the number of a certain license that the Board may issue in the Town of Kensington; altering the number of Class A–K beer and wine licenses the Board may issue; authorizing the issuance of not more than a certain number of Class 9 limited distillery licenses for use in the town; authorizing the Board to alter the number of Class A–K license holders under certain circumstances; expanding the hours of sale for Class A–K license holders; specifying an annual fee for certain licenses; requiring that certain license holders maintain a percentage of daily sales from food; prohibiting certain license holders from posting certain signage; and generally relating to alcoholic beverages in Montgomery County.
- BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages Section 25–102 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Alcoholic Beverages Section 25–406, 25–1307(a), and 25–1604 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

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

#### Article – Alcoholic Beverages

#### 25 - 102.

This title applies only in Montgomery County.

#### 25 - 406.

A holder of a Class B beer, wine, and liquor (on–sale) license, A CLASS B–K BEER, WINE, AND LIQUOR LICENSE, or a Class D beer, wine, and liquor (on–sale) license may be

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issued a Class 9 limited distillery license to sell the distilled products that the holder manufactures for on- and off-premises consumption.

25 - 1307.

(a) [(1)] There is a beer and wine tasting (BWT) license in the Town of Kensington.

[(2) The Board may issue not more than three beer and wine tasting licenses in the Town of Kensington.]

25 - 1604.

(a) This section applies only to Kensington.

(b) [(1) The] EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE Board may issue, RENEW, APPROVE THE TRANSFER OF, AND OTHERWISE PROVIDE FOR:

[(i)] (1) a 2-day on-sale beer and wine license or a 2-day on-sale beer, wine, and liquor license to a [religious, fraternal, civic, or charitable organization] PERSON holding an event BETWEEN THE HOURS OF 10 A.M. TO 10:30 P.M. FOR WHICH THE TOWN HAS ISSUED A PERMIT on [municipal] property [located at 3710 Mitchell Street] OWNED OR CONTROLLED BY THE TOWN OR ON PRIVATE COMMERCIALLY ZONED PROPERTY; [and]

(2) BEER AND WINE TASTING (BWT) LICENSES, AS PROVIDED IN § 25-1306 of this title;

# (3) IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION, A CLASS A–K BEER AND WINE LICENSE THAT AUTHORIZES THE LICENSE HOLDER TO SELL BEER OR WINE FOR OFF–PREMISES CONSUMPTION;

[(ii) a Class B–K beer and wine license or a Class B–K beer, wine, and liquor license for use on the site of a restaurant in the following commercial areas:

1. the west side of Connecticut Avenue between Knowles Avenue and Perry Avenue;

2. the east side of Connecticut Avenue between Knowles Avenue and Dupont Street and between University Boulevard and Perry Avenue;

3. the west side of University Boulevard West;

4. Dupont Avenue, west of Connecticut Avenue;

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	5.	Plyers Mill Road, west of Metropolitan Avenue;	
Avenue;	6.	Summit Avenue between Knowles Avenue and Howard Detrick Avenue between Knowles Avenue and Howard	
Avenue;	7.		
8. the southwest side of Metropolitan Avenue between North Kensington Parkway and Plyers Mill Road;			
	9.	East Howard Avenue;	
Avenue;	10.	Armory Avenue between Howard Avenue	e and Knowles
Kensington Parkway;	11.	Montgomery Avenue between Howard	Avenue and
Montgomery Avenue to S	12. Silver (	Kensington Parkway and Frederick . Creek; or	Avenue, from
Street and Knowles Aver	13. nue.]	the east side of Connecticut Avenue be	tween Warner

(4) A CLASS B-K BEER AND WINE LICENSE THAT AUTHORIZES THE LICENSE HOLDER TO SELL BEER OR WINE AT A HOTEL OR RESTAURANT, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION;

[(2)] (5) [A] A Class B-K beer, wine, and liquor license [or a Class B-K beer and wine license] THAT authorizes the LICENSE holder to [keep for sale and] sell [alcoholic beverages for on-premises] BEER, WINE, AND LIQUOR AT A HOTEL OR RESTAURANT, AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES consumption[.];

[(3) A license holder shall maintain average daily receipts from the sale of food, not including carryout food, of at least 40% of the overall average daily receipts.]

(6) IN ACCORDANCE WITH § 25–903 OF THIS TITLE, A CLASS BD–BWL BEER, WINE, AND LIQUOR LICENSE;

(7) A CLASS C BEER AND WINE LICENSE THAT AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT THE PLACE DESCRIBED IN THE

LICENSE, TO MEMBERS OF A PRIVATE SOCIAL CLUB AND GUESTS OF MEMBERS, FOR **ON-PREMISES CONSUMPTION;** 

A CLASS D-K BEER LICENSE THAT AUTHORIZES THE LICENSE (8) HOLDER TO SELL BEER, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND **OFF-PREMISES CONSUMPTION;** 

A CLASS D-K BEER AND WINE LICENSE THAT AUTHORIZES THE (9) LICENSE HOLDER TO SELL BEER AND WINE, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION;

(10) A CLASS H BEER AND WINE LICENSE THAT AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT A HOTEL OR RESTAURANT, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION;

(11) A CLASS 9 LIMITED DISTILLERY LICENSE TO SELL THE DISTILLED PRODUCTS THAT THE HOLDER MANUFACTURES FOR ON AND OFF-PREMISES **CONSUMPTION;** 

(12) A CLASS 3 WINERY LICENSE TO SELL WINE THAT THE HOLDER **MANUFACTURES FOR ON-AND OFF-PREMISES CONSUMPTION:** 

(13) A CLASS 6 LIMITED WINE WHOLESALER'S LICENSE;

(14) A CLASS 7 LIMITED BEER WHOLESALER'S LICENSE;

(15) (11) IN ACCORDANCE WITH § 4–1102 OF THIS ARTICLE, THE CONSUMPTION OF WINE NOT PURCHASED FROM THE LICENSE HOLDER ON A LICENSED PREMISES:

(16) (12) IN ACCORDANCE WITH § 4–1103 OF THIS ARTICLE, THE REMOVAL OF A PARTIALLY CONSUMED BOTTLE OF WINE FROM A LICENSED PREMISES;

(17) (13) IN ACCORDANCE WITH § 25–1002 OF THIS TITLE, A BEAUTY SALON LICENSE;

(18) (14) IN ACCORDANCE WITH § 25–1005 OF THIS TITLE, A CONTINUING CARE RETIREMENT COMMUNITY LICENSE;

(19) (15) IN ACCORDANCE WITH § 25-1007 OF THIS TITLE, A COUNTRY **CLUB LICENSE;** 

(20) (16) IN ACCORDANCE WITH § 25–1009 OF THIS TITLE, A FRATERNAL/SORORAL/SERVICE ORGANIZATION LICENSE;

(21) (17) IN ACCORDANCE WITH § 25–1014 OF THIS TITLE, A VETERANS' ORGANIZATION OR CLUB LICENSE;

(22) (18) IN ACCORDANCE WITH § 25–1103 OF THIS TITLE, A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER FOR CLASS D-K LICENSE; AND

(23) (19) IN ACCORDANCE WITH § 25–1104 OF THIS TITLE, A REFILLABLE CONTAINER PERMIT FOR WINE FOR CLASS D-K LICENSE.

(c) (1) [The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE Board may issue[:],

[(i)] in aggregate, not more than [four] **EIGHT** Class A–K (off–sale) beer and wine licenses [, Class D–K beer licenses and Class D–K beer and wine licenses for use in the commercial areas specified in subsection (b)(1)(ii) of this section; and

(ii) subject to § 25–1306 of this title, not more than three beer and wine tasting (BWT) licenses for holding tastings or samplings of beer and wine.

(2) A Class A–K beer and wine license authorizes the holder to keep for sale and sell beer or wine for off–premises consumption 7 days a week, from 10 a.m. to 8 p.m. daily.

(3) A holder of a Class A–K beer and wine license, a Class D–K beer license, and a Class D–K beer and wine license may not, on a side, door, or window of the building of the licensed premises, place a sign or other display that advertises alcoholic beverages in a publicly visible location].

(2) THE BOARD, BY MAJORITY VOTE, MAY ISSUE ONE ADDITIONAL CLASS A–K BEER AND WINE LICENSE IF THERE IS:

(I) A PUBLIC HEARING BEFORE THE TOWN COUNCIL; AND

(II) A SUBSEQUENT REQUEST MADE BY THE TOWN COUNCIL.

(3) A CLASS A-K BEER AND WINE LICENSE HOLDER MAY SELL BEER AND WINE FOR OFF-PREMISES CONSUMPTION MONDAY THROUGH SUNDAY, FROM 10 A.M. TO 10 P.M.

(D) (1) A CLASS 9 LIMITED DISTILLERY LICENSE MAY BE ISSUED TO A CLASS B-K BEER, WINE, AND LIQUOR LICENSE HOLDER.

(2) NOT MORE THAN FOUR CLASS 9 LIMITED DISTILLERY LICENSES, IN AGGREGATE, MAY BE ISSUED.

[(4)] (E) The annual license fee FOR EACH CLASS OF LICENSE IS EQUAL TO THE FEE REQUIRED BY THE COUNTY FOR A COMPARABLE LICENSE.

(F) THE HOLDER OF A CLASS B–K BEER AND WINE LICENSE, A CLASS B–K BEER, WINE, AND LIQUOR LICENSE, OR A CLASS H BEER AND WINE LICENSE SHALL MAINTAIN AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD, NOT INCLUDING CARRYOUT FOOD, OF AT LEAST 40% OF THE OVERALL AVERAGE DAILY RECEIPTS.

(G) THE BOARD MAY ISSUE, IN AGGREGATE, NOT MORE THAN EIGHT LICENSES FROM AMONG THE FOLLOWING TYPES:

- (1) A CLASS B-K BEER AND WINE LICENSE;
- (2) A CLASS B-K BEER, WINE, AND LIQUOR LICENSE;
- (3) A CLASS BD–BWL LICENSE;
- (4) A CLASS C BEER AND WINE LICENSE;
- (5) A CLASS D-K BEER LICENSE;
- (6) A CLASS **D**-**K** BEER AND WINE LICENSE; AND
- (7) A CLASS H BEER AND WINE LICENSE.

(H) A LICENSE HOLDER WHOSE LICENSED PREMISES IS LOCATED IN THE TOWN OF KENSINGTON MAY NOT, ON A FRONT, REAR, SIDE, DOOR, OR WINDOW OF THE BUILDING OF THE LICENSED PREMISES, PLACE A SIGN OR OTHER DISPLAY THAT ADVERTISES ALCOHOLIC BEVERAGES IN A PUBLICLY VISIBLE LOCATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 350

(House Bill 864)

AN ACT concerning

#### Harford County – Alcoholic Beverages – Hotel Lobby License

FOR the purpose of authorizing the Board of License Commissioners for Harford County to issue a hotel lobby license; authorizing a license holder to sell beer, wine, and liquor for on-premises consumption in accordance with certain requirements; establishing the hours of sale for the license; prohibiting a license holder from selling beer, wine, and liquor in a certain manner; establishing an annual license fee; and generally relating to alcoholic beverages in Harford County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages Section 22–102, 22–1903, and 22–1904 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

BY adding to

Article – Alcoholic Beverages Section 22–1004.1 Annotated Code of Maryland (2016 Volume and 2019 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.

#### 22-1004.1.

(A) THERE IS A HOTEL LOBBY LICENSE.

(B) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A HOTEL THAT DOES NOT HAVE A RESTAURANT.

(C) (1) A LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FROM A STORE IN THE HOTEL LOBBY TO PATRONS OF THE HOTEL FOR ON-PREMISES CONSUMPTION.

(2) BEER MAY BE SOLD ONLY IN A CAN OR BOTTLE THAT DOES NOT EXCEED 12 OUNCES.

(3) WINE MAY BE SOLD ONLY IN A BOTTLE THAT DOES NOT EXCEED

750 MILLILITERS.

# (4) LIQUOR MAY BE SOLD ONLY IN A BOTTLE THAT DOES NOT EXCEED 50 MILLILITERS.

#### (D) A LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR:

- (1) ON MONDAY THROUGH SATURDAY, FROM NOON TO 10 P.M.; AND
- (2) ON SUNDAY, FROM 11 A.M. TO 10 P.M.

(E) A LICENSE HOLDER MAY NOT SELL BEER, WINE, AND LIQUOR:

(1) THROUGH A VENDING MACHINE; OR

# (2) BY STOCKING BEER, WINE, AND LIQUOR IN A GUEST ROOM FOR PURCHASE.

(F) THE ANNUAL LICENSE FEE IS \$1,250.

22-1903.

(a) The license holder or an individual designated by the license holder who is employed in a supervisory capacity shall be:

(1) certified by an approved alcohol awareness program; and

(2) present on the licensed premises during the hours in which alcoholic beverages may be sold.

(b) A license holder who violates this section is subject to:

(1) for the first offense, a \$100 fine; and

(2) for each subsequent offense, a fine not exceeding \$500 or a suspension or revocation of the license or both.

22 - 1904.

(a) A holder of a license with an on–sale privilege shall:

(1) keep complete and accurate books of account of daily receipts and expenditures in the form that the Board requires; and

(2) procure vouchers or purchase slips for all alcoholic beverages, food, and

other items bought for sale.

(b) An on-sale license holder shall keep the records required under subsection (a) of this section open to inspection by the Board or a designee of the Board.

(c) (1) If a report required by this section or an investigation by the Board, a Board officer, or any other person indicates that a holder of a license with an on-sale privilege is violating this title, the Board shall summon the license holder and conduct a hearing.

(2) If the charges at the hearing are sustained, the Board shall revoke the license holder's license immediately.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 351

(Senate Bill 375)

AN ACT concerning

# Harford County – Alcoholic Beverages – Hotel Lobby License

FOR the purpose of authorizing the Board of License Commissioners for Harford County to issue a hotel lobby license; authorizing a license holder to sell beer, wine, and liquor for on-premises consumption in accordance with certain requirements; establishing the hours of sale for the license; prohibiting a license holder from selling beer, wine, and liquor in a certain manner; establishing an annual license fee; and generally relating to alcoholic beverages in Harford County.

BY repealing and reenacting, without amendments, Article – Alcoholic Beverages Section 22–102, 22–1903, and 22–1904 Annotated Code of Maryland (2016 Volume and 2019 Supplement)

BY adding to Article – Alcoholic Beverages Section 22–1004.1 Annotated Code of Maryland (2016 Volume and 2019 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.

#### 22-1004.1.

(A) THERE IS A HOTEL LOBBY LICENSE.

(B) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A HOTEL THAT DOES NOT HAVE A RESTAURANT.

(C) (1) A LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FROM A STORE IN THE HOTEL LOBBY TO PATRONS OF THE HOTEL FOR ON–PREMISES CONSUMPTION.

(2) BEER MAY BE SOLD ONLY IN A CAN OR BOTTLE THAT DOES NOT EXCEED 12 OUNCES.

(3) WINE MAY BE SOLD ONLY IN A BOTTLE THAT DOES NOT EXCEED 750 MILLILITERS.

(4) LIQUOR MAY BE SOLD ONLY IN A BOTTLE THAT DOES NOT EXCEED 50 MILLILITERS.

(D) A LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR:

- (1) ON MONDAY THROUGH SATURDAY, FROM NOON TO 10 P.M.; AND
- (2) ON SUNDAY, FROM 11 A.M. TO 10 P.M.

(E) A LICENSE HOLDER MAY NOT SELL BEER, WINE, AND LIQUOR:

(1) THROUGH A VENDING MACHINE; OR

(2) BY STOCKING BEER, WINE, AND LIQUOR IN A GUEST ROOM FOR PURCHASE.

(F) THE ANNUAL LICENSE FEE IS \$1,250.

22-1903.

(a) The license holder or an individual designated by the license holder who is employed in a supervisory capacity shall be:

(1) certified by an approved alcohol awareness program; and

(2) present on the licensed premises during the hours in which alcoholic beverages may be sold.

(b) A license holder who violates this section is subject to:

(1) for the first offense, a \$100 fine; and

(2) for each subsequent offense, a fine not exceeding \$500 or a suspension or revocation of the license or both.

22-1904.

(a) A holder of a license with an on–sale privilege shall:

(1) keep complete and accurate books of account of daily receipts and expenditures in the form that the Board requires; and

(2) procure vouchers or purchase slips for all alcoholic beverages, food, and other items bought for sale.

(b) An on-sale license holder shall keep the records required under subsection (a) of this section open to inspection by the Board or a designee of the Board.

(c) (1) If a report required by this section or an investigation by the Board, a Board officer, or any other person indicates that a holder of a license with an on-sale privilege is violating this title, the Board shall summon the license holder and conduct a hearing.

(2) If the charges at the hearing are sustained, the Board shall revoke the license holder's license immediately.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 352

#### (House Bill 870)

#### AN ACT concerning

#### Natalie M. LaPrade Medical Cannabis Commission – <del>Repeal of</del> Compassionate Use Fund<del>, Standard Price List, and Sales at Reduced Cost</del> – <u>Revisions</u> <u>(The Fakiza Rahman Act)</u>

- FOR the purpose of repealing requiring the Natalie M. LaPrade Medical Cannabis Commission, rather than the Maryland Department of Health, to administer the Compassionate Use Fund; prohibiting the Commission from imposing certain fees during a certain period following the issuance of a license, rather than the preapproval of a license; repealing a provision of law requiring the Natalie M. LaPrade Medical Cannabis Commission to provide a certain report to the General Assembly on or before a certain date: repealing the authority of the Commission to hire a certain actuary for a certain purpose; repealing a provision of law requiring the Maryland Department of Health, in consultation with the Commission, rather than the Department, to establish a certain program to allow certain individuals to obtain medical cannabis at a reduced cost, rather than at no cost or a reduced cost, and reimburse a licensed dispensary for certain costs; requiring growers, processors, and dispensaries to maintain and make available a certain standard price list; prohibiting a grower, processor, and dispensary from selling medical cannabis or medical cannabis products at a price that exceeds the price indicated on the licensee's standard price list; requiring a licensed dispensary to offer for sale medical cannabis and medical cannabis products to a certain gualifying patient at a certain reduced cost; requiring a qualifying patient to present certain identification in order to purchase medical cannabis or medical cannabis products at a reduced cost; requiring dispensaries to submit a certain report to the Commission on or before a certain date each year; requiring the Commission to adopt regulations to implement this Act; making conforming changes stating the intent of the General Assembly; requiring the Commission to consider certain factors in developing certain regulations; making technical changes; and generally relating to the Natalie M. LaPrade Medical Cannabis Commission.
- BY repealing and reenacting, with amendments,

Article – Health – General Section 13–3303.1 Annotated Code of Maryland (2019 Replacement Volume)

#### BY adding to

Article – Health – General Section 13–3303.1 Annotated Code of Maryland (2019 Replacement Volume) Article – State Finance and Procurement Section 6–226(a)(2)(ii)109. Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

BY renumbering

Article – State Finance and Procurement Section 6–226(a)(2)(ii)110. through 122., respectively to be Section 6–226(a)(2)(ii)109. through 121., respectively Annotated Code of Maryland (2015 Replacement Volume and 2019 Supplement)

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

#### Article – Health – General

**{**13-3303.1.

(a) In this section, "Compassionate Use Fund" means the Natalie M. LaPrade Medical Cannabis Compassionate Use Fund.

(b) There is a Natalie M. LaPrade Medical Cannabis Compassionate Use Fund.

- (c) (1) The <del>Department</del> <u>COMMISSION</u> shall:
  - (i) Administer the Compassionate Use Fund; and

(ii) Subject to paragraph (2) of this subsection, set fees in an amount necessary to provide revenues for the purposes of the Compassionate Use Fund.

(2) The Commission may not impose the fees established under paragraph (1)(ii) of this subsection on a licensed medical cannabis grower, processor, or dispensary during the 2 years immediately following the preapproval ISSUANCE of the licensee for a license under this subtitle.

(d) The purpose of the Compassionate Use Fund is to provide access to medical cannabis for individuals enrolled in the Maryland Medical Assistance Program or in the Veterans Administration AFFAIRS Maryland Health Care System.

(e) (1) The Compassionate Use 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 Compassionate Use Fund separately, and the Comptroller shall account for the Compassionate Use Fund.

(3) The Compassionate Use Fund shall be invested and reinvested in the same manner as other State funds, and any investment earnings shall be retained to the credit of the Compassionate Use Fund.

(4) The Compassionate Use Fund shall be subject to an audit by the Office of Legislative Audits as provided for in § 2-1220 of the State Government Article.

(5) The Comptroller shall pay out money from the Compassionate Use Fund as directed by the <del>Department</del> <u>COMMISSION</u>.

(f) (1) On or before December 1, 2018, the Commission, in consultation with the Department, shall report to the General Assembly, in accordance with § 2–1257 of the State Government Article, on:

(i) The revenues the Commission anticipates are necessary to implement the program described in subsection (i) of this section;

(ii) The amount of fees and the licensees on which those fees shall be assessed in order to generate the necessary revenues;

(iii) The use of any other funding mechanism to implement the program; and

(iv) Any anticipated savings in prescription drug costs for the Maryland Medical Assistance Program that would result from the provision of medical cannabis under this subtitle.

(2) The Commission may hire an independent actuary to assist the Commission in the preparation of the report required under paragraph (1) of this subsection.

(g) (F) No part of the Compassionate Use Fund may revert or be credited to:

- (1) The General Fund of the State; or
- (2) Any other special fund of the State.

(h) (G) Expenditures from the Compassionate Use Fund may be made only in accordance with the State budget.

(i) (H) (1) The Department, in consultation with the Commission, shall establish a program to allow eligible individuals enrolled in the Maryland Medical Assistance Program or in the Veterans Administration AFFAIRS Maryland Health Care System to:

(i) Obtain medical cannabis from a licensed dispensary at <del>no cost or</del> a reduced cost; and

(ii) Reimburse a licensed dispensary for the cost of the medical cannabis dispensed to an eligible individual under the program from the Compassionate Use Fund.

(2) The Department <u>COMMISSION</u> shall adopt regulations to implement this subsection.]

#### <del>13-3303.1.</del>

#### (A) EACH GROWER, PROCESSOR, AND DISPENSARY SHALL MAINTAIN AND MAKE AVAILABLE A STANDARD PRICE LIST THAT INCLUDES ANY MEDICAL CANNABIS AND MEDICAL CANNABIS PRODUCT OFFERED FOR SALE BY THE LICENSEE.

(B) A GROWER, PROCESSOR, OR DISPENSARY MAY NOT SELL MEDICAL CANNABIS OR A MEDICAL CANNABIS PRODUCT AT A PRICE THAT EXCEEDS THE PRICE INDICATED ON THE LICENSEE'S STANDARD PRICE LIST.

(C) A DISPENSARY SHALL OFFER FOR SALE MEDICAL CANNABIS AND MEDICAL CANNABIS PRODUCTS TO A QUALIFYING PATIENT ENROLLED IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM OR IN THE VETERANS ADMINISTRATION MARYLAND HEALTH CARE SYSTEM AT A REDUCED COST OF NOT LESS THAN 20% OF THE PRICE INDICATED ON THE DISPENSARY'S STANDARD PRICE LIST.

(D) A QUALIFYING PATIENT MUST PRESENT THE FOLLOWING TO A DISPENSARY AT THE TIME OF PURCHASE IN ORDER TO PURCHASE MEDICAL CANNABIS OR A MEDICAL CANNABIS PRODUCT AT A REDUCED COST;

- (1) A VALID:
  - (I) MARYLAND MEDICAL ASSISTANCE CARD; OR
  - (II) VETERAN HEALTH IDENTIFICATION CARD (VHIC); AND

(2) A COMMISSION-ISSUED QUALIFYING PATIENT IDENTIFICATION CARD.

(E) ON OR BEFORE JULY 30 EACH YEAR, EACH DISPENSARY SHALL SUBMIT A REPORT TO THE COMMISSION, IN A FORM PRESCRIBED BY THE COMMISSION, THAT INCLUDES: (1) THE AMOUNT OF REDUCED-COST SALES MADE BY THE DISPENSARY; AND

(2) A LIST OF ELIGIBLE QUALIFYING PATIENTS WHO RECEIVED REDUCED-COST MEDICAL CANNABIS OR MEDICAL CANNABIS PRODUCTS.

(F) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

#### Article - State Finance and Procurement

<del>6–226.</del>

(a) (2) (ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

[109. the Natalie M. LaPrade Medical Cannabis Compassionate

Use Fund;]

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 6-226(a)(2)(ii)110. through 122., respectively, of Article – State Finance and Procurement of the Annotated Code of Maryland be renumbered to be Section(s) 6-226(a)(2)(ii)109. through 121., respectively:

(a) It is the intent of the General Assembly that the Natalie M. LaPrade Medical Cannabis Commission, to support the Compassionate Use Fund and the program established under § 13–3301.1(h) of the Health – General Article, as enacted by Section 1 of this Act:

(1) <u>establish a fee structure that, in addition to meeting the requirements</u> of § 13–3303.1 of the Health – General Article, as enacted by Section 1 of this Act, assesses fees on licensed medical cannabis growers, processors, and dispensaries;

(2) in establishing a fee structure, consider the financial and administrative burden placed on medical cannabis licensees in the initial stages of establishing the program under § 13–3301.1(h) of the Health – General Article, as enacted by Section 1 of this Act;

(3) establish procedures for assessing and collecting fees under § 13–3301.1 of the Health – General Article, as enacted by Section 1 of this Act; and

(4) provide reimbursement to licensed medical cannabis dispensaries under the program established under § 13–3301.1(h) of the Health – General Article, as enacted by Section 1 of this Act, in a manner that minimizes the financial and administrative burden on the Commission and the licensed medical cannabis growers, processors, and dispensaries. (b) In developing the regulations to implement the Compassionate Use Fund and program established under § 13–3301.1(h) of the Health – General Article, as enacted by Section 1 of this Act, the Commission shall consider:

(1) measures that may be implemented to identify and deter diversion of medical cannabis and medical cannabis products;

(2) <u>methods for assisting licensed medical cannabis dispensaries in</u> <u>determining the eligibility of patients; and</u>

(3) whether § 280(e) of the Internal Revenue Code impacts any fee structure used to support or the administration of the program established under § 13–3301.1(h) of the Health – General Article, as enacted by Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 353

#### (House Bill 872)

AN ACT concerning

#### State Advisory Board for Juvenile Services - Membership

FOR the purpose of expanding the membership of the State Advisory Board for Juvenile Services; and generally relating to the State Advisory Board for Juvenile Services.

BY repealing and reenacting, without amendments, Article – Human Services Section 9–101 Annotated Code of Maryland (2019 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Human Services Section 9–212 Annotated Code of Maryland (2019 Replacement Volume and 2019 Supplement)

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

#### Article – Human Services

9–101.

- (a) In this title the following words have the meanings indicated.
- (b) "Department" means the Department of Juvenile Services.
- (c) "Secretary" means the Secretary of Juvenile Services.
- (d) "State Advisory Board" means the State Advisory Board for Juvenile Services.

9-212.

(a) The State Advisory Board consists of the following [21] members appointed by the Governor:

- (1) one representative of the Department;
- (2) one representative of the State Department of Education;
- (3) one representative of the Maryland Department of Health;
- (4) one representative of the Department of State Police;

(5) one representative of the Social Services Administration of the Department of Human Services;

- (6) one representative of a private child welfare agency;
- (7) one representative of a youth services bureau;
- (8) three representatives of the State judiciary;

(9) one representative of the General Assembly recommended by the President of the Senate;

 $(10)\,$  one representative of the General Assembly recommended by the Speaker of the House;

- (11) one representative of the Maryland State's Attorneys' Association;
- (12) one representative of the Maryland Office of the Public Defender; and
- (13) [seven] NINE members of the general public.

(b) Of the [seven] NINE members from the general public:

(1) three shall be chosen on the basis of their interest in and experience with minors and juvenile problems;

(2) two shall:

(i) at the time of appointment to a first term, be at least 16 years old and under the age of 25 years; and

(ii) include at least one individual who has been under the jurisdiction of the Department;

(3) one shall be an individual who is a parent or guardian of a youth who has been under the jurisdiction of the Department; [and]

(4) one shall be a victim advocate; AND

(5) TWO SHALL BE EMPLOYEES OF THE DEPARTMENT WITH DIFFERENT JOB TITLES, RECOMMENDED BY THE PRESIDENT OF THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, COUNCIL 3.

(c) (1) The term of a member is 3 years.

(2) The terms of the members are staggered as required by the terms provided for members of the State Advisory Board on October 1, 2007.

(3) At the end of a term, a 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) A member who serves two consecutive full 3-year terms may not be reappointed for 3 years after completion of those terms.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 354

(Senate Bill 467)

AN ACT concerning

# State Advisory Board for Juvenile Services – Membership

FOR the purpose of expanding the membership of the State Advisory Board for Juvenile Services; and generally relating to the State Advisory Board for Juvenile Services.

BY repealing and reenacting, without amendments, Article – Human Services Section 9–101 Annotated Code of Maryland (2019 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Human Services Section 9–212 Annotated Code of Maryland (2019 Replacement Volume and 2019 Supplement)

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

## Article – Human Services

#### 9–101.

- (a) In this title the following words have the meanings indicated.
- (b) "Department" means the Department of Juvenile Services.
- (c) "Secretary" means the Secretary of Juvenile Services.
- (d) "State Advisory Board" means the State Advisory Board for Juvenile Services.

#### 9-212.

(a) The State Advisory Board consists of the following [21] members appointed by the Governor:

- (1) one representative of the Department;
- (2) one representative of the State Department of Education;
- (3) one representative of the Maryland Department of Health;
- (4) one representative of the Department of State Police;

(5) one representative of the Social Services Administration of the Department of Human Services;

(6) one representative of a private child welfare agency;

(7) one representative of a youth services bureau;

(8) three representatives of the State judiciary;

(9) one representative of the General Assembly recommended by the President of the Senate;

(10) one representative of the General Assembly recommended by the Speaker of the House;

(11) one representative of the Maryland State's Attorneys' Association;

(12) one representative of the Maryland Office of the Public Defender; and

(13) [seven] NINE members of the general public.

(b) Of the [seven] NINE members from the general public:

(1) three shall be chosen on the basis of their interest in and experience with minors and juvenile problems;

(2) two shall:

(i) at the time of appointment to a first term, be at least 16 years old and under the age of 25 years; and

(ii) include at least one individual who has been under the jurisdiction of the Department;

(3) one shall be an individual who is a parent or guardian of a youth who has been under the jurisdiction of the Department; [and]

(4) one shall be a victim advocate; AND

(5) TWO SHALL BE EMPLOYEES OF THE DEPARTMENT WITH DIFFERENT JOB TITLES, RECOMMENDED BY THE PRESIDENT OF THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, COUNCIL 3.

(c) (1) The term of a member is 3 years.

(2) The terms of the members are staggered as required by the terms provided for members of the State Advisory Board on October 1, 2007.

(3) At the end of a term, a 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) A member who serves two consecutive full 3-year terms may not be reappointed for 3 years after completion of those terms.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 355

# (House Bill 880)

AN ACT concerning

## Maryland Healthy Working Families Act – Family Member – Definition

FOR the purpose of altering the definition of "family member" for purposes of the Maryland Healthy Working Families Act to include a legal ward of an employee, a legal ward of an employee's spouse, or a legal guardian of an employee's spouse; and generally relating to the Healthy Working Families Act.

BY repealing and reenacting, without amendments, Article – Labor and Employment Section 3–1301(a) Annotated Code of Maryland (2016 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments, Article – Labor and Employment Section 3–1301(g) Annotated Code of Maryland (2016 Replacement Volume and 2019 Supplement)

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

#### Article - Labor and Employment

3–1301.

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

(g) "Family member" means:

(1) a biological child, an adopted child, a foster child, or a stepchild of the employee;

(2) a child for whom the employee has legal or physical custody or guardianship;

(3) a child for whom the employee stands in loco parentis, regardless of the child's age;

(4) a biological parent, an adoptive parent, a foster parent, or a stepparent of the employee or of the employee's spouse;

(5) the legal guardian OR WARD of the employee OR OF THE EMPLOYEE'S SPOUSE;

(6) an individual who acted as a parent or stood in loco parentis to the employee or the employee's spouse when the employee or the employee's spouse was a minor;

(7) the spouse of the employee;

(8) a biological grandparent, an adopted grandparent, a foster grandparent, or a stepgrandparent of the employee;

(9) a biological grandchild, an adopted grandchild, a foster grandchild, or a stepgrandchild of the employee; or

(10) a biological sibling, an adopted sibling, a foster sibling, or a stepsibling of the employee.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 356

## (House Bill 893)

#### AN ACT concerning

#### Washington County – Adult Public Guardianship Review Board – Membership

FOR the purpose of altering the membership of the Adult Public Guardianship Review Board of Washington County to require one member to be a psychiatrist or psychologist; and generally relating to the Adult Public Guardianship Review Board of Washington County.

BY repealing and reenacting, without amendments, Article – Family Law Section 14–101(a) and (n) Annotated Code of Maryland (2019 Replacement Volume)

BY repealing and reenacting, with amendments, Article – Family Law Section 14–402(a) Annotated Code of Maryland (2019 Replacement Volume)

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

#### Article – Family Law

14 - 101.

- (a) In this title the following words have the meanings indicated.
- (n) "Review board" means the adult public guardianship review board.

14-402.

- (a) (1) Each review board consists of 11 members appointed:
  - (i) by the county commissioners;

(ii) in Baltimore City, by the Mayor with the advice and consent of the City Council;

(iii) in any county that has a county executive, by the county executive with the advice and consent of the county council; or

(iv) if 2 or more counties have agreed to establish a multicounty

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review board, jointly by the appropriate officials of the counties served by the board.

(2) Of the 11 members:

(i) 1 shall be a professional representative of a local department;

(ii) 1. in counties other than St. Mary's County **OR** WASHINGTON COUNTY:

A. 1 shall be a physician's assistant, nurse practitioner, or physician who is not a psychiatrist; and

- B. 1 shall be a psychiatrist; and
- 2. in St. Mary's County AND WASHINGTON COUNTY:

A. 1 shall be a physician's assistant, nurse practitioner, or physician who is not a psychiatrist; and

B. 1 shall be a psychiatrist or psychologist;

(iii) 1 shall be a representative of a local commission on aging;

(iv) 1 shall be a professional representative of a local nonprofit social service organization;

- (v) 1 shall be a lawyer;
- (vi) 2 shall be lay individuals;
- (vii) 1 shall be a registered nurse;
- (viii) 1 shall be a professional in the field of disabilities; and
- (ix) 1 shall be a person with a physical disability.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

Chapter 357

(House Bill 897)

#### Chapter 357

AN ACT concerning

#### Black Bear Damage Reimbursement Fund – Pets

- FOR the purpose of adding pets to the list of items for which a certain person may be reimbursed from a certain fund; and generally relating to the Black Bear Damage Reimbursement Fund.
- BY repealing and reenacting, without amendments, Article – Family Law Section 4–501(n) Annotated Code of Maryland (2019 Replacement Volume)

BY repealing and reenacting, with amendments, Article – Natural Resources Section 10–423.1 Annotated Code of Maryland (2012 Replacement Volume and 2019 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.

- (n) (1) "Pet" means a domesticated animal.
  - (2) "Pet" does not include livestock.

#### Article - Natural Resources

10-423.1.

(a) The General Assembly finds that it is in the public interest to provide funding to reimburse a person who has sustained damage to agricultural products **OR PETS** as a result of black bear.

(b) (1) There is a Black Bear Damage Reimbursement Fund in the Department.

(2) The Fund consists of:

(i) Proceeds from the sale of a conservation bear stamp or decal which may be purchased at a cost of \$5 for each stamp or decal; and

(ii) Gifts, grants, and contributions to the State that are designated for inclusion in the Fund.

(3) The Fund is a continuing, nonlapsing special fund, and is not subject to 7-302 of the State Finance and Procurement Article.

(4) The State Treasurer shall hold and the State Comptroller shall account for the Fund.

(c) The Department may reimburse a person from the Black Bear Damage Reimbursement Fund in accordance with subsections (d) and (e) of this section for any damage to the person's:

- (1) Beehives, fruit, or other crops; [or]
- (2) Livestock and poultry as defined in § 1–101 of the Agriculture Article;

OR

# (3) PETS AS DEFINED IN § 4–501 OF THE FAMILY LAW ARTICLE.

(d) (1) A person is eligible to be reimbursed from the Fund if:

(i) The person has followed all black bear damage preventive measures recommended by the Department;

(ii) The damage amount is determined by an extension agent of the University of Maryland Cooperative Extension Service; and

(iii) The Department has verified that the damage was caused by black bear.

(2) Subject to available funding, a person may be reimbursed from the Fund in an amount not less than \$200 or more than \$3,000 per year.

(e) If the money in the Fund is not sufficient to satisfy all the claims in accordance with the conditions described in subsection (d) of this section, an equal percent of each claim shall be paid.

(f) The Department shall adopt regulations to carry out the provisions of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

# Chapter 358

#### (Senate Bill 353)

AN ACT concerning

#### Black Bear Damage Reimbursement Fund – Pets

FOR the purpose of adding pets to the list of items for which a certain person may be reimbursed from a certain fund; and generally relating to the Black Bear Damage Reimbursement Fund.

BY repealing and reenacting, without amendments,

Article – Family Law Section 4–501(n) Annotated Code of Maryland (2019 Replacement Volume)

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

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4 - 501.

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(2) "Pet" does not include livestock.

#### Article – Natural Resources

#### 10-423.1.

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(b) (1) There is a Black Bear Damage Reimbursement Fund in the Department.

(2) The Fund consists of:

(i) Proceeds from the sale of a conservation bear stamp or decal which may be purchased at a cost of \$5 for each stamp or decal; and

(ii) Gifts, grants, and contributions to the State that are designated for inclusion in the Fund.

(3) The Fund is a continuing, nonlapsing special fund, and is not subject to 7-302 of the State Finance and Procurement Article.

(4) The State Treasurer shall hold and the State Comptroller shall account for the Fund.

(c) The Department may reimburse a person from the Black Bear Damage Reimbursement Fund in accordance with subsections (d) and (e) of this section for any damage to the person's:

- (1) Beehives, fruit, or other crops; [or]
- (2) Livestock and poultry as defined in § 1–101 of the Agriculture Article;

OR

#### (3) PETS AS DEFINED IN § 4–501 OF THE FAMILY LAW ARTICLE.

(d) (1) A person is eligible to be reimbursed from the Fund if:

(i) The person has followed all black bear damage preventive measures recommended by the Department;

(ii) The damage amount is determined by an extension agent of the University of Maryland Cooperative Extension Service; and

(iii) The Department has verified that the damage was caused by black bear.

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

October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.