

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 III

---

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

For further information concerning this document contact:

Library and Information Services  
Office of Policy Analysis  
Department of Legislative Services  
90 State Circle  
Annapolis, Maryland 21401

Baltimore Area: (410-946-5400) Washington Area: (301-970-5400)  
Other Areas: (1-800-492-7122)  
TTY: (410-946-5401) (301-970-5401)  
TTY users may also contact the  
Maryland Relay Service to contact the General Assembly

E-mail: [libr@mlis.state.md.us](mailto:libr@mlis.state.md.us)  
Home Page: <http://mgaleg.maryland.gov>

The Department of Legislative Services does not discriminate on the basis of age, ancestry, color, creed, marital status, national origin, race, religion, gender, gender identity, sexual orientation, or disability in the admission or access to its programs, services, or activities. The Department's Information Officer has been designated to coordinate compliance with the nondiscrimination requirements contained in Section 35.107 of the Department of Justice Regulations. Requests for assistance should be directed to the Information Officer at the telephone numbers shown above.

**Chapter 359****(House Bill 900)**

AN ACT concerning

**Alcohol and Tobacco Commission – Clarifications**

FOR the purpose of clarifying the authority, powers, and duties of officers and employees of the Field Enforcement Division in the Office of the Executive Director of the Alcohol and Tobacco Commission over certain matters; substituting references to the Division and the Commission, respectively, for references to the Comptroller in certain provisions relating to alcohol and tobacco; authorizing the officers and employees to make certain cooperative arrangements with the Office of the Comptroller; authorizing the Division to recommend certain changes to improve the administration of certain provisions; authorizing the Executive Director to delegate certain duties to certain persons; requiring the Executive Director to maintain certain records; requiring the Commission and the Comptroller to cooperate in the sharing of certain information and personnel in certain inspections and other activities for certain purposes; requiring the Commission and the Comptroller to enter into a certain memorandum of understanding for certain purposes; authorizing the Commission to enter into memoranda of understanding and certain arrangements with other governmental units for certain purposes; providing that certain seizures must be reported to the Division; requiring the Commission to provide certain notice of certain seized contraband; providing that the Commission may take certain actions; requiring certain property seizures and destruction to be reported to the Executive Director; providing for the inspection and search of certain property by certain officers; providing for the seizure, forfeiture, and disposition of certain property; providing for the issuance of certain summonses by the Commission; prohibiting the violation of certain regulations the Commission adopts; providing that authorized members of the Division are police officers and law enforcement officers for certain purposes; providing that the Comptroller shall administer the laws relating to the alcoholic beverages tax and the tobacco tax in cooperation with the Executive Director; requiring the Comptroller to adopt certain regulations to administer certain tax laws in cooperation with the Executive Director; requiring the Comptroller to provide certain tax stamps and certificates and adopt certain regulations in cooperation with the Executive Director; providing that certain employees of the Field Enforcement Bureau of the Office of the Comptroller have certain authority in cooperation with certain employees of the Division; requiring the Division to advise certain officers of certain matters; authorizing the Division to work cooperatively with certain officers on certain matters; requiring the Executive Director to report each year to the General Assembly on certain matters; exempting certain employees of the Division from certain overtime provisions; providing for the inclusion of certain officers employed by the Division in the Law Enforcement Officers' Pension System; altering the date as of which certain persons are to be transferred to the Office of the Executive Director; making a technical correction ~~corrections~~; altering expiration dates of

certain initial terms; altering the effective date of a certain Act; and generally relating to the Alcohol and Tobacco Commission.

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 1–304, 1–313 through 1–315, ~~and~~ 1–317, 4–109(b)(2), 6–101(c)(2), 6–103, 6–105(b)(3), 6–107, 6–108(b), 6–202(a), 6–203, 6–204(a), 6–205(b), 6–308(a)(3), and 6–328(a)(4)

Annotated Code of Maryland

(2016 Volume and 2019 Supplement)

(As enacted by the Chapter 12 of the Acts of the General Assembly of 2019)

BY adding to

Article – Alcoholic Beverages

Section 1–321

Annotated Code of Maryland

(2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 2–101

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 3–101(e)(1) and 3–201

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 8–301 and 26–201(a)(2)

Annotated Code of Maryland

(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 2–102, 2–103, 2–105, and 2–107

Annotated Code of Maryland

(2016 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Chapter 12 of the Acts of the General Assembly of 2019

Section ~~7~~ 3, 4(a)(1), 7, and 12

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

**Article – Alcoholic Beverages**

1–304.

(a) A member of the Commission may not:

(1) have a direct or indirect financial interest, ownership, or management, including holding any stocks, bonds, or other similar financial interests, in the alcohol[,]  
**OR** tobacco[, or motor fuel] industries;

(2) have an official relationship to a person who holds a license or permit under this article or Title 16, Title 16.5, or Title 16.7 of the Business Regulation Article;

(3) be an elected official;

(4) receive or share in, directly or indirectly, the receipts or proceeds of any activities conducted in the alcohol or tobacco industries;

(5) have a beneficial interest in any contract for the manufacture or sale of any device or product or the provision of any independent consulting services in connection with a holder of a license or permit issued under this article or Title 16, Title 16.5, or Title 16.7 of the Business Regulation Article; or

(6) accept a contribution of money or property worth at least \$100 from an entity or individual associated with the alcohol or tobacco industries with respect to the regulation of alcohol or tobacco.

(b) A member of the Commission shall file a financial disclosure statement with the State Ethics Commission in accordance with Title 5, Subtitle 6 of the General Provisions Article.

1–313.

(a) There is a Field Enforcement Division in the Office of the Executive Director.

(b) (1) The Field Enforcement Division may employ officers and employees as provided in the State budget.

(2) The officers and employees of the Field Enforcement Division:

(i) shall be sworn police officers;

(ii) shall have the powers, duties, and responsibilities of peace officers to enforce the provisions of this article relating to:

1. the unlawful importation of alcoholic beverages **AND TOBACCO** into the State;
2. the unlawful manufacture of alcoholic beverages **AND TOBACCO** in the State;
3. the transportation and distribution throughout the State of alcoholic beverages **AND TOBACCO** that are manufactured illegally and on which any alcoholic beverages taxes **OR TOBACCO TAXES** imposed by the State are due and unpaid; and
4. the manufacture, sale, barter, transportation, distribution, or other form of owning, handling, or dispersing alcoholic beverages **OR TOBACCO** by any person not licensed or authorized under this article [or], provisions of the Tax – General Article relating to alcoholic beverages **OR TOBACCO, OR PROVISIONS OF THE BUSINESS REGULATION ARTICLE RELATING TO TOBACCO**; and

(iii) may make cooperative arrangements for and work and cooperate with **THE OFFICE OF THE COMPTROLLER**, local State's Attorneys, sheriffs, bailiffs, police, and other prosecuting and peace officers to enforce this article.

(c) The Field Enforcement Division:

- (1) shall consult with and advise the local State's Attorneys and other law enforcement officials and police officers regarding enforcement problems in their respective jurisdictions; and
- (2) may recommend changes to improve the administration of this article [and], provisions of the Tax – General Article relating to alcoholic beverages **AND TOBACCO, AND PROVISIONS OF THE BUSINESS REGULATION ARTICLE RELATING TO TOBACCO**.

1–314.

The Executive Director may delegate authority under this article [and], provisions of the Tax – General Article relating to alcoholic beverages **AND TOBACCO, AND PROVISIONS OF THE BUSINESS REGULATION ARTICLE RELATING TO TOBACCO** to the Division director to issue or refuse to issue licenses and permits.

1–315.

(a) Except as provided in subsection (b) of this section, the Executive Director may delegate authority to conduct hearings on violations of this article or of any regulations adopted under this article [or], the provisions of the Tax – General Article relating to

alcoholic beverages **OR TOBACCO, OR THE PROVISIONS OF THE BUSINESS REGULATION ARTICLE RELATING TO TOBACCO** to the Division director or any other employee of the Executive Director's office.

(b) The Division director or any other employee of the Executive Director's office delegated authority to conduct hearings under subsection (a) of this section:

(1) may not impose a penalty provided for under this article or a provision of the Tax – General Article relating to alcoholic beverages; and

(2) shall report the findings and recommendations to the Executive Director to take the action that the Executive Director considers appropriate.

1–317.

(a) The Executive Director shall:

(1) maintain a record of:

(i) each license issued or approved under this article **AND TITLES 16, 16.5, AND 16.7 OF THE BUSINESS REGULATION ARTICLE**; and

(ii) any revocation, suspension, or cancellation of a license and any restriction imposed on a license with a brief explanation of the reason for the action; and

(2) allow any person to inspect the records at the Office of the Executive Director during regular business hours.

(b) The records of licenses required under subsection (a) of this section and any indices or dockets created to maintain the records:

(1) shall be retained for the later to occur of:

(i) 3 years after the date of the last record entry; or

(ii) the date on which all audit requirements have been complied with; and

(2) may be destroyed after:

(i) the retention period in item (1) of this subsection has expired; and

(ii) Title 10, Subtitle 6, Part III of the State Government Article has been complied with.

1-321.

(A) IN ORDER TO INCREASE EFFICIENCY AND ACCURACY IN THE PERFORMANCE OF THEIR RESPECTIVE DUTIES AND RESPONSIBILITIES UNDER THIS ARTICLE AND OTHER LAWS RELATING TO ALCOHOL AND TOBACCO, THE COMMISSION AND THE COMPTROLLER SHALL:

(1) COOPERATE AND SHARE INFORMATION AND PERSONNEL IN INVESTIGATIONS OF LICENSED PREMISES AND OTHER LOCATIONS AND MATERIALS RELATING TO THE ENFORCEMENT OF THE ALCOHOL AND TOBACCO LAWS OF THE STATE;

(2) COOPERATE AND SHARE INFORMATION AND PERSONNEL IN OTHER MATTERS RELATING TO THE MANUFACTURE, PROCESSING, IMPORTATION, TAXATION, SALE, AND SERVICE OF ALCOHOL AND TOBACCO IN THE STATE; AND

(3) ENTER INTO A MEMORANDUM OF UNDERSTANDING FOR COOPERATIVE ACTIVITIES IN INSPECTIONS AND OTHER ENFORCEMENT ACTIVITIES RELATING TO THE ALCOHOL AND TOBACCO LAWS OF THE STATE.

(B) THE COMMISSION MAY ENTER INTO MEMORANDA OF UNDERSTANDING AND OTHER COOPERATIVE ARRANGEMENTS WITH FEDERAL, STATE, AND LOCAL GOVERNMENTAL UNITS IN CARRYING OUT THIS ARTICLE AND OTHER ALCOHOL AND TOBACCO LAWS OF THE STATE IN THE INTEREST OF REDUCING DUPLICATION OF EFFORTS AND REDUCING THE OVERALL COSTS OF ADMINISTRATION OF INSPECTION AND ENFORCEMENT PROGRAMS TO THE STATE.

4-109.

(b) The application shall also include a statement executed and acknowledged by the owner of the location where the business is to be conducted that:

(2) authorizes a warrantless inspection and search of the premises at any time in any part of the building in which the business is to be conducted by:

(i) the Comptroller;

(ii) THE COMMISSION;

(III) the local licensing board and its authorized agents and employees; or

[(iii)] (IV) a peace officer of the county or municipality where the business is to be located.



6-101.

(c) (2) (i) A vehicle, a vessel, or an aircraft that is seized as contraband is forfeited unless a protest is filed within 30 days after the publication under subparagraph (ii) of this paragraph.

(ii) The Comptroller OR THE COMMISSION, AS APPROPRIATE:

1. if possible, shall notify the registered owner of the property of the seizure; and

2. shall publish a notice:

A. in a newspaper of general circulation in the county where the vehicle, vessel, or aircraft was seized; and

B. informing interested persons of the seizure and the right to file a protest.

6-103.

A vehicle, a vessel, or an aircraft used with the express or implied knowledge or consent of its owner to violate a provision of this article relating to the unlawful manufacture of alcoholic beverages or to transport, store, or hide unlawful alcoholic beverages:

(1) is contraband; and

(2) may be seized by:

(I) the Comptroller or the Comptroller's authorized enforcement officers; OR

(II) THE COMMISSION OR THE COMMISSION'S AUTHORIZED ENFORCEMENT OFFICERS; and

(3) MAY BE forfeited in accordance with this subtitle.

6-105.

(b) (3) If the court does not determine that a lienholder had knowledge, but the property is otherwise subject to forfeiture:

(i) the property shall be forfeited; and

(ii) the Comptroller OR THE EXECUTIVE DIRECTOR OF THE COMMISSION, as the Comptroller OR EXECUTIVE DIRECTOR, AS APPROPRIATE, considers in the best interest of the State, may:

1. pay the outstanding indebtedness secured by the lien and keep the property; or

2. deliver the property to the lienholder.

6–107.

(a) Except as provided in subsection (c) of this section, forfeited property shall be retained for official use, sold, or otherwise disposed of by:

(1) the Comptroller OR THE EXECUTIVE DIRECTOR OF THE COMMISSION, AS APPROPRIATE, if the property was seized by State officers; or

(2) if the property was not seized by State officers:

(i) the Mayor and City Council of Baltimore City; or

(ii) the board of county commissioners or the county council of the county in which the property was seized.

(b) The Comptroller, THE EXECUTIVE DIRECTOR OF THE COMMISSION, the Mayor and City Council of Baltimore City, or the board of county commissioners or county council in the county where the property was seized shall retain or dispose of the property in the way it considers to be in the best public interest.

(c) Illicit alcoholic beverages shall be destroyed and may not be returned or given to any person or disposed of in any other manner.

6–108.

(b) The officer shall report the seizure and destruction conducted under this section to the Field Enforcement Division of the [Comptroller’s office] COMMISSION.

6–202.

(a) A building, vehicle, or premises where alcoholic beverages are authorized to be kept, transported, manufactured, or sold under a license or permit may be inspected and searched, without a warrant, by:

(1) the Comptroller or an authorized deputy, inspector, or clerk of the Comptroller;

(2) THE EXECUTIVE DIRECTOR OF THE COMMISSION OR AN AUTHORIZED DEPUTY, INSPECTOR, OR CLERK OF THE COMMISSION;

(3) the local licensing board of the county or city where the place of business is located or an authorized agent or employee of the local licensing board; and

[(3)] (4) a peace officer of the county or city where the place of business is located.

6-203.

To prevent and detect fraud by manufacturers, wholesalers, and retail dealers, the [Comptroller] COMMISSION, the local licensing board, and an authorized deputy or inspector of the [Comptroller] COMMISSION or the local licensing board:

(1) may use hydrometers, saccharometers, weighing and gauging instruments, or other means, records, or devices to ascertain the quantity or quality of alcohol in an alcoholic beverage as they consider necessary; and

(2) may adopt rules and regulations to establish a uniform system of inspection, marking, and gauging of alcoholic beverages.

6-204.

(a) For a hearing or inquiry that the [Comptroller] COMMISSION or a local licensing board may hold or make, the [Comptroller] COMMISSION or a local licensing board may issue summonses for witnesses and administer oaths or affirmations to the witnesses.

6-205.

(b) The powers and duties conferred on the Comptroller, THE COMMISSION, or ANY other State official by this article do not relieve local officials from the duty of enforcement or prosecution.

6-308.

(a) This section does not apply to a Class 4 limited winery that brings wine or pomace brandy manufactured on its licensed premises onto a retail licensed premises if:

(3) the limited winery or winery trade association complies with any regulations that the [Comptroller] COMMISSION adopts relating to on-premises promotions and product sampling;

6-328.

(a) A person may not:

(4) violate a regulation that the Comptroller OR THE COMMISSION adopts under this article or the Tax – General Article.

### Article – Criminal Procedure

2–101.

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

(b) “Emergency” means a sudden or unexpected happening or an unforeseen combination of circumstances that calls for immediate action to protect the health, safety, welfare, or property of a person from actual or threatened harm or from an unlawful act.

(c) “Police officer” means a person who in an official capacity is authorized by law to make arrests and is:

(1) a member of the Department of State Police;

(2) a member of the Police Department of Baltimore City;

(3) a member of the Baltimore City School Police Force;

(4) a member of the police department, bureau, or force of a county;

(5) a member of the police department, bureau, or force of a municipal corporation;

(6) a member of the Maryland Transit Administration Police Force or Maryland Transportation Authority Police Force;

(7) a member of the University System of Maryland Police Force or Morgan State University Police Force;

(8) a special police officer who is appointed to enforce the law and maintain order on or protect property of the State or any of its units;

(9) a member of the Maryland Capitol Police of the Department of General Services;

(10) the sheriff of a county whose usual duties include the making of arrests;

(11) a regularly employed deputy sheriff of a county who is compensated by the county and whose usual duties include the making of arrests;

(12) a member of the Natural Resources Police Force of the Department of Natural Resources;

(13) an authorized employee of the Field Enforcement Bureau of the Comptroller's Office;

**(14) AN AUTHORIZED MEMBER OF THE FIELD ENFORCEMENT DIVISION OF THE ALCOHOL AND TOBACCO COMMISSION;**

**(15)** a member of the Maryland–National Capital Park and Planning Commission Park Police;

**[(15)] (16)** a member of the Housing Authority of Baltimore City Police Force;

**[(16)] (17)** a member of the Crofton Police Department;

**[(17)] (18)** a member of the WMATA Metro Transit Police, subject to the jurisdictional limitations under Article XVI, § 76 of the Washington Metropolitan Area Transit Authority Compact, which is codified at § 10–204 of the Transportation Article;

**[(18)] (19)** a member of the Intelligence and Investigative Division of the Department;

**[(19)] (20)** a member of the State Forest and Park Service Police Force of the Department of Natural Resources;

**[(20)] (21)** a member of the Washington Suburban Sanitary Commission Police Force;

**[(21)] (22)** a member of the Ocean Pines Police Department;

**[(22)] (23)** a member of the police force of the Baltimore City Community College;

**[(23)] (24)** a member of the police force of the Hagerstown Community College;

**[(24)] (25)** an employee of the Warrant Apprehension Unit of the Division of Parole and Probation in the Department;

**[(25)] (26)** a member of the police force of the Anne Arundel Community College; or

**[(26)] (27)** a member of the police department of the Johns Hopkins University established in accordance with Title 24, Subtitle 12 of the Education Article.

## Article – Public Safety

3–101.

(e) (1) “Law enforcement officer” means an individual who:(i) in an official capacity is authorized by law to make arrests; and(ii) is a member of one of the following law enforcement agencies:1. the Department of State Police;2. the Police Department of Baltimore City;3. the Baltimore City School Police Force;4. the Baltimore City Watershed Police Force;5. the police department, bureau, or force of a county;6. the police department, bureau, or force of a municipal corporation;7. the office of the sheriff of a county;8. the police department, bureau, or force of a bicounty agency;9. the Maryland Transportation Authority Police;10. the police forces of the Department of Transportation;11. the police forces of the Department of Natural Resources;12. the Field Enforcement Bureau of the Comptroller’s Office;13. THE FIELD ENFORCEMENT DIVISION OF THE ALCOHOL AND TOBACCO COMMISSION;14. the Housing Authority of Baltimore City Police Force;[14.] 15. the Crofton Police Department;[15.] 16. the police force of the Maryland Department of Health;

- [16.] 17.     the police force of the Maryland Capitol Police of the Department of General Services;
- [17.] 18.     the police forces of the University System of Maryland;
- [18.] 19.     the police force of Morgan State University;
- [19.] 20.     the office of State Fire Marshal;
- [20.] 21.     the Ocean Pines Police Department;
- [21.] 22.     the police force of the Baltimore City Community College;
- [22.] 23.     the police force of the Hagerstown Community College;
- [23.] 24.     the Internal Investigation Unit of the Department of Public Safety and Correctional Services;
- [24.] 25.     the Warrant Apprehension Unit of the Division of Parole and Probation in the Department of Public Safety and Correctional Services;
- [25.] 26.     the police force of the Anne Arundel Community College; or
- [26.] 27.     the police department of the Johns Hopkins University established in accordance with Title 24, Subtitle 12 of the Education Article.

3–201.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Commission” means the Maryland Police Training and Standards Commission.
- (c) “Department” means the Department of Public Safety and Correctional Services.
- (d) (1) “Law enforcement agency” means a governmental police force, sheriff’s office, or security force or law enforcement organization of the State, a county, or a municipal corporation that by statute, ordinance, or common law is authorized to enforce the general criminal laws of the State.

(2) “Law enforcement agency” does not include members of the Maryland National Guard who:

- (i) are under the control and jurisdiction of the Military Department;
- (ii) are assigned to the military property designated as the Martin State Airport; and
- (iii) are charged with exercising police powers in and for the Martin State Airport.

(e) “Motorcycle profiling” means the arbitrary use of the fact that an individual rides a motorcycle or wears motorcycle–related clothing or paraphernalia as a factor in deciding to stop, question, take enforcement action, arrest, or search the individual or vehicle.

(f) (1) “Police officer” means an individual who:

- (i) is authorized to enforce the general criminal laws of the State; and
- (ii) is a member of one of the following law enforcement agencies:
  1. the Department of State Police;
  2. the Police Department of Baltimore City;
  3. the police department, bureau, or force of a county;
  4. the police department, bureau, or force of a municipal corporation;
  5. the Maryland Transit Administration police force;
  6. the Maryland Transportation Authority Police;
  7. the police forces of the University System of Maryland;
  8. the police force of Morgan State University;
  9. the office of the sheriff of a county;
  10. the police forces of the Department of Natural Resources;
  11. the police force of the Maryland Capitol Police of the Department of General Services;



12. the police force of a State, county, or municipal corporation if the special police officers are appointed under Subtitle 3 of this title;

13. the Housing Authority of Baltimore City Police Force;

14. the Baltimore City School Police Force;

15. the Crofton Police Department;

16. the Washington Suburban Sanitary Commission Police Force;

17. the Ocean Pines Police Department;

18. the police force of the Baltimore City Community College;

19. the police force of the Hagerstown Community College;

20. the parole and probation employees of the Warrant Apprehension Unit of the Division of Parole and Probation in the Department who are authorized to make arrests;

21. the police force of the Anne Arundel Community College;  
or

22. the police department of the Johns Hopkins University established in accordance with Title 24, Subtitle 12 of the Education Article.

(2) "Police officer" includes:

(i) a member of the Field Enforcement Bureau of the Comptroller's Office;

(ii) **A MEMBER OF THE FIELD ENFORCEMENT DIVISION OF THE ALCOHOL AND TOBACCO COMMISSION;**

**(III)** the State Fire Marshal or a deputy State fire marshal;

**[(iii)] (IV)** an investigator of the Intelligence and Investigative Division of the Department;

**[(iv)] (V)** a Montgomery County fire and explosive investigator as defined in § 2–208.1 of the Criminal Procedure Article;

[(v)] **(VI)** an Anne Arundel County or City of Annapolis fire and explosive investigator as defined in § 2–208.2 of the Criminal Procedure Article;

[(vi)] **(VII)** a Prince George’s County fire and explosive investigator as defined in § 2–208.3 of the Criminal Procedure Article;

[(vii)] **(VIII)** a Worcester County fire and explosive investigator as defined in § 2–208.4 of the Criminal Procedure Article;

[(viii)] **(IX)** a City of Hagerstown fire and explosive investigator as defined in § 2–208.5 of the Criminal Procedure Article; and

[(ix)] **(X)** a Howard County fire and explosive investigator as defined in § 2–208.6 of the Criminal Procedure Article.

(3) “Police officer” does not include:

(i) an individual who serves as a police officer only because the individual occupies another office or position;

(ii) a sheriff, the Secretary of State Police, a commissioner of police, a deputy or assistant commissioner of police, a chief of police, a deputy or assistant chief of police, or another individual with an equivalent title who is appointed or employed by a government to exercise equivalent supervisory authority; or

(iii) a member of the Maryland National Guard who:

1. is under the control and jurisdiction of the Military Department;

2. is assigned to the military property designated as the Martin State Airport; and

3. is charged with exercising police powers in and for the Martin State Airport.

(g) “SWAT team” means an agency–designated unit of law enforcement officers who are selected, trained, and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units.

### **Article – State Personnel and Pensions**

(a) Except as provided in subsection (b) of this section, in § 8–309 of this subtitle, or otherwise by law, this subtitle applies to all employees over whom the Secretary has authority to administer pay.

(b) This subtitle does not apply to a law enforcement employee of:

**(1) the Field Enforcement Bureau of the State Comptroller’s Office; OR**

**(2) THE FIELD ENFORCEMENT DIVISION OF THE ALCOHOL AND TOBACCO COMMISSION.**

26–201.

(a) Except as provided in subsection (b) of this section, this subtitle applies only to:

(2) a law enforcement officer employed by:

**(I) the Field Enforcement Bureau; OR**

**(II) THE FIELD ENFORCEMENT DIVISION OF THE ALCOHOL AND TOBACCO COMMISSION;**

### Article – Tax – General

2–102.

**(A)** In addition to the duties set forth elsewhere in this article and in other articles of the Code, the Comptroller shall administer the laws that relate to:

(1) the admissions and amusement tax;

(2) [the alcoholic beverage tax;

(3)] the boxing and wrestling tax;

[(4)] **(3)** the income tax;

[(5)] **(4)** the Maryland estate tax;

[(6)] **(5)** the Maryland generation–skipping transfer tax;

[(7)] **(6)** the motor carrier tax;

[(8)] **(7)** the motor fuel tax;

~~[(9)] (8)~~ the sales and use tax; AND

~~[(10)] (9)~~ the savings and loan association franchise tax]; and

(11) the tobacco tax].

**(B) IN COOPERATION WITH THE EXECUTIVE DIRECTOR OF THE ALCOHOL AND TOBACCO COMMISSION, AND IN ADDITION TO THE DUTIES SET FORTH ELSEWHERE IN THIS ARTICLE AND IN OTHER ARTICLES OF THE CODE, THE COMPTROLLER SHALL ADMINISTER THE LAWS THAT RELATE TO:**

**(1) THE ALCOHOLIC BEVERAGE TAX; AND**

**(2) THE TOBACCO TAX.**

2–103.

The Comptroller shall adopt reasonable regulations:

**(1) to administer the provisions of the tax laws listed in [§ 2–102] § 2–102(A) of this subtitle; AND**

**(2) IN COOPERATION WITH THE EXECUTIVE DIRECTOR OF THE ALCOHOL AND TOBACCO COMMISSION, TO ADMINISTER THE PROVISIONS OF THE TAX LAWS LISTED IN § 2–102(B) OF THIS SUBTITLE.**

2–105.

(a) The Comptroller shall design the license form required for:

(1) the motor fuel tax laws; and

(2) the sales and use tax laws.

(b) The Comptroller:

(1) shall determine:

(i) the design of tax stamps and certificates required for the alcoholic beverage tax and for the tobacco tax; and

(ii) the form of any other evidence of tax payment; and

(2) may adopt any other method or device that the Comptroller considers necessary to:

- (i) prevent fraud or evasion of the alcoholic beverage tax; or
- (ii) comply with any restrictions that the federal government imposes on alcoholic beverages during a war or an emergency.

(c) **[The] IN COOPERATION WITH THE EXECUTIVE DIRECTOR OF THE ALCOHOL AND TOBACCO COMMISSION, THE** Comptroller:

(1) shall provide tax stamps and certificates to indicate that the alcoholic beverage tax or tobacco tax has been paid; and

(2) may adopt reasonable regulations to prevent abuse but ensure the adequate availability of tax stamps and certificates, including regulations that:

- (i) limit excessive disbursement of tax stamps and certificates; and
- (ii) require proof of need for tax stamps and certificates.

2-107.

(a) Authorized employees of the Field Enforcement Bureau of the Comptroller's Office:

(1) shall be individuals who are sworn police officers; and

(2) have all the powers, duties, and responsibilities of a peace officer for the purpose of enforcing the laws pertaining to:

(i) admissions and amusement tax;

(ii) [alcoholic beverage tax;

(iii)] income tax;

[(iv)] **(III)** motor carrier tax;

[(v)] **(IV)** motor fuel and lubricants;

[(vi)] **(V)** motor fuel tax;

[(vii)] **(VI)** sales and use tax;

[(viii) tobacco tax; and]

[(ix)] **(VII)** transient vendors within the meaning of Title 17, Subtitle 20A of the Business Regulation Article; **AND**

**(VIII) IN COOPERATION WITH THE AUTHORIZED EMPLOYEES OF THE FIELD ENFORCEMENT DIVISION OF THE ALCOHOL AND TOBACCO COMMISSION:**

**1. ALCOHOLIC BEVERAGE TAX; AND**

**2. TOBACCO TAX.**

(b) (1) The Department of State Police shall help the Field Enforcement Bureau in enforcing the motor carrier tax, motor fuel tax and motor fuel and lubricants laws.

(2) The Comptroller shall pay the salaries and expenses of all Department of State Police staff assigned to the Field Enforcement Bureau.

(c) (1) (i) Except for the Sheriff, constables and bailiffs of Baltimore County, each law enforcement officer shall enforce the alcoholic beverage tax and tobacco tax laws.

(ii) A State's Attorney or other prosecutor may prosecute alleged violations of the alcoholic beverage tax or tobacco tax laws.

(2) The Field Enforcement Bureau **OF THE COMPTROLLER'S OFFICE AND THE FIELD ENFORCEMENT DIVISION OF THE ALCOHOL AND TOBACCO COMMISSION:**

(i) shall advise a State's Attorney and law enforcement officers about enforcement problems; and

(ii) otherwise may work cooperatively with law enforcement officers and prosecutors to carry out the duties of the unit.

(3) This subsection does not restrict the appropriation of money by a political subdivision of the State to aid in the enforcement of the alcoholic beverage tax and tobacco tax laws.

(d) (1) Each unit of the State government shall cooperate with the Comptroller's Office by making available, on request, any information in the unit's possession as may be of assistance in the administration and enforcement of the motor carrier tax, motor fuel tax, and motor fuel and lubricants laws.

(2) The Field Enforcement Bureau shall cooperate with and help the federal government, other states, and local governments and law enforcement personnel of those jurisdictions to enforce the motor carrier tax, motor fuel tax, and motor fuel and lubricants laws.

(e) On or before October 1 each year, the [Comptroller's Office] **EXECUTIVE DIRECTOR OF THE ALCOHOL AND TOBACCO COMMISSION** shall report to the General Assembly, in accordance with § 2–1257 of the State Government Article, on:

(1) the aggregate number of licensed tobacco retailers that committed a violation of § 10–107 of the Criminal Law Article and the aggregate number of minors who committed a violation of [§ 10–108] **§ 10–107** of the Criminal Law Article during the reporting period;

(2) the number of prior violations for licensed tobacco retailers and minors that committed a violation during the reporting period; and

(3) the subsequent action taken by the [Comptroller's Office] **EXECUTIVE DIRECTOR** against each violator and, for each action taken, the number of violations committed by the violator.

### Chapter 12 of the Acts of 2019

SECTION 3. AND BE IT FURTHER ENACTED, That the initial terms of the members of the Alcohol and Tobacco Commission appointed under Section 1 of this Act shall expire as follows:

- (1) one member on June 30, [2021] **2022**;
- (2) one member on June 30, [2022] **2023**;
- (3) one member on June 30, [2023] **2024**; and
- (4) two members on June 30, [2024] **2025**.

SECTION 4. AND BE IT FURTHER ENACTED, That, as provided in this Act:

(a) It is the intent of the General Assembly that:

(1) the transfer of the Field Enforcement Division and the personnel of the Division to the Alcohol and Tobacco Commission under this Act shall take effect not later than [July] **JANUARY 1, [2020] **2021****;

SECTION 7. AND BE IT FURTHER ENACTED, That all persons who, as of [June 30] ~~MAY~~ **DECEMBER 31**, 2020, are employees in budgeted positions of the Office of the Comptroller and whose positions are transferred to the Office of the Executive Director of the Alcohol and Tobacco Commission as provided by this Act are hereby transferred to the Office of the Executive Director of the Alcohol and Tobacco Commission without any change or loss of rights pay, working conditions, benefits, rights, or status, and shall retain any merit system and retirement status they may have on the date of transfer.

SECTION 12. AND BE IT FURTHER ENACTED, That this Act shall take effect [June] JANUARY 1, [2020] 2021.

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 360

(Senate Bill 911)

AN ACT concerning

### Alcohol and Tobacco Commission – Clarifications

FOR the purpose of clarifying the authority, powers, and duties of officers and employees of the Field Enforcement Division in the Office of the Executive Director of the Alcohol and Tobacco Commission over certain matters; substituting references to the Division and the Commission, respectively, for references to the Comptroller in certain provisions relating to alcohol and tobacco; authorizing the officers and employees to make certain cooperative arrangements with the Office of the Comptroller; authorizing the Division to recommend certain changes to improve the administration of certain provisions; authorizing the Executive Director to delegate certain duties to certain persons; requiring the Executive Director to maintain certain records; requiring the Commission and the Comptroller to cooperate in the sharing of certain information and personnel in certain inspections and other activities for certain purposes; requiring the Commission and the Comptroller to enter into a certain memorandum of understanding for certain purposes; authorizing the Commission to enter into memoranda of understanding and certain arrangements with other governmental units for certain purposes; providing that certain seizures must be reported to the Division; requiring the Commission to provide certain notice of certain seized contraband; providing that the Commission may take certain actions; requiring certain property seizures and destruction to be reported to the Executive Director; providing for the inspection and search of certain property by certain officers; providing for the seizure, forfeiture, and disposition of certain property; providing for the issuance of certain summonses by the Commission; prohibiting the violation of certain regulations the Commission adopts; providing that authorized members of the Division are police officers and law enforcement officers for certain purposes; providing that the Comptroller shall administer the laws relating to the alcoholic beverages tax and the tobacco tax in cooperation with the Executive Director; requiring the Comptroller to adopt certain regulations to administer certain tax laws in cooperation with the Executive Director; requiring the Comptroller to provide certain tax stamps and certificates and adopt certain



regulations in cooperation with the Executive Director; providing that certain employees of the Field Enforcement Bureau of the Office of the Comptroller have certain authority in cooperation with certain employees of the Division; requiring the Division to advise certain officers of certain matters; authorizing the Division to work cooperatively with certain officers on certain matters; requiring the Executive Director to report each year to the General Assembly on certain matters; exempting certain employees of the Division from certain overtime provisions; providing for the inclusion of certain officers employed by the Division in the Law Enforcement Officers' Pension System; altering the date as of which certain persons are to be transferred to the Office of the Executive Director; making ~~a technical correction~~ corrections; altering expiration dates of certain initial terms; altering the effective date of a certain Act; and generally relating to the Alcohol and Tobacco Commission.

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 1-304, 1-313 through 1-315, ~~and~~ 1-317, 4-109(b)(2), 6-101(c)(2), 6-103, 6-105(b)(3), 6-107, 6-108(b), 6-202(a), 6-203, 6-204(a), 6-205(b), 6-308(a)(3), and 6-328(a)(4)

Annotated Code of Maryland

(2016 Volume and 2019 Supplement)

(As enacted by Chapter 12 of the Acts of the General Assembly of 2019)

BY adding to

Article – Alcoholic Beverages

Section 1-321

Annotated Code of Maryland

(2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 2-101

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 3-101(e)(1) and 3-201

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 8-301 and 26-201(a)(2)

Annotated Code of Maryland

(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General  
Section 2–102, 2–103, 2–105, and 2–107  
Annotated Code of Maryland  
(2016 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Chapter 12 of the Acts of the General Assembly of 2019  
Section ~~7~~ 3, 4(a)(1), 7, and 12

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

### Article – Alcoholic Beverages

1–304.

(a) A member of the Commission may not:

(1) have a direct or indirect financial interest, ownership, or management, including holding any stocks, bonds, or other similar financial interests, in the alcohol[, ] **OR** tobacco[, or motor fuel] industries;

(2) have an official relationship to a person who holds a license or permit under this article or Title 16, Title 16.5, or Title 16.7 of the Business Regulation Article;

(3) be an elected official;

(4) receive or share in, directly or indirectly, the receipts or proceeds of any activities conducted in the alcohol or tobacco industries;

(5) have a beneficial interest in any contract for the manufacture or sale of any device or product or the provision of any independent consulting services in connection with a holder of a license or permit issued under this article or Title 16, Title 16.5, or Title 16.7 of the Business Regulation Article; or

(6) accept a contribution of money or property worth at least \$100 from an entity or individual associated with the alcohol or tobacco industries with respect to the regulation of alcohol or tobacco.

(b) A member of the Commission shall file a financial disclosure statement with the State Ethics Commission in accordance with Title 5, Subtitle 6 of the General Provisions Article.

1–313.

(a) There is a Field Enforcement Division in the Office of the Executive Director.

(b) (1) The Field Enforcement Division may employ officers and employees as provided in the State budget.

(2) The officers and employees of the Field Enforcement Division:

(i) shall be sworn police officers;

(ii) shall have the powers, duties, and responsibilities of peace officers to enforce the provisions of this article relating to:

1. the unlawful importation of alcoholic beverages **AND TOBACCO** into the State;

2. the unlawful manufacture of alcoholic beverages **AND TOBACCO** in the State;

3. the transportation and distribution throughout the State of alcoholic beverages **AND TOBACCO** that are manufactured illegally and on which any alcoholic beverages taxes **OR TOBACCO TAXES** imposed by the State are due and unpaid; and

4. the manufacture, sale, barter, transportation, distribution, or other form of owning, handling, or dispersing alcoholic beverages **OR TOBACCO** by any person not licensed or authorized under this article [or], provisions of the Tax – General Article relating to alcoholic beverages **OR TOBACCO, OR PROVISIONS OF THE BUSINESS REGULATION ARTICLE RELATING TO TOBACCO**; and

(iii) may make cooperative arrangements for and work and cooperate with **THE OFFICE OF THE COMPTROLLER**, local State's Attorneys, sheriffs, bailiffs, police, and other prosecuting and peace officers to enforce this article.

(c) The Field Enforcement Division:

(1) shall consult with and advise the local State's Attorneys and other law enforcement officials and police officers regarding enforcement problems in their respective jurisdictions; and

(2) may recommend changes to improve the administration of this article [and], provisions of the Tax – General Article relating to alcoholic beverages **AND TOBACCO, AND PROVISIONS OF THE BUSINESS REGULATION ARTICLE RELATING TO TOBACCO**.

1–314.

The Executive Director may delegate authority under this article [and], provisions of the Tax – General Article relating to alcoholic beverages **AND TOBACCO, AND**

**PROVISIONS OF THE BUSINESS REGULATION ARTICLE RELATING TO TOBACCO** to the Division director to issue or refuse to issue licenses and permits.

1–315.

(a) Except as provided in subsection (b) of this section, the Executive Director may delegate authority to conduct hearings on violations of this article or of any regulations adopted under this article [or], the provisions of the Tax – General Article relating to alcoholic beverages **OR TOBACCO, OR THE PROVISIONS OF THE BUSINESS REGULATION ARTICLE RELATING TO TOBACCO** to the Division director or any other employee of the Executive Director’s office.

(b) The Division director or any other employee of the Executive Director’s office delegated authority to conduct hearings under subsection (a) of this section:

(1) may not impose a penalty provided for under this article or a provision of the Tax – General Article relating to alcoholic beverages; and

(2) shall report the findings and recommendations to the Executive Director to take the action that the Executive Director considers appropriate.

1–317.

(a) The Executive Director shall:

(1) maintain a record of:

(i) each license issued or approved under this article **AND TITLES 16, 16.5, AND 16.7 OF THE BUSINESS REGULATION ARTICLE**; and

(ii) any revocation, suspension, or cancellation of a license and any restriction imposed on a license with a brief explanation of the reason for the action; and

(2) allow any person to inspect the records at the Office of the Executive Director during regular business hours.

(b) The records of licenses required under subsection (a) of this section and any indices or dockets created to maintain the records:

(1) shall be retained for the later to occur of:

(i) 3 years after the date of the last record entry; or

(ii) the date on which all audit requirements have been complied with; and

(2) may be destroyed after:

(i) the retention period in item (1) of this subsection has expired;

and

(ii) Title 10, Subtitle 6, Part III of the State Government Article has been complied with.

**1-321.**

**(A) IN ORDER TO INCREASE EFFICIENCY AND ACCURACY IN THE PERFORMANCE OF THEIR RESPECTIVE DUTIES AND RESPONSIBILITIES UNDER THIS ARTICLE AND OTHER LAWS RELATING TO ALCOHOL AND TOBACCO, THE COMMISSION AND THE COMPTROLLER SHALL:**

**(1) COOPERATE AND SHARE INFORMATION AND PERSONNEL IN INVESTIGATIONS OF LICENSED PREMISES AND OTHER LOCATIONS AND MATERIALS RELATING TO THE ENFORCEMENT OF THE ALCOHOL AND TOBACCO LAWS OF THE STATE;**

**(2) COOPERATE AND SHARE INFORMATION AND PERSONNEL IN OTHER MATTERS RELATING TO THE MANUFACTURE, PROCESSING, IMPORTATION, TAXATION, SALE, AND SERVICE OF ALCOHOL AND TOBACCO IN THE STATE; AND**

**(3) ENTER INTO A MEMORANDUM OF UNDERSTANDING FOR COOPERATIVE ACTIVITIES IN INSPECTIONS AND OTHER ENFORCEMENT ACTIVITIES RELATING TO THE ALCOHOL AND TOBACCO LAWS OF THE STATE.**

**(B) THE COMMISSION MAY ENTER INTO MEMORANDA OF UNDERSTANDING AND OTHER COOPERATIVE ARRANGEMENTS WITH FEDERAL, STATE, AND LOCAL GOVERNMENTAL UNITS IN CARRYING OUT THIS ARTICLE AND OTHER ALCOHOL AND TOBACCO LAWS OF THE STATE IN THE INTEREST OF REDUCING DUPLICATION OF EFFORTS AND REDUCING THE OVERALL COSTS OF ADMINISTRATION OF INSPECTION AND ENFORCEMENT PROGRAMS TO THE STATE.**

**4-109.**

**(b) The application shall also include a statement executed and acknowledged by the owner of the location where the business is to be conducted that:**

**(2) authorizes a warrantless inspection and search of the premises at any time in any part of the building in which the business is to be conducted by:**

**(i) the Comptroller;**

(ii) THE COMMISSION;

(III) the local licensing board and its authorized agents and employees; or

[(iii)] (IV) a peace officer of the county or municipality where the business is to be located.

6-101.

(c) (2) (i) A vehicle, a vessel, or an aircraft that is seized as contraband is forfeited unless a protest is filed within 30 days after the publication under subparagraph (ii) of this paragraph.

(ii) The Comptroller OR THE COMMISSION, AS APPROPRIATE:

1. if possible, shall notify the registered owner of the property of the seizure; and

2. shall publish a notice:

A. in a newspaper of general circulation in the county where the vehicle, vessel, or aircraft was seized; and

B. informing interested persons of the seizure and the right to file a protest.

6-103.

A vehicle, a vessel, or an aircraft used with the express or implied knowledge or consent of its owner to violate a provision of this article relating to the unlawful manufacture of alcoholic beverages or to transport, store, or hide unlawful alcoholic beverages:

(1) is contraband; and

(2) may be seized by:

(I) the Comptroller or the Comptroller's authorized enforcement officers; OR

(II) THE COMMISSION OR THE COMMISSION'S AUTHORIZED ENFORCEMENT OFFICERS; and

(3) MAY BE forfeited in accordance with this subtitle.

6-105.

(b) (3) If the court does not determine that a lienholder had knowledge, but the property is otherwise subject to forfeiture:

(i) the property shall be forfeited; and

(ii) the Comptroller OR THE EXECUTIVE DIRECTOR OF THE COMMISSION, as the Comptroller OR EXECUTIVE DIRECTOR, AS APPROPRIATE, considers in the best interest of the State, may:

1. pay the outstanding indebtedness secured by the lien and keep the property; or

2. deliver the property to the lienholder.

6-107.

(a) Except as provided in subsection (c) of this section, forfeited property shall be retained for official use, sold, or otherwise disposed of by:

(1) the Comptroller OR THE EXECUTIVE DIRECTOR OF THE COMMISSION, AS APPROPRIATE, if the property was seized by State officers; or

(2) if the property was not seized by State officers:

(i) the Mayor and City Council of Baltimore City; or

(ii) the board of county commissioners or the county council of the county in which the property was seized.

(b) The Comptroller, THE EXECUTIVE DIRECTOR OF THE COMMISSION, the Mayor and City Council of Baltimore City, or the board of county commissioners or county council in the county where the property was seized shall retain or dispose of the property in the way it considers to be in the best public interest.

(c) Illicit alcoholic beverages shall be destroyed and may not be returned or given to any person or disposed of in any other manner.

6-108.

(b) The officer shall report the seizure and destruction conducted under this section to the Field Enforcement Division of the [Comptroller's office] COMMISSION.

6-202.

(a) A building, vehicle, or premises where alcoholic beverages are authorized to be kept, transported, manufactured, or sold under a license or permit may be inspected and searched, without a warrant, by:

(1) the Comptroller or an authorized deputy, inspector, or clerk of the Comptroller;

(2) THE EXECUTIVE DIRECTOR OF THE COMMISSION OR AN AUTHORIZED DEPUTY, INSPECTOR, OR CLERK OF THE COMMISSION;

(3) the local licensing board of the county or city where the place of business is located or an authorized agent or employee of the local licensing board; and

[(3)] (4) a peace officer of the county or city where the place of business is located.

6–203.

To prevent and detect fraud by manufacturers, wholesalers, and retail dealers, the [Comptroller] COMMISSION, the local licensing board, and an authorized deputy or inspector of the [Comptroller] COMMISSION or the local licensing board:

(1) may use hydrometers, saccharometers, weighing and gauging instruments, or other means, records, or devices to ascertain the quantity or quality of alcohol in an alcoholic beverage as they consider necessary; and

(2) may adopt rules and regulations to establish a uniform system of inspection, marking, and gauging of alcoholic beverages.

6–204.

(a) For a hearing or inquiry that the [Comptroller] COMMISSION or a local licensing board may hold or make, the [Comptroller] COMMISSION or a local licensing board may issue summonses for witnesses and administer oaths or affirmations to the witnesses.

6–205.

(b) The powers and duties conferred on the Comptroller, THE COMMISSION, or ANY other State official by this article do not relieve local officials from the duty of enforcement or prosecution.

6–308.

(a) This section does not apply to a Class 4 limited winery that brings wine or pomace brandy manufactured on its licensed premises onto a retail licensed premises if:



(3) the limited winery or winery trade association complies with any regulations that the [Comptroller] COMMISSION adopts relating to on-premises promotions and product sampling;

6-328.

(a) A person may not:

(4) violate a regulation that the Comptroller OR THE COMMISSION adopts under this article or the Tax – General Article.

### Article – Criminal Procedure

2-101.

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

(b) “Emergency” means a sudden or unexpected happening or an unforeseen combination of circumstances that calls for immediate action to protect the health, safety, welfare, or property of a person from actual or threatened harm or from an unlawful act.

(c) “Police officer” means a person who in an official capacity is authorized by law to make arrests and is:

(1) a member of the Department of State Police;

(2) a member of the Police Department of Baltimore City;

(3) a member of the Baltimore City School Police Force;

(4) a member of the police department, bureau, or force of a county;

(5) a member of the police department, bureau, or force of a municipal corporation;

(6) a member of the Maryland Transit Administration Police Force or Maryland Transportation Authority Police Force;

(7) a member of the University System of Maryland Police Force or Morgan State University Police Force;

(8) a special police officer who is appointed to enforce the law and maintain order on or protect property of the State or any of its units;

(9) a member of the Maryland Capitol Police of the Department of General Services;

- (10) the sheriff of a county whose usual duties include the making of arrests;
- (11) a regularly employed deputy sheriff of a county who is compensated by the county and whose usual duties include the making of arrests;
- (12) a member of the Natural Resources Police Force of the Department of Natural Resources;
- (13) an authorized employee of the Field Enforcement Bureau of the Comptroller's Office;
- (14) **AN AUTHORIZED MEMBER OF THE FIELD ENFORCEMENT DIVISION OF THE ALCOHOL AND TOBACCO COMMISSION;**
- (15) a member of the Maryland–National Capital Park and Planning Commission Park Police;
- [(15)] (16) a member of the Housing Authority of Baltimore City Police Force;
- [(16)] (17) a member of the Crofton Police Department;
- [(17)] (18) a member of the WMATA Metro Transit Police, subject to the jurisdictional limitations under Article XVI, § 76 of the Washington Metropolitan Area Transit Authority Compact, which is codified at § 10–204 of the Transportation Article;
- [(18)] (19) a member of the Intelligence and Investigative Division of the Department;
- [(19)] (20) a member of the State Forest and Park Service Police Force of the Department of Natural Resources;
- [(20)] (21) a member of the Washington Suburban Sanitary Commission Police Force;
- [(21)] (22) a member of the Ocean Pines Police Department;
- [(22)] (23) a member of the police force of the Baltimore City Community College;
- [(23)] (24) a member of the police force of the Hagerstown Community College;
- [(24)] (25) an employee of the Warrant Apprehension Unit of the Division of Parole and Probation in the Department;

[(25)] (26) a member of the police force of the Anne Arundel Community College; or

[(26)] (27) a member of the police department of the Johns Hopkins University established in accordance with Title 24, Subtitle 12 of the Education Article.

### Article – Public Safety

3–101.

(e) (1) “Law enforcement officer” means an individual who:

(i) in an official capacity is authorized by law to make arrests; and

(ii) is a member of one of the following law enforcement agencies:

1. the Department of State Police;

2. the Police Department of Baltimore City;

3. the Baltimore City School Police Force;

4. the Baltimore City Watershed Police Force;

5. the police department, bureau, or force of a county;

6. the police department, bureau, or force of a municipal corporation;

7. the office of the sheriff of a county;

8. the police department, bureau, or force of a bicounty agency;

9. the Maryland Transportation Authority Police;

10. the police forces of the Department of Transportation;

11. the police forces of the Department of Natural Resources;

12. the Field Enforcement Bureau of the Comptroller’s Office;

13. THE FIELD ENFORCEMENT DIVISION OF THE ALCOHOL AND TOBACCO COMMISSION;

14. the Housing Authority of Baltimore City Police Force;

[14.] 15. the Crofton Police Department;

Health;

[15.] 16. the police force of the Maryland Department of

Department of General Services;

[16.] 17. the police force of the Maryland Capitol Police of the

Maryland;

[17.] 18. the police forces of the University System of

[18.] 19. the police force of Morgan State University;

[19.] 20. the office of State Fire Marshal;

[20.] 21. the Ocean Pines Police Department;

College;

[21.] 22. the police force of the Baltimore City Community

College;

[22.] 23. the police force of the Hagerstown Community

of Public Safety and Correctional Services;

[23.] 24. the Internal Investigation Unit of the Department

Parole and Probation in the Department of Public Safety and Correctional Services;

[24.] 25. the Warrant Apprehension Unit of the Division of

College; or

[25.] 26. the police force of the Anne Arundel Community

University established in accordance with Title 24, Subtitle 12 of the Education Article.

[26.] 27. the police department of the Johns Hopkins

3–201.

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

(b) “Commission” means the Maryland Police Training and Standards Commission.

(c) “Department” means the Department of Public Safety and Correctional Services.

(d) (1) “Law enforcement agency” means a governmental police force, sheriff’s office, or security force or law enforcement organization of the State, a county, or a municipal corporation that by statute, ordinance, or common law is authorized to enforce the general criminal laws of the State.

(2) “Law enforcement agency” does not include members of the Maryland National Guard who:

(i) are under the control and jurisdiction of the Military Department;

(ii) are assigned to the military property designated as the Martin State Airport; and

(iii) are charged with exercising police powers in and for the Martin State Airport.

(e) “Motorcycle profiling” means the arbitrary use of the fact that an individual rides a motorcycle or wears motorcycle-related clothing or paraphernalia as a factor in deciding to stop, question, take enforcement action, arrest, or search the individual or vehicle.

(f) (1) “Police officer” means an individual who:

(i) is authorized to enforce the general criminal laws of the State; and

(ii) is a member of one of the following law enforcement agencies:

1. the Department of State Police;
2. the Police Department of Baltimore City;
3. the police department, bureau, or force of a county;
4. the police department, bureau, or force of a municipal corporation;
5. the Maryland Transit Administration police force;
6. the Maryland Transportation Authority Police;
7. the police forces of the University System of Maryland;
8. the police force of Morgan State University;

9. the office of the sheriff of a county;
  10. the police forces of the Department of Natural Resources;
  11. the police force of the Maryland Capitol Police of the Department of General Services;
  12. the police force of a State, county, or municipal corporation if the special police officers are appointed under Subtitle 3 of this title;
  13. the Housing Authority of Baltimore City Police Force;
  14. the Baltimore City School Police Force;
  15. the Crofton Police Department;
  16. the Washington Suburban Sanitary Commission Police Force;
  17. the Ocean Pines Police Department;
  18. the police force of the Baltimore City Community College;
  19. the police force of the Hagerstown Community College;
  20. the parole and probation employees of the Warrant Apprehension Unit of the Division of Parole and Probation in the Department who are authorized to make arrests;
  21. the police force of the Anne Arundel Community College;
- or
22. the police department of the Johns Hopkins University established in accordance with Title 24, Subtitle 12 of the Education Article.

(2) “Police officer” includes:

- (i) a member of the Field Enforcement Bureau of the Comptroller’s Office;
- (ii) **A MEMBER OF THE FIELD ENFORCEMENT DIVISION OF THE ALCOHOL AND TOBACCO COMMISSION;**
- (iii) **(IV)** the State Fire Marshal or a deputy State fire marshal;
- (iii) **(IV)** an investigator of the Intelligence and Investigative Division of the Department;

[(iv)] (V) a Montgomery County fire and explosive investigator as defined in § 2–208.1 of the Criminal Procedure Article;

[(v)] (VI) an Anne Arundel County or City of Annapolis fire and explosive investigator as defined in § 2–208.2 of the Criminal Procedure Article;

[(vi)] (VII) a Prince George’s County fire and explosive investigator as defined in § 2–208.3 of the Criminal Procedure Article;

[(vii)] (VIII) a Worcester County fire and explosive investigator as defined in § 2–208.4 of the Criminal Procedure Article;

[(viii)] (IX) a City of Hagerstown fire and explosive investigator as defined in § 2–208.5 of the Criminal Procedure Article; and

[(ix)] (X) a Howard County fire and explosive investigator as defined in § 2–208.6 of the Criminal Procedure Article.

(3) “Police officer” does not include:

(i) an individual who serves as a police officer only because the individual occupies another office or position;

(ii) a sheriff, the Secretary of State Police, a commissioner of police, a deputy or assistant commissioner of police, a chief of police, a deputy or assistant chief of police, or another individual with an equivalent title who is appointed or employed by a government to exercise equivalent supervisory authority; or

(iii) a member of the Maryland National Guard who:

1. is under the control and jurisdiction of the Military Department;

2. is assigned to the military property designated as the Martin State Airport; and

3. is charged with exercising police powers in and for the Martin State Airport.

(g) “SWAT team” means an agency–designated unit of law enforcement officers who are selected, trained, and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units.

### **Article – State Personnel and Pensions**

8–301.

(a) Except as provided in subsection (b) of this section, in § 8–309 of this subtitle, or otherwise by law, this subtitle applies to all employees over whom the Secretary has authority to administer pay.

(b) This subtitle does not apply to a law enforcement employee of:

**(1)** the Field Enforcement Bureau of the State Comptroller’s Office; OR

**(2)** THE FIELD ENFORCEMENT DIVISION OF THE ALCOHOL AND TOBACCO COMMISSION.

26–201.

(a) Except as provided in subsection (b) of this section, this subtitle applies only to:

**(2)** a law enforcement officer employed by:

**(I)** the Field Enforcement Bureau; OR

**(II)** THE FIELD ENFORCEMENT DIVISION OF THE ALCOHOL AND TOBACCO COMMISSION;

**Article – Tax – General**2–102.

**(A)** In addition to the duties set forth elsewhere in this article and in other articles of the Code, the Comptroller shall administer the laws that relate to:

(1) the admissions and amusement tax;

(2) [the alcoholic beverage tax;

(3)] the boxing and wrestling tax;

[(4)] **(3)** the income tax;

[(5)] **(4)** the Maryland estate tax;

[(6)] **(5)** the Maryland generation–skipping transfer tax;

[(7)] **(6)** the motor carrier tax;



- ~~[(8)]~~ (7) the motor fuel tax;
- ~~[(9)]~~ (8) the sales and use tax; AND
- ~~[(10)]~~ (9) the savings and loan association franchise tax[; and
- (11) the tobacco tax].

**(B) IN COOPERATION WITH THE EXECUTIVE DIRECTOR OF THE ALCOHOL AND TOBACCO COMMISSION, AND IN ADDITION TO THE DUTIES SET FORTH ELSEWHERE IN THIS ARTICLE AND IN OTHER ARTICLES OF THE CODE, THE COMPTROLLER SHALL ADMINISTER THE LAWS THAT RELATE TO:**

- (1) THE ALCOHOLIC BEVERAGE TAX; AND**
- (2) THE TOBACCO TAX.**

2-103.

The Comptroller shall adopt reasonable regulations:

**(1) to administer the provisions of the tax laws listed in [§ 2-102] § 2-102(A) of this subtitle; AND**

**(2) IN COOPERATION WITH THE EXECUTIVE DIRECTOR OF THE ALCOHOL AND TOBACCO COMMISSION, TO ADMINISTER THE PROVISIONS OF THE TAX LAWS LISTED IN § 2-102(B) OF THIS SUBTITLE.**

2-105.

(a) The Comptroller shall design the license form required for:

- (1) the motor fuel tax laws; and
- (2) the sales and use tax laws.

(b) The Comptroller:

(1) shall determine:

(i) the design of tax stamps and certificates required for the alcoholic beverage tax and for the tobacco tax; and

(ii) the form of any other evidence of tax payment; and

(2) may adopt any other method or device that the Comptroller considers necessary to:

(i) prevent fraud or evasion of the alcoholic beverage tax; or

(ii) comply with any restrictions that the federal government imposes on alcoholic beverages during a war or an emergency.

(c) **[The] IN COOPERATION WITH THE EXECUTIVE DIRECTOR OF THE ALCOHOL AND TOBACCO COMMISSION, THE** Comptroller:

(1) shall provide tax stamps and certificates to indicate that the alcoholic beverage tax or tobacco tax has been paid; and

(2) may adopt reasonable regulations to prevent abuse but ensure the adequate availability of tax stamps and certificates, including regulations that:

(i) limit excessive disbursement of tax stamps and certificates; and

(ii) require proof of need for tax stamps and certificates.

2–107.

(a) Authorized employees of the Field Enforcement Bureau of the Comptroller's Office:

(1) shall be individuals who are sworn police officers; and

(2) have all the powers, duties, and responsibilities of a peace officer for the purpose of enforcing the laws pertaining to:

(i) admissions and amusement tax;

(ii) **[alcoholic beverage tax;**

**(iii)]** income tax;

**[(iv)] (III)** motor carrier tax;

**[(v)] (IV)** motor fuel and lubricants;

**[(vi)] (V)** motor fuel tax;

**[(vii)] (VI)** sales and use tax;

**[(viii) tobacco tax; and]**

~~[(ix)]~~ **(VII)** transient vendors within the meaning of Title 17, Subtitle 20A of the Business Regulation Article; **AND**

**(VIII) IN COOPERATION WITH THE AUTHORIZED EMPLOYEES OF THE FIELD ENFORCEMENT DIVISION OF THE ALCOHOL AND TOBACCO COMMISSION:**

**1. ALCOHOLIC BEVERAGE TAX; AND**

**2. TOBACCO TAX.**

(b) (1) The Department of State Police shall help the Field Enforcement Bureau in enforcing the motor carrier tax, motor fuel tax and motor fuel and lubricants laws.

(2) The Comptroller shall pay the salaries and expenses of all Department of State Police staff assigned to the Field Enforcement Bureau.

(c) (1) (i) Except for the Sheriff, constables and bailiffs of Baltimore County, each law enforcement officer shall enforce the alcoholic beverage tax and tobacco tax laws.

(ii) A State's Attorney or other prosecutor may prosecute alleged violations of the alcoholic beverage tax or tobacco tax laws.

(2) **The Field Enforcement Bureau OF THE COMPTROLLER'S OFFICE AND THE FIELD ENFORCEMENT DIVISION OF THE ALCOHOL AND TOBACCO COMMISSION:**

(i) shall advise a State's Attorney and law enforcement officers about enforcement problems; and

(ii) otherwise may work cooperatively with law enforcement officers and prosecutors to carry out the duties of the unit.

(3) This subsection does not restrict the appropriation of money by a political subdivision of the State to aid in the enforcement of the alcoholic beverage tax and tobacco tax laws.

(d) (1) Each unit of the State government shall cooperate with the Comptroller's Office by making available, on request, any information in the unit's possession as may be of assistance in the administration and enforcement of the motor carrier tax, motor fuel tax, and motor fuel and lubricants laws.

(2) The Field Enforcement Bureau shall cooperate with and help the federal government, other states, and local governments and law enforcement personnel of those jurisdictions to enforce the motor carrier tax, motor fuel tax, and motor fuel and lubricants laws.

(e) On or before October 1 each year, the [Comptroller's Office] **EXECUTIVE DIRECTOR OF THE ALCOHOL AND TOBACCO COMMISSION** shall report to the General Assembly, in accordance with § 2-1257 of the State Government Article, on:

(1) the aggregate number of licensed tobacco retailers that committed a violation of § 10-107 of the Criminal Law Article and the aggregate number of minors who committed a violation of [§ 10-108] **§ 10-107** of the Criminal Law Article during the reporting period;

(2) the number of prior violations for licensed tobacco retailers and minors that committed a violation during the reporting period; and

(3) the subsequent action taken by the [Comptroller's Office] **EXECUTIVE DIRECTOR** against each violator and, for each action taken, the number of violations committed by the violator.

### Chapter 12 of the Acts of 2019

SECTION 3. AND BE IT FURTHER ENACTED, That the initial terms of the members of the Alcohol and Tobacco Commission appointed under Section 1 of this Act shall expire as follows:

(1) one member on June 30, [2021] 2022;

(2) one member on June 30, [2022] 2023;

(3) one member on June 30, [2023] 2024; and

(4) two members on June 30, [2024] 2025.

SECTION 4. AND BE IT FURTHER ENACTED, That, as provided in this Act:

(a) It is the intent of the General Assembly that:

(1) the transfer of the Field Enforcement Division and the personnel of the Division to the Alcohol and Tobacco Commission under this Act shall take effect not later than [July] **JANUARY 1, [2020] 2021;**

SECTION 7. AND BE IT FURTHER ENACTED, That all persons who, as of [June 30] ~~MAY~~ **DECEMBER 31**, 2020, are employees in budgeted positions of the Office of the Comptroller and whose positions are transferred to the Office of the Executive Director of

the Alcohol and Tobacco Commission as provided by this Act are hereby transferred to the Office of the Executive Director of the Alcohol and Tobacco Commission without any change or loss of rights pay, working conditions, benefits, rights, or status, and shall retain any merit system and retirement status they may have on the date of transfer.

*SECTION 12. AND BE IT FURTHER ENACTED, That this Act shall take effect [June] JANUARY 1, [2020] 2021.*

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 361

**(House Bill 904)**

AN ACT concerning

### **Maryland Trust Act – Liability of Trustee – Report and Release by Interested Party**

FOR the purpose of authorizing a trustee to send to certain interested parties in a certain manner a certain report when the trust terminates or on the resignation or removal of the trustee in accordance with the terms of the trust or certain provisions of law; providing that, if an interested party does not submit an objection to the report within a certain period of time, the interested party shall have released the trustee and been deemed to have consented to and ratified the actions of the trustee; requiring the trustee, under certain circumstances, to distribute the trust property to certain parties within a certain period of time; specifying the procedures by which an objection to the report may be addressed; providing for the prospective application of this Act; and generally relating to the liability of trustees.

BY repealing and reenacting, with amendments,

Article – Estates and Trusts

Section 14.5–904 and 14.5–907

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**

14.5–904.

(a) **[A] EXCEPT AS OTHERWISE PROVIDED IN § 14.5–907 OF THIS SUBTITLE,** A beneficiary may not bring a judicial action against a trustee for breach of trust more than 1 year after the date that the beneficiary or the representative of the beneficiary is sent a report that adequately discloses the existence of a potential claim for breach of trust and informs the beneficiary or the representative of the beneficiary of the time allowed for bringing a judicial action.

(b) A report adequately discloses the existence of a potential claim for breach of trust if the report provides sufficient information so that the beneficiary or representative knows of the potential claim or should have inquired into the existence of the claim.

(c) This section does not limit the time for bringing an action against a trustee for breach of trust committed in bad faith or with reckless indifference to the purposes of the trust or the interests of the beneficiaries.

14.5–907.

**(A) IN THIS SECTION, “INTERESTED PARTY” MEANS A BENEFICIARY, REPRESENTATIVE OF A BENEFICIARY, CO–TRUSTEE, SUCCESSOR TRUSTEE, OR ANY OTHER PERSON HAVING AN INTEREST IN OR AUTHORITY OVER A TRUST.**

**(B)** A trustee is not liable to a beneficiary for breach of trust if the beneficiary consented to the conduct constituting the breach, released the trustee from liability for the breach, or ratified the transaction constituting the breach, unless:

(1) The consent, release, or ratification of the beneficiary was induced by improper conduct of the trustee; or

(2) At the time of the consent, release, or ratification, the beneficiary did not know of the rights of the beneficiary or of the material facts relating to the breach.

**(C) ~~WHEN A TRUST TERMINATES UNDER THE TERMS OF THE TRUST OR ON THE REMOVAL OR RESIGNATION OF A TRUSTEE IN ACCORDANCE WITH SUBTITLE 7 OF THIS TITLE, THE TRUSTEE MAY SEND TO EACH INTERESTED PARTY, BY FIRST CLASS, CERTIFIED MAIL, A REPORT THAT: (1) WHEN A TRUST TERMINATES IN ACCORDANCE WITH THE TERMS OF THE TRUST OR SUBTITLE 4 OF THIS TITLE, OR ON THE REMOVAL OR RESIGNATION OF A TRUSTEE IN ACCORDANCE WITH THE TERMS OF THE TRUST OR SUBTITLE 7 OF THIS TITLE, A TRUSTEE MAY ELECT TO FOLLOW THE PROCEDURES SET FORTH IN THIS SUBSECTION CONCERNING THE RELEASE OF THE TRUSTEE FROM LIABILITY FOR THE ADMINISTRATION OF THE TRUST.~~**

(2) A TRUSTEE SEEKING A RELEASE OF THE TRUSTEE FROM LIABILITY UNDER THIS SUBSECTION SHALL SEND TO EACH INTERESTED PARTY, BY FIRST-CLASS, CERTIFIED MAIL, RETURN RECEIPT REQUESTED, A REPORT THAT:

~~(1)~~ (I) INFORMS THE INTERESTED PARTY THAT THE TRUST IS TERMINATING OR THAT THE TRUSTEE HAS RESIGNED OR HAS BEEN REMOVED;

~~(2)~~ (II) PROVIDES THE INTERESTED PARTY:

~~(H)~~ 1. AN ACCOUNTING OF THE TRUST, SUCH AS ACCOUNT STATEMENTS, FOR THE IMMEDIATELY PRECEDING 5 YEARS;

~~(H)~~ 2. AN ESTIMATE OF ANY TRUST PROPERTY OR INTERESTS REASONABLY ANTICIPATED BUT NOT YET RECEIVED OR DISBURSED; AND

~~(H)~~ 3. THE AMOUNT OF ANY FEES, INCLUDING TRUSTEE FEES, REMAINING TO BE PAID; AND

~~(3)~~ (III) NOTIFIES THE INTERESTED PARTY THAT:

~~(H)~~ 1. THE INTERESTED PARTY MAY SUBMIT A WRITTEN OBJECTION TO THE TRUSTEE REGARDING THE TRUSTEE'S ADMINISTRATION OF THE TRUST WITHIN ~~90~~ 120 DAYS AFTER THE TRUSTEE MAILED THE REPORT; ~~AND~~

~~(H)~~ 2. IF THE INTERESTED PARTY DOES NOT SUBMIT A WRITTEN OBJECTION TO THE TRUSTEE WITHIN ~~90~~ 120 DAYS AFTER THE TRUSTEE MAILED THE REPORT, THE INTERESTED PARTY SHALL BE DEEMED TO HAVE RELEASED THE TRUSTEE AND CONSENTED TO AND RATIFIED ALL ACTIONS OF THE TRUSTEE; AND

3. THE TRUSTEE IS UNAWARE OF ANY UNDISCLOSED INFORMATION THAT COULD GIVE RISE TO A CLAIM BY AN INTERESTED PARTY.

(D) IF AN INTERESTED PARTY DOES NOT SUBMIT A WRITTEN OBJECTION TO THE TRUSTEE WITHIN ~~90~~ 120 DAYS AFTER THE TRUSTEE MAILED THE REPORT, THE INTERESTED PARTY SHALL BE DEEMED TO HAVE RELEASED THE TRUSTEE AND CONSENTED TO AND RATIFIED ALL ACTIONS OF THE TRUSTEE.

(E) IF NO INTERESTED PARTY SUBMITS A WRITTEN OBJECTION TO THE TRUSTEE WITHIN ~~90~~ 120 DAYS AFTER THE TRUSTEE MAILED THE REPORT, THE TRUSTEE SHALL DISTRIBUTE THE TRUST PROPERTY TO THE APPROPRIATE SUCCESSORS IN INTEREST WITHIN A REASONABLE PERIOD OF TIME.

(F) IF AN INTERESTED PARTY SUBMITS A WRITTEN OBJECTION TO THE TRUSTEE WITHIN ~~90~~ 120 DAYS AFTER THE TRUSTEE MAILED THE REPORT, THE OBJECTION MAY BE:

(1) SUBMITTED TO THE COURT, WITH NOTICE TO ALL INTERESTED PARTIES, TO COMMENCE A PROCEEDING FOR RESOLUTION OF THE OBJECTION; OR

(2) RESOLVED BY THE AGREEMENT OF ALL INTERESTED PARTIES AND THE TRUSTEE, IN ACCORDANCE WITH APPLICABLE LAWS.

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 report mailed by a trustee to an interested party that, in part, notified the interested party that the interested party may submit a written objection to the trustee regarding the trustee's administration of the trust 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 362

(Senate Bill 886)

AN ACT concerning

### **Maryland Trust Act – Liability of Trustee – Report and Release by Interested Party**

FOR the purpose of authorizing a trustee to send to certain interested parties in a certain manner a certain report when the trust terminates or on the resignation or removal of the trustee in accordance with the terms of the trust or certain provisions of law; providing that, if an interested party does not submit an objection to the report within a certain period of time, the interested party shall have released the trustee and been deemed to have consented to and ratified the actions of the trustee; requiring the trustee, under certain circumstances, to distribute the trust property to certain parties within a certain period of time; specifying the procedures by which an objection to the report may be addressed; providing for the prospective application of this Act; and generally relating to the liability of trustees.

BY repealing and reenacting, with amendments,

Article – Estates and Trusts

Section 14.5–904 and 14.5–907



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**

14.5–904.

(a) **[A] EXCEPT AS OTHERWISE PROVIDED IN § 14.5–907 OF THIS SUBTITLE,** A beneficiary may not bring a judicial action against a trustee for breach of trust more than 1 year after the date that the beneficiary or the representative of the beneficiary is sent a report that adequately discloses the existence of a potential claim for breach of trust and informs the beneficiary or the representative of the beneficiary of the time allowed for bringing a judicial action.

(b) A report adequately discloses the existence of a potential claim for breach of trust if the report provides sufficient information so that the beneficiary or representative knows of the potential claim or should have inquired into the existence of the claim.

(c) This section does not limit the time for bringing an action against a trustee for breach of trust committed in bad faith or with reckless indifference to the purposes of the trust or the interests of the beneficiaries.

14.5–907.

**(A) IN THIS SECTION, “INTERESTED PARTY” MEANS A BENEFICIARY, REPRESENTATIVE OF A BENEFICIARY, CO–TRUSTEE, SUCCESSOR TRUSTEE, OR ANY OTHER PERSON HAVING AN INTEREST IN OR AUTHORITY OVER A TRUST.**

**(B)** A trustee is not liable to a beneficiary for breach of trust if the beneficiary consented to the conduct constituting the breach, released the trustee from liability for the breach, or ratified the transaction constituting the breach, unless:

(1) The consent, release, or ratification of the beneficiary was induced by improper conduct of the trustee; or

(2) At the time of the consent, release, or ratification, the beneficiary did not know of the rights of the beneficiary or of the material facts relating to the breach.

**~~(C) WHEN A TRUST TERMINATES UNDER THE TERMS OF THE TRUST OR ON THE REMOVAL OR RESIGNATION OF A TRUSTEE IN ACCORDANCE WITH SUBTITLE 7 OF THIS TITLE, THE TRUSTEE MAY SEND TO EACH INTERESTED PARTY, BY FIRST CLASS, CERTIFIED MAIL, A REPORT THAT: (1) WHEN A TRUST TERMINATES IN ACCORDANCE WITH THE TERMS OF THE TRUST OR SUBTITLE 4 OF THIS TITLE, OR~~**

ON THE REMOVAL OR RESIGNATION OF A TRUSTEE IN ACCORDANCE WITH THE TERMS OF THE TRUST OR SUBTITLE 7 OF THIS TITLE, A TRUSTEE MAY ELECT TO FOLLOW THE PROCEDURES SET FORTH IN THIS SUBSECTION CONCERNING THE RELEASE OF THE TRUSTEE FROM LIABILITY FOR THE ADMINISTRATION OF THE TRUST.

(2) A TRUSTEE SEEKING A RELEASE OF THE TRUSTEE FROM LIABILITY UNDER THIS SUBSECTION SHALL SEND TO EACH INTERESTED PARTY, BY FIRST-CLASS, CERTIFIED MAIL, RETURN RECEIPT REQUESTED, A REPORT THAT:

~~(1)~~ (I) INFORMS THE INTERESTED PARTY THAT THE TRUST IS TERMINATING OR THAT THE TRUSTEE HAS RESIGNED OR HAS BEEN REMOVED;

~~(2)~~ (II) PROVIDES THE INTERESTED PARTY:

~~(1)~~ 1. AN ACCOUNTING OF THE TRUST, SUCH AS ACCOUNT STATEMENTS, FOR THE IMMEDIATELY PRECEDING 5 YEARS;

~~(II)~~ 2. AN ESTIMATE OF ANY TRUST PROPERTY OR INTERESTS REASONABLY ANTICIPATED BUT NOT YET RECEIVED OR DISBURSED; AND

~~(III)~~ 3. THE AMOUNT OF ANY FEES, INCLUDING TRUSTEE FEES, REMAINING TO BE PAID; AND

~~(3)~~ (III) NOTIFIES THE INTERESTED PARTY THAT:

~~(1)~~ 1. THE INTERESTED PARTY MAY SUBMIT A WRITTEN OBJECTION TO THE TRUSTEE REGARDING THE TRUSTEE'S ADMINISTRATION OF THE TRUST WITHIN ~~90~~ 120 DAYS AFTER THE TRUSTEE MAILED THE REPORT; ~~AND~~

~~(II)~~ 2. IF THE INTERESTED PARTY DOES NOT SUBMIT A WRITTEN OBJECTION TO THE TRUSTEE WITHIN ~~90~~ 120 DAYS AFTER THE TRUSTEE MAILED THE REPORT, THE INTERESTED PARTY SHALL BE DEEMED TO HAVE RELEASED THE TRUSTEE AND CONSENTED TO AND RATIFIED ALL ACTIONS OF THE TRUSTEE; AND

3. THE TRUSTEE IS UNAWARE OF ANY UNDISCLOSED INFORMATION THAT COULD GIVE RISE TO A CLAIM BY AN INTERESTED PARTY.

(D) IF AN INTERESTED PARTY DOES NOT SUBMIT A WRITTEN OBJECTION TO THE TRUSTEE WITHIN ~~90~~ 120 DAYS AFTER THE TRUSTEE MAILED THE REPORT, THE INTERESTED PARTY SHALL BE DEEMED TO HAVE RELEASED THE TRUSTEE AND CONSENTED TO AND RATIFIED ALL ACTIONS OF THE TRUSTEE.

(E) IF NO INTERESTED PARTY SUBMITS A WRITTEN OBJECTION TO THE TRUSTEE WITHIN ~~90~~ 120 DAYS AFTER THE TRUSTEE MAILED THE REPORT, THE TRUSTEE SHALL DISTRIBUTE THE TRUST PROPERTY TO THE APPROPRIATE SUCCESSORS IN INTEREST WITHIN A REASONABLE PERIOD OF TIME.

(F) IF AN INTERESTED PARTY SUBMITS A WRITTEN OBJECTION TO THE TRUSTEE WITHIN ~~90~~ 120 DAYS AFTER THE TRUSTEE MAILED THE REPORT, THE OBJECTION MAY BE:

(1) SUBMITTED TO THE COURT, WITH NOTICE TO ALL INTERESTED PARTIES, TO COMMENCE A PROCEEDING FOR RESOLUTION OF THE OBJECTION; OR

(2) RESOLVED BY THE AGREEMENT OF ALL INTERESTED PARTIES AND THE TRUSTEE, IN ACCORDANCE WITH APPLICABLE LAWS.

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 report mailed by a trustee to an interested party that, in part, notified the interested party that the interested party may submit a written objection to the trustee regarding the trustee's administration of the trust 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 363

(House Bill 909)

AN ACT concerning

### Frederick County – Board of Education – Compensation

FOR the purpose of altering the amount of annual compensation of the president and other voting members of the Frederick County Board of Education beginning with the commencement of a certain term of office; and generally relating to the Frederick County Board of Education.

BY repealing and reenacting, with amendments,  
 Article – Education  
 Section 3–5B–03  
 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**

3–5B–03.

(a) (1) [The] **UNTIL THE ELECTION OF MEMBERS OF THE FREDERICK COUNTY BOARD AT THE GENERAL ELECTION OF 2022 AND THE COMMENCEMENT OF THEIR TERMS ON DECEMBER 6, 2022, FOLLOWING THAT ELECTION, THE** president of the [Frederick County Board] **COUNTY BOARD** is entitled to receive \$11,000 annually as compensation, and each other voting member of the [Frederick County Board] **COUNTY BOARD** is entitled to receive \$10,000 annually as compensation.

(2) **AFTER THE ELECTION OF MEMBERS OF THE COUNTY BOARD AT THE GENERAL ELECTION OF 2022 AND ON THE COMMENCEMENT OF THEIR TERMS ON DECEMBER 6, 2022, FOLLOWING THE ELECTION, THE PRESIDENT OF THE COUNTY BOARD IS ENTITLED TO RECEIVE \$15,000 ANNUALLY AS COMPENSATION, AND EACH OTHER VOTING MEMBER OF THE COUNTY BOARD IS ENTITLED TO RECEIVE \$14,000 ANNUALLY AS COMPENSATION.**

(b) The president and all other members of the Frederick County Board are entitled to health insurance benefits regularly provided to employees of the Frederick County public school system.

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 364**

**(Senate Bill 744)**

AN ACT concerning

**Frederick County – Board of Education – Compensation**

FOR the purpose of altering the amount of annual compensation of the president and other voting members of the Frederick County Board of Education beginning with the commencement of a certain term of office; and generally relating to the Frederick County Board of Education.

BY repealing and reenacting, with amendments,  
Article – Education  
Section 3–5B–03  
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**

3–5B–03.

(a) (1) [The] **UNTIL THE ELECTION OF MEMBERS OF THE FREDERICK COUNTY BOARD AT THE GENERAL ELECTION OF 2022 AND THE COMMENCEMENT OF THEIR TERMS ON DECEMBER 6, 2022, FOLLOWING THAT ELECTION, THE** president of the [Frederick County Board] **COUNTY BOARD** is entitled to receive \$11,000 annually as compensation, and each other voting member of the [Frederick County Board] **COUNTY BOARD** is entitled to receive \$10,000 annually as compensation.

(2) **AFTER THE ELECTION OF MEMBERS OF THE COUNTY BOARD AT THE GENERAL ELECTION OF 2022 AND THE COMMENCEMENT OF THEIR TERMS ON DECEMBER 6, 2022, FOLLOWING THE ELECTION, THE PRESIDENT OF THE COUNTY BOARD IS ENTITLED TO RECEIVE \$15,000 ANNUALLY AS COMPENSATION, AND EACH OTHER VOTING MEMBER OF THE COUNTY BOARD IS ENTITLED TO RECEIVE \$14,000 ANNUALLY AS COMPENSATION.**

(b) The president and all other members of the Frederick County Board are entitled to health insurance benefits regularly provided to employees of the Frederick County public school system.

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 365**

**(House Bill 915)**

AN ACT concerning

**Health Facilities – Hospitals – Disclosure of Outpatient Facility Fees**

**(Facility Fee Right-to-Know Act)**

FOR the purpose of requiring certain hospitals to provide each patient with a certain written notice related to outpatient facility fees that are charged for services provided at the hospital that is in a certain form; requiring that certain notices be provided to certain patients in certain manners and at certain times; requiring ~~the Health Services Cost Review Commission, in consultation with the Health Education and Advocacy Unit in the Office of the Attorney General,~~ certain hospitals to determine a certain range of fees and fee estimates; requiring each hospital that charges an outpatient facility fee to use a certain range of fees and fee estimates; requiring a hospital, to the extent practicable, to provide a certain notice in a certain language or format under certain circumstances; requiring a patient to acknowledge in a certain manner that a certain notice was provided at a certain time; prohibiting a hospital from charging, billing, or attempting to collect a certain fee except under certain circumstances; requiring certain hospitals to report certain information to the Commission on or before a certain date each year; requiring the Commission to post certain information on its website and to provide certain information to the Maryland Insurance Administration and the Unit on or before a certain date each year; ~~requiring the Unit, in consultation with the Commission, consumers, and other stakeholders, to develop a process for determining and updating certain information on or before a certain date; defining certain terms~~ requiring the Commission to give certain consideration in certain procedures regarding the feasibility of certain notices under certain circumstances; providing for a delayed effective date; and generally relating to hospitals and the disclosure of outpatient facility fees.

BY adding to

Article – Health – General  
Section 19–349.2  
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****19–349.2.**

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

(2) “ELECTRONICALLY” MEANS A SECURE DIGITAL OR ELECTRONIC TRANSMISSION IN COMPLIANCE WITH FEDERAL AND STATE LAW, INCLUDING BY:

(I) PATIENT INTERNET PORTAL;

(II) ENCRYPTED E-MAIL; OR

(III) TEXT MESSAGE WITH A LINK TO AN ENCRYPTED NOTICE.

(3) (I) ~~“OUTPATIENT FACILITY FEE” MEANS A RATE APPROVED BY THE COMMISSION CHARGED BY A HOSPITAL FOR OUTPATIENT SERVICES PROVIDED IN A BUILDING ON THE CAMPUS OF A HOSPITAL IN WHICH HOSPITAL SERVICES ARE PROVIDED THAT IS SEPARATE AND DISTINCT FROM A FEE FOR PROFESSIONAL SERVICES~~ A HOSPITAL OUTPATIENT CHARGE APPROVED BY THE COMMISSION FOR AN OUTPATIENT CLINIC SERVICE, SUPPLY, OR EQUIPMENT, INCLUDING THE SERVICE OF A NONPHYSICIAN CLINICIAN.

(II) “OUTPATIENT FACILITY FEE” DOES NOT INCLUDE:

1. A CHARGE BILLED FOR SERVICES DELIVERED IN AN EMERGENCY DEPARTMENT; OR

2. A PHYSICIAN FEE BILLED FOR PROFESSIONAL SERVICES PROVIDED AT THE HOSPITAL.

(4) (I) “PATIENT” MEANS AN INDIVIDUAL WHO RECEIVES HEALTH CARE.

(II) “PATIENT” INCLUDES:

1. A PERSON AUTHORIZED TO CONSENT TO HEALTH CARE FOR AN INDIVIDUAL CONSISTENT WITH THE AUTHORITY GRANTED, INCLUDING A GUARDIAN, SURROGATE, OR PERSON WITH A MEDICAL POWER OF ATTORNEY;

2. AN INDIVIDUAL WHO IS A MINOR, IF THE MINOR SEEKS TREATMENT TO WHICH THE MINOR HAS THE RIGHT TO CONSENT AND HAS CONSENTED UNDER TITLE 20, SUBTITLE 1 OF THIS ARTICLE;

3. A PARENT, GUARDIAN, CUSTODIAN, OR REPRESENTATIVE OF AN INDIVIDUAL WHO IS A MINOR; AND

4. A PERSON AUTHORIZED TO CONSENT TO HEALTH CARE FOR AN INDIVIDUAL WHO IS A MINOR CONSISTENT WITH THE AUTHORITY GRANTED.

(B) SUBJECT TO SUBSECTIONS (C), (D), AND (E) OF THIS SECTION, IF A HOSPITAL CHARGES AN OUTPATIENT FACILITY FEE, THE HOSPITAL SHALL PROVIDE

THE PATIENT WITH A WRITTEN NOTICE, SEPARATE FROM ANY OTHER FORMS OR NOTICES, IN THE FOLLOWING FORM OR A SUBSTANTIALLY SIMILAR FORM:

**IMPORTANT FINANCIAL INFORMATION**

(PATIENT NAME) \_\_\_\_\_ APPOINTMENT DATE: \_\_\_\_\_

**NOTICE OF HOSPITAL OUTPATIENT FACILITY FEE AND BILLING DISCLOSURE**

A. YOUR APPOINTMENT WITH (PROVIDER, PRACTICE, OR CLINIC NAME) WILL TAKE PLACE IN AN OUTPATIENT DEPARTMENT OF (HOSPITAL NAME).

B. (HOSPITAL NAME) WILL CHARGE AN OUTPATIENT FACILITY FEE THAT IS SEPARATE FROM AND IN ADDITION TO THE BILL YOU WILL RECEIVE FROM (PROVIDER).

C. YOU WILL RECEIVE TWO CHARGES FOR YOUR VISIT:

1. A PROVIDER SERVICES BILL FROM (PROVIDER); AND
2. A HOSPITAL FACILITY BILL FROM (HOSPITAL NAME).

**EXPECTED FEE**

(IF KNOWN) THE AMOUNT OF THE FACILITY FEE THAT WILL BE CHARGED BY (HOSPITAL NAME) FOR YOUR APPOINTMENT IS \$ \_\_\_\_\_.

(IF UNKNOWN) (HOSPITAL NAME'S) FACILITY FEE IS LIKELY TO RANGE FROM \$ \_\_\_\_\_ TO \$ \_\_\_\_\_.

(IF UNKNOWN) BASED ON APPOINTMENTS LIKE THE ONE YOU ARE SCHEDULED FOR, WE ESTIMATE THE FACILITY FEE TO BE \$ \_\_\_\_\_.

(IF UNKNOWN) WE ARE PROVIDING YOU WITH A RANGE OF FEES AND AN ESTIMATE BECAUSE THE ACTUAL AMOUNT OF THE FACILITY FEE WILL DEPEND ON THE HOSPITAL SERVICES THAT ARE ACTUALLY PROVIDED. THE FEE COULD BE HIGHER IF YOU REQUIRE SERVICES DURING YOUR APPOINTMENT THAT WE CANNOT REASONABLY PREDICT TODAY.

FINANCIAL HELP FOR YOUR PORTION OF THE OUTPATIENT FACILITY FEE BILL MAY BE AVAILABLE. IF YOU NEED FINANCIAL HELP WITH THE OUTPATIENT FACILITY BILL, PLEASE CONTACT (HOSPITAL FINANCIAL ASSISTANCE OFFICE, WITH TELEPHONE NUMBER AND DIRECT WEBSITE ADDRESS).



RECEIVING SERVICES HERE MAY RESULT IN GREATER FINANCIAL LIABILITY THAN RECEIVING SERVICES AT A LOCATION WHERE A FACILITY FEE MAY NOT BE CHARGED.

(IF APPLICABLE) NO FACILITY FEE LOCATION

YOU CAN SEE (PROVIDER) AT ANOTHER LOCATION THAT DOES NOT CHARGE A FACILITY FEE.

(ADDRESS AND CONTACT INFORMATION)

CONTACT YOUR INSURANCE CARRIER TO SEE IF (PROVIDER) IS A PARTICIPATING PROVIDER AND IN-NETWORK AT THE (ADDRESS OF ALTERNATIVE LOCATION) LOCATION.

#### INSURANCE INFORMATION

1. THE AMOUNT OF THE FACILITY FEE THAT YOU WILL BE RESPONSIBLE FOR PAYING WILL DEPEND ON YOUR INSURANCE COVERAGE.
2. INSURANCE COMPANIES COULD IMPOSE DEDUCTIBLES OR HIGHER COPAYMENT OR COINSURANCE AMOUNTS FOR SERVICES PROVIDED IN HOSPITAL OUTPATIENT DEPARTMENTS.
3. IF YOU HAVE INSURANCE, YOU SHOULD CONTACT YOUR CARRIER TO DETERMINE YOUR INSURANCE COVERAGE AND YOUR ESTIMATED FINANCIAL RESPONSIBILITY FOR THE FACILITY FEE, INCLUDING COPAYMENTS, COINSURANCE, AND DEDUCTIBLE AMOUNTS FOR THE OUTPATIENT FACILITY FEE.

#### FACILITY FEE COMPLAINTS

IF YOU HAVE A ~~FACILITY FEE COMPLAINT, YOU SHOULD FILE IT~~ COMPLAINT ABOUT AN OUTPATIENT FACILITY FEE CHARGE, PLEASE FIRST CONTACT THE HOSPITAL, (HOSPITAL BILLING OFFICE CONTACT INFORMATION)

IF THE COMPLAINT IS UNRESOLVED, YOU MAY THEN FILE THE COMPLAINT WITH THE HEALTH SERVICES COST REVIEW COMMISSION, (CONTACT INFORMATION).

IF YOU NEED ADDITIONAL INFORMATION REGARDING YOUR FACILITY FEE CHARGES OR IF YOU NEED ASSISTANCE MEDIATING A FACILITY FEE COMPLAINT AGAINST A HOSPITAL, CONTACT THE HEALTH EDUCATION AND ADVOCACY UNIT OF THE OFFICE OF THE ATTORNEY GENERAL, 1-877-261-8807 |

HEAU@OAG.STATE.MD.US  
WWW.MARYLANDCARES.ORG.

|

~~WWW.MARYLANDCARE.ORG~~

**ACKNOWLEDGMENT**

1. I UNDERSTAND THAT I WILL BE BILLED A HOSPITAL FACILITY FEE AND A PROVIDER FEE.
2. (HOSPITAL NAME) PROVIDED ME WITH ~~(THE FACILITY FEE CHARGE)~~~~(A RANGE OF FACILITY FEES AND AN ESTIMATE OF THE FACILITY FEE CHARGE)~~ INFORMATION ON THE FACILITY FEES THAT WILL BE BILLED FOR MY APPOINTMENT.
3. I UNDERSTAND THAT THE FEE COULD VARY BASED ON CONDITIONS AND SERVICES PROVIDED TO ME THAT THE HOSPITAL CANNOT REASONABLY PREDICT TODAY.
4. I UNDERSTAND THAT MY OUT-OF-POCKET COSTS WILL DEPEND ON MY INSURANCE COVERAGE.

\_\_\_\_\_ (INITIAL HERE) – BY INITIALING HERE, I CONFIRM THAT I RECEIVED THE FACILITY FEE INFORMATION AT THE TIME I MADE MY APPOINTMENT WITH (PROVIDER).

BY SIGNING THIS FORM, I ACKNOWLEDGE THAT I HAVE RECEIVED THIS INFORMATION BEFORE RECEIVING SERVICES TODAY.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

TO REQUEST THIS NOTICE IN AN ALTERNATIVE FORMAT, PLEASE CALL (CONTACT INFORMATION) OR E-MAIL (CONTACT INFORMATION).

(SAME SENTENCE IN SPANISH).

(C) IF A PATIENT DOES NOT SPEAK ENGLISH OR REQUIRES THE WRITTEN NOTICE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION TO BE IN AN ALTERNATIVE FORMAT, THE HOSPITAL SHALL, TO THE EXTENT PRACTICABLE, PROVIDE THE NOTICE IN A LANGUAGE OR FORMAT THAT IS UNDERSTOOD BY THE PATIENT.

~~(D) (1) THE HEALTH SERVICES COST REVIEW COMMISSION, IN CONSULTATION WITH THE HEALTH EDUCATION AND ADVOCACY UNIT IN THE OFFICE OF THE ATTORNEY GENERAL, SHALL DETERMINE THE RANGE OF HOSPITAL OUTPATIENT FACILITY FEES AND FEE ESTIMATES TO BE PROVIDED IN THE WRITTEN~~

~~NOTICE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION~~ A HOSPITAL SHALL DETERMINE THE RANGE OF HOSPITAL OUTPATIENT FACILITY FEES AND FEE ESTIMATES, BASED ON TYPICAL OR AVERAGE FACILITY FEES FOR THE SAME OR SIMILAR APPOINTMENTS, TO BE PROVIDED IN THE NOTICE REQUIRED UNDER THIS SECTION, CONSISTENT WITH THE HOSPITAL'S MOST RECENT RATE ORDER AS APPROVED BY THE COMMISSION.

(2) EACH HOSPITAL THAT CHARGES AN OUTPATIENT FACILITY FEE SHALL USE THE RANGE OF HOSPITAL OUTPATIENT FACILITY FEES AND FEE ESTIMATES DETERMINED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(E) (1) FOR AN APPOINTMENT MADE IN PERSON OR BY TELEPHONE:

(I) ORAL NOTICE OF ALL THE INFORMATION THAT WOULD BE PROVIDED IN THE FORM REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE GIVEN AT THE TIME THE APPOINTMENT IS MADE; AND

(II) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE WRITTEN NOTICE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE SENT TO THE PATIENT ELECTRONICALLY AT THE TIME THE APPOINTMENT IS MADE.

(2) FOR AN APPOINTMENT MADE ELECTRONICALLY OR USING A WEBSITE, THE WRITTEN NOTICE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE:

(I) PROVIDED AT THE TIME THE APPOINTMENT IS MADE; AND

(II) SENT TO THE PATIENT ELECTRONICALLY AT THE TIME THE APPOINTMENT IS MADE.

(3) IF THE PATIENT REFUSES ELECTRONIC COMMUNICATION UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE WRITTEN NOTICE SHALL BE SENT TO THE PATIENT BY FIRST-CLASS MAIL AT THE TIME THE APPOINTMENT IS MADE.

(F) BEFORE PROFESSIONAL MEDICAL SERVICES ARE PROVIDED ON THE DATE OF THE APPOINTMENT, THE PATIENT SHALL ACKNOWLEDGE IN WRITING THAT THE NOTICE REQUIRED UNDER THIS SECTION WAS PROVIDED AT THE TIME THE APPOINTMENT WAS MADE.

(G) A HOSPITAL MAY NOT CHARGE, BILL, OR ATTEMPT TO COLLECT AN OUTPATIENT FACILITY FEE UNLESS THE PATIENT WAS GIVEN NOTICE IN ACCORDANCE WITH THIS SECTION.

(H) (1) ON OR BEFORE JANUARY 31 EACH YEAR, BEGINNING IN ~~2021~~ 2022, EACH HOSPITAL SHALL REPORT TO THE HEALTH SERVICES COST REVIEW COMMISSION A LIST OF THE HOSPITAL-BASED, RATE-REGULATED OUTPATIENT SERVICES PROVIDED BY THE HOSPITAL.

(2) ON OR BEFORE FEBRUARY 28 EACH YEAR, BEGINNING IN ~~2021~~ 2022, THE HEALTH SERVICES COST REVIEW COMMISSION ANNUALLY SHALL:

(I) POST ON ITS WEBSITE THE LIST OF THE HOSPITAL-BASED, RATE-REGULATED OUTPATIENT SERVICES REPORTED BY EACH HOSPITAL UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND

(II) PROVIDE THE LIST OF THE HOSPITAL-BASED, RATE-REGULATED OUTPATIENT SERVICES REPORTED BY EACH HOSPITAL TO THE MARYLAND INSURANCE ADMINISTRATION AND THE HEALTH EDUCATION AND ADVOCACY UNIT IN THE OFFICE OF THE ATTORNEY GENERAL.

(3) WHEN LACK OF NOTICE IN ACCORDANCE WITH THIS SECTION IS ALLEGED IN A CONSUMER COMPLAINT, THE COMMISSION SHALL GIVE CONSIDERATION IN ITS INVESTIGATORY AND AUDIT PROCEDURES AS TO WHETHER NOTICE WAS NOT FEASIBLE DUE TO CIRCUMSTANCES BEYOND THE HOSPITAL'S CONTROL.

~~SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2020, the Health Education and Advocacy Unit within the Office of the Attorney General, in consultation with the Health Care Services Cost Review Commission, the Maryland Hospital Association, consumers, and other stakeholders, shall develop a process for determining and updating the range of fees and fee estimates to be used under § 19-349.2(d) of the Health General Article, as enacted by Section 1 of this Act.~~

SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2020 2021.

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

---

## Chapter 366

(Senate Bill 632)

AN ACT concerning

**Health Facilities – Hospitals – Disclosure of Outpatient Facility Fees  
(Facility Fee Right-to-Know Act)**

FOR the purpose of requiring certain hospitals to provide each patient with a certain written notice related to outpatient facility fees that are charged for services provided at the hospital that is in a certain form; requiring that certain notices be provided to certain patients in certain manners and at certain times; requiring ~~the Health Services Cost Review Commission, in consultation with the Health Education and Advocacy Unit in the Office of the Attorney General,~~ certain hospitals to determine a certain range of fees and fee estimates; requiring each hospital that charges an outpatient facility fee to use a certain range of fees and fee estimates; requiring a hospital, to the extent practicable, to provide a certain notice in a certain language or format under certain circumstances; requiring a patient to acknowledge in a certain manner that a certain notice was provided at a certain time; prohibiting a hospital from charging, billing, or attempting to collect a certain fee except under certain circumstances; requiring certain hospitals to report certain information to the Commission on or before a certain date each year; requiring the Commission to post certain information on its website and to provide certain information to the Maryland Insurance Administration and the Unit on or before a certain date each year; ~~requiring the Unit, in consultation with the Commission, consumers, and other stakeholders, to develop a process for determining and updating certain information on or before a certain date; defining certain terms~~ requiring the Commission to give certain consideration in certain procedures regarding the feasibility of certain notices under certain circumstances; providing for a delayed effective date; and generally relating to hospitals and the disclosure of outpatient facility fees.

BY adding to

Article – Health – General  
 Section 19–349.2  
 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**

**19–349.2.**

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

(2) “ELECTRONICALLY” MEANS A SECURE DIGITAL OR ELECTRONIC TRANSMISSION IN COMPLIANCE WITH FEDERAL AND STATE LAW, INCLUDING BY:

- (I) PATIENT INTERNET PORTAL;
- (II) ENCRYPTED E-MAIL; OR

(III) TEXT MESSAGE WITH A LINK TO AN ENCRYPTED NOTICE.

(3) (I) ~~“OUTPATIENT FACILITY FEE” MEANS A RATE APPROVED BY THE COMMISSION CHARGED BY A HOSPITAL FOR OUTPATIENT SERVICES PROVIDED IN A BUILDING ON THE CAMPUS OF A HOSPITAL IN WHICH HOSPITAL SERVICES ARE PROVIDED THAT IS SEPARATE AND DISTINCT FROM A FEE FOR PROFESSIONAL SERVICES~~ A HOSPITAL OUTPATIENT CHARGE APPROVED BY THE COMMISSION FOR AN OUTPATIENT CLINIC SERVICE, SUPPLY, OR EQUIPMENT, INCLUDING THE SERVICE OF A NONPHYSICIAN CLINICIAN.

(II) “OUTPATIENT FACILITY FEE” DOES NOT INCLUDE:

1. A CHARGE BILLED FOR SERVICES DELIVERED IN AN EMERGENCY DEPARTMENT; OR

2. A PHYSICIAN FEE BILLED FOR PROFESSIONAL SERVICES PROVIDED AT THE HOSPITAL.

(4) (I) “PATIENT” MEANS AN INDIVIDUAL WHO RECEIVES HEALTH CARE.

(II) “PATIENT” INCLUDES:

1. A PERSON AUTHORIZED TO CONSENT TO HEALTH CARE FOR AN INDIVIDUAL CONSISTENT WITH THE AUTHORITY GRANTED, INCLUDING A GUARDIAN, SURROGATE, OR PERSON WITH A MEDICAL POWER OF ATTORNEY;

2. AN INDIVIDUAL WHO IS A MINOR, IF THE MINOR SEEKS TREATMENT TO WHICH THE MINOR HAS THE RIGHT TO CONSENT AND HAS CONSENTED UNDER TITLE 20, SUBTITLE 1 OF THIS ARTICLE;

3. A PARENT, GUARDIAN, CUSTODIAN, OR REPRESENTATIVE OF AN INDIVIDUAL WHO IS A MINOR; AND

4. A PERSON AUTHORIZED TO CONSENT TO HEALTH CARE FOR AN INDIVIDUAL WHO IS A MINOR CONSISTENT WITH THE AUTHORITY GRANTED.

(B) SUBJECT TO SUBSECTIONS (C), (D), AND (E) OF THIS SECTION, IF A HOSPITAL CHARGES AN OUTPATIENT FACILITY FEE, THE HOSPITAL SHALL PROVIDE THE PATIENT WITH A WRITTEN NOTICE, SEPARATE FROM ANY OTHER FORMS OR NOTICES, IN THE FOLLOWING FORM OR A SUBSTANTIALLY SIMILAR FORM:

**IMPORTANT FINANCIAL INFORMATION**

**(PATIENT NAME)**\_\_\_\_\_ **APPOINTMENT DATE:**\_\_\_\_\_

**NOTICE OF HOSPITAL OUTPATIENT FACILITY FEE AND BILLING DISCLOSURE**

**A. YOUR APPOINTMENT WITH (PROVIDER, PRACTICE, OR CLINIC NAME) WILL TAKE PLACE IN AN OUTPATIENT DEPARTMENT OF (HOSPITAL NAME).**

**B. (HOSPITAL NAME) WILL CHARGE AN OUTPATIENT FACILITY FEE THAT IS SEPARATE FROM AND IN ADDITION TO THE BILL YOU WILL RECEIVE FROM (PROVIDER).**

**C. YOU WILL RECEIVE TWO CHARGES FOR YOUR VISIT:**

- 1. A PROVIDER SERVICES BILL FROM (PROVIDER); AND**
- 2. A HOSPITAL FACILITY BILL FROM (HOSPITAL NAME).**

**EXPECTED FEE**

**(IF KNOWN) THE AMOUNT OF THE FACILITY FEE THAT WILL BE CHARGED BY (HOSPITAL NAME) FOR YOUR APPOINTMENT IS \$ \_\_\_\_\_ . OR**

**(IF UNKNOWN) (HOSPITAL NAME’S) FACILITY FEE IS LIKELY TO RANGE FROM \$ \_\_\_\_\_ TO \$ \_\_\_\_\_ . OR**

**(IF UNKNOWN) BASED ON APPOINTMENTS LIKE THE ONE YOU ARE SCHEDULED FOR, WE ESTIMATE THE FACILITY FEE TO BE \$ \_\_\_\_\_ .**

**(IF UNKNOWN) WE ARE PROVIDING YOU WITH A RANGE OF FEES AND AN ESTIMATE BECAUSE THE ACTUAL AMOUNT OF THE FACILITY FEE WILL DEPEND ON THE HOSPITAL SERVICES THAT ARE ACTUALLY PROVIDED. THE FEE COULD BE HIGHER IF YOU REQUIRE SERVICES DURING YOUR APPOINTMENT THAT WE CANNOT REASONABLY PREDICT TODAY.**

**FINANCIAL HELP FOR YOUR PORTION OF THE OUTPATIENT FACILITY FEE BILL MAY BE AVAILABLE. IF YOU NEED FINANCIAL HELP WITH THE OUTPATIENT FACILITY BILL, PLEASE CONTACT (HOSPITAL FINANCIAL ASSISTANCE OFFICE, WITH TELEPHONE NUMBER AND DIRECT WEBSITE ADDRESS).**

**RECEIVING SERVICES HERE MAY RESULT IN GREATER FINANCIAL LIABILITY THAN RECEIVING SERVICES AT A LOCATION WHERE A FACILITY FEE MAY NOT BE CHARGED.**

**(IF APPLICABLE) NO FACILITY FEE LOCATION**

**YOU CAN SEE (PROVIDER) AT ANOTHER LOCATION THAT DOES NOT CHARGE A FACILITY FEE.**

**(ADDRESS AND CONTACT INFORMATION)**

**CONTACT YOUR INSURANCE CARRIER TO SEE IF (PROVIDER) IS A PARTICIPATING PROVIDER AND IN-NETWORK AT THE (ADDRESS OF ALTERNATIVE LOCATION) LOCATION.**

#### **INSURANCE INFORMATION**

- 1. THE AMOUNT OF THE FACILITY FEE THAT YOU WILL BE RESPONSIBLE FOR PAYING WILL DEPEND ON YOUR INSURANCE COVERAGE.**
- 2. INSURANCE COMPANIES COULD IMPOSE DEDUCTIBLES OR HIGHER COPAYMENT OR COINSURANCE AMOUNTS FOR SERVICES PROVIDED IN HOSPITAL OUTPATIENT DEPARTMENTS.**
- 3. IF YOU HAVE INSURANCE, YOU SHOULD CONTACT YOUR CARRIER TO DETERMINE YOUR INSURANCE COVERAGE AND YOUR ESTIMATED FINANCIAL RESPONSIBILITY FOR THE FACILITY FEE, INCLUDING COPAYMENTS, COINSURANCE, AND DEDUCTIBLE AMOUNTS FOR THE OUTPATIENT FACILITY FEE.**

#### **FACILITY FEE COMPLAINTS**

**IF YOU HAVE A ~~FACILITY FEE COMPLAINT, YOU SHOULD FILE IT~~ COMPLAINT ABOUT AN OUTPATIENT FACILITY FEE CHARGE, PLEASE FIRST CONTACT THE HOSPITAL, (HOSPITAL BILLING OFFICE CONTACT INFORMATION).**

**IF THE COMPLAINT IS UNRESOLVED, YOU MAY THEN FILE THE COMPLAINT WITH THE HEALTH SERVICES COST REVIEW COMMISSION, (CONTACT INFORMATION).**

**IF YOU NEED ADDITIONAL INFORMATION REGARDING YOUR FACILITY FEE CHARGES OR IF YOU NEED ASSISTANCE MEDIATING A FACILITY FEE COMPLAINT AGAINST A HOSPITAL, CONTACT THE HEALTH EDUCATION AND ADVOCACY UNIT OF THE OFFICE OF THE ATTORNEY GENERAL, 1-877-261-8807 |**



HEAU@OAG.STATE.MD.US  
WWW.MARYLANDCARES.ORG.

|

~~WWW.MARYLANDCARE.ORG~~

**ACKNOWLEDGMENT**

1. I UNDERSTAND THAT I WILL BE BILLED A HOSPITAL FACILITY FEE AND A PROVIDER FEE.
2. (HOSPITAL NAME) PROVIDED ME WITH ~~(THE FACILITY FEE CHARGE)~~~~(A RANGE OF FACILITY FEES AND AN ESTIMATE OF THE FACILITY FEE CHARGE)~~ INFORMATION ON THE FACILITY FEES THAT WILL BE BILLED FOR MY APPOINTMENT.
3. I UNDERSTAND THAT THE FEE COULD VARY BASED ON CONDITIONS AND SERVICES PROVIDED TO ME THAT THE HOSPITAL CANNOT REASONABLY PREDICT TODAY.
4. I UNDERSTAND THAT MY OUT-OF-POCKET COSTS WILL DEPEND ON MY INSURANCE COVERAGE.

\_\_\_\_\_ (INITIAL HERE) – BY INITIALING HERE, I CONFIRM THAT I RECEIVED THE FACILITY FEE INFORMATION AT THE TIME I MADE MY APPOINTMENT WITH (PROVIDER).

BY SIGNING THIS FORM, I ACKNOWLEDGE THAT I HAVE RECEIVED THIS INFORMATION BEFORE RECEIVING SERVICES TODAY.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

TO REQUEST THIS NOTICE IN AN ALTERNATIVE FORMAT, PLEASE CALL (CONTACT INFORMATION) OR E-MAIL (CONTACT INFORMATION).

(SAME SENTENCE IN SPANISH).

(C) IF A PATIENT DOES NOT SPEAK ENGLISH OR REQUIRES THE ~~WRITTEN~~ NOTICE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION TO BE IN AN ALTERNATIVE FORMAT, THE HOSPITAL SHALL, TO THE EXTENT PRACTICABLE, PROVIDE THE NOTICE IN A LANGUAGE OR FORMAT THAT IS UNDERSTOOD BY THE PATIENT.

~~(D) (1) THE HEALTH SERVICES COST REVIEW COMMISSION, IN CONSULTATION WITH THE HEALTH EDUCATION AND ADVOCACY UNIT IN THE OFFICE OF THE ATTORNEY GENERAL, SHALL DETERMINE THE RANGE OF HOSPITAL OUTPATIENT FACILITY FEES AND FEE ESTIMATES TO BE PROVIDED IN THE WRITTEN~~

~~NOTICE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION~~ A HOSPITAL SHALL DETERMINE THE RANGE OF HOSPITAL OUTPATIENT FACILITY FEES AND FEE ESTIMATES, BASED ON TYPICAL OR AVERAGE FACILITY FEES FOR THE SAME OR SIMILAR APPOINTMENTS, TO BE PROVIDED IN THE NOTICE REQUIRED UNDER THIS SECTION, CONSISTENT WITH THE HOSPITAL'S MOST RECENT RATE ORDER AS APPROVED BY THE COMMISSION.

(2) EACH HOSPITAL THAT CHARGES AN OUTPATIENT FACILITY FEE SHALL USE THE RANGE OF HOSPITAL OUTPATIENT FACILITY FEES AND FEE ESTIMATES DETERMINED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(E) (1) FOR AN APPOINTMENT MADE IN PERSON OR BY TELEPHONE:

(I) ORAL NOTICE OF ALL THE INFORMATION THAT WOULD BE PROVIDED IN THE FORM REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE GIVEN AT THE TIME THE APPOINTMENT IS MADE; AND

(II) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE WRITTEN NOTICE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE SENT TO THE PATIENT ELECTRONICALLY AT THE TIME THE APPOINTMENT IS MADE.

(2) FOR AN APPOINTMENT MADE ELECTRONICALLY OR USING A WEBSITE, THE WRITTEN NOTICE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE:

(I) PROVIDED AT THE TIME THE APPOINTMENT IS MADE; AND

(II) SENT TO THE PATIENT ELECTRONICALLY AT THE TIME THE APPOINTMENT IS MADE.

(3) IF THE PATIENT REFUSES ELECTRONIC COMMUNICATION UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE WRITTEN NOTICE SHALL BE SENT TO THE PATIENT BY FIRST-CLASS MAIL AT THE TIME THE APPOINTMENT IS MADE.

(F) BEFORE PROFESSIONAL MEDICAL SERVICES ARE PROVIDED ON THE DATE OF THE APPOINTMENT, THE PATIENT SHALL ACKNOWLEDGE IN WRITING THAT THE NOTICE REQUIRED UNDER THIS SECTION WAS PROVIDED AT THE TIME THE APPOINTMENT WAS MADE.

(G) A HOSPITAL MAY NOT CHARGE, BILL, OR ATTEMPT TO COLLECT AN OUTPATIENT FACILITY FEE UNLESS THE PATIENT WAS GIVEN NOTICE IN ACCORDANCE WITH THIS SECTION.

(H) (1) ON OR BEFORE JANUARY 31 EACH YEAR, BEGINNING IN ~~2021~~ 2022, EACH HOSPITAL SHALL REPORT TO THE HEALTH SERVICES COST REVIEW COMMISSION A LIST OF THE HOSPITAL-BASED, RATE-REGULATED OUTPATIENT SERVICES PROVIDED BY THE HOSPITAL.

(2) ON OR BEFORE FEBRUARY 28 EACH YEAR, BEGINNING IN ~~2021~~ 2022, THE HEALTH SERVICES COST REVIEW COMMISSION ANNUALLY SHALL:

(I) POST ON ITS WEBSITE THE LIST OF THE HOSPITAL-BASED, RATE-REGULATED OUTPATIENT SERVICES REPORTED BY EACH HOSPITAL UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND

(II) PROVIDE THE LIST OF THE HOSPITAL-BASED, RATE-REGULATED OUTPATIENT SERVICES REPORTED BY EACH HOSPITAL TO THE MARYLAND INSURANCE ADMINISTRATION AND THE HEALTH EDUCATION AND ADVOCACY UNIT IN THE OFFICE OF THE ATTORNEY GENERAL.

(3) WHEN LACK OF NOTICE IN ACCORDANCE WITH THIS SECTION IS ALLEGED IN A CONSUMER COMPLAINT, THE COMMISSION SHALL GIVE CONSIDERATION IN ITS INVESTIGATORY AND AUDIT PROCEDURES AS TO WHETHER NOTICE WAS NOT FEASIBLE DUE TO CIRCUMSTANCES BEYOND THE HOSPITAL'S CONTROL.

~~SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2020, the Health Education and Advocacy Unit within the Office of the Attorney General, in consultation with the Health Care Services Cost Review Commission, the Maryland Hospital Association, consumers, and other stakeholders, shall develop a process for determining and updating the range of fees and fee estimates to be used under § 19-349.2(d) of the Health General Article, as enacted by Section 1 of this Act.~~

SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2020~~ July 1, 2021.

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

---

## Chapter 367

(House Bill 917)

AN ACT concerning

**Criminal Law – Hate Crimes – Basis  
(2nd Lieutenant Richard Collins, III's Law)**

FOR the purpose of altering the basis on which a person is prohibited from taking certain actions against a certain person or group; and generally relating to hate crimes.

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 10–304

Annotated Code of Maryland

(2012 Replacement Volume and 2019 Supplement)

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

### **Article – Criminal Law**

10–304.

[Because of] **MOTIVATED EITHER IN WHOLE OR IN SUBSTANTIAL PART BY** another person’s or group’s race, color, religious beliefs, sexual orientation, gender, disability, or national origin, or because another person or group is homeless, a person may not:

(1) (i) commit a crime or attempt or threaten to commit a crime against that person or group;

(ii) deface, damage, or destroy, or attempt or threaten to deface, damage, or destroy the real or personal property of that person or group; or

(iii) burn or attempt or threaten to burn an object on the real or personal property of that person or group; or

(2) commit a violation of item (1) of this section that:

(i) except as provided in item (ii) of this item, involves a separate crime that is a felony; or

(ii) results in the death of a victim.

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.**

**(Senate Bill 606)**

AN ACT concerning

**Criminal Law – Hate Crimes – Basis  
(2nd Lieutenant Richard Collins, III's Law)**

FOR the purpose of altering the basis on which a person is prohibited from taking certain actions against a certain person or group; and generally relating to hate crimes.

BY repealing and reenacting, with amendments,  
 Article – Criminal Law  
 Section 10–304  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2019 Supplement)

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

**Article – Criminal Law**

10–304.

[Because of] **MOTIVATED EITHER IN WHOLE OR IN SUBSTANTIAL PART BY** another person's or group's race, color, religious beliefs, sexual orientation, gender, disability, or national origin, or because another person or group is homeless, a person may not:

- (1) (i) commit a crime or attempt or threaten to commit a crime against that person or group;
- (ii) deface, damage, or destroy, or attempt or threaten to deface, damage, or destroy the real or personal property of that person or group; or
- (iii) burn or attempt or threaten to burn an object on the real or personal property of that person or group; or
- (2) commit a violation of item (1) of this section that:
  - (i) except as provided in item (ii) of this item, involves a separate crime that is a felony; or
  - (ii) results in the death of a victim.

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 369

### (House Bill 918)

AN ACT concerning

#### **Criminal Procedure – Office of the Public Defender – Definition of Serious Offense**

FOR the purpose of altering a certain definition of “serious offense” to remove a certain limitation on offenses that are included for purposes relating to representation by the Office of the Public Defender; and generally relating to the Office of the Public Defender.

BY repealing and reenacting, without amendments,  
Article – Criminal Procedure  
Section 16–101(a) and 16–204(b)(1)(i)  
Annotated Code of Maryland  
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Article – Criminal Procedure  
Section 16–101(h)  
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**

16–101.

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

(h) “Serious offense” means:

(1) a felony;

(2) a misdemeanor or offense punishable by confinement [for more than 3 months or a fine of more than \$500];

(3) a delinquent act that would be a serious offense if committed by an

adult; or

(4) an offense in which, in the opinion of the court, the complexity of the matter or the youth, inexperience, or mental capacity of the accused requires representation of the accused by an attorney.

16–204.

(b) (1) Indigent defendants or parties shall be provided representation under this title in:

(i) a criminal or juvenile proceeding in which a defendant or party is alleged to have committed a serious offense;

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 370

### (House Bill 923)

AN ACT concerning

#### Harford County – Alcoholic Beverages – Class MT (Movie Theater) License

FOR the purpose of authorizing the Board of License Commissioners for Harford County to grant up to a certain number of Class MT (movie theater) licenses to the same person; increasing the fee for a certain license; and generally relating to alcoholic beverages in Harford County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 22–102

Annotated Code of Maryland

(2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 22–1005.1

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.

22–1005.1.

(a) There is a Class MT (movie theater) beer, wine, and liquor license.

(b) (1) The Board may issue the license for use by the owner of a movie theater.

(2) To be eligible for the license, the owner of a movie theater is required to provide documentation to the Board that the owner has made an investment of at least \$250,000 in the movie theater.

**(3) THE BOARD MAY ISSUE NOT MORE THAN FIVE CLASS MT LICENSES TO THE SAME PERSON.**

(c) (1) The license holder may sell beer, wine, and liquor for on–premises consumption from 4 p.m. to midnight on the days that the movie theater is open.

(2) Beer, wine, and liquor may be sold only:

(i) in single–serve containers; and

(ii) from a counter separate from a counter serving candy, popcorn, and nonalcoholic beverages.

(3) A movie theater for which the license is issued:

(i) is subject to the alcohol awareness training requirements under § 4–505 of this article; and

(ii) shall offer for sale food other than candy and popcorn.

(d) The annual license fee is [~~\$500~~] **\$1,000**.

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 371****(Senate Bill 385)**

AN ACT concerning

**Harford County – Alcoholic Beverages – Class MT (Movie Theater) License**

FOR the purpose of authorizing the Board of License Commissioners for Harford County to grant up to a certain number of Class MT (movie theater) licenses to the same person; increasing the fee for a certain license; and generally relating to alcoholic beverages in Harford County.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 22–102  
Annotated Code of Maryland  
(2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages  
Section 22–1005.1  
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.

22–1005.1.

(a) There is a Class MT (movie theater) beer, wine, and liquor license.

(b) (1) The Board may issue the license for use by the owner of a movie theater.

(2) To be eligible for the license, the owner of a movie theater is required to provide documentation to the Board that the owner has made an investment of at least \$250,000 in the movie theater.

**(3) THE BOARD MAY ISSUE NOT MORE THAN FIVE CLASS MT LICENSES TO THE SAME PERSON.**

(c) (1) The license holder may sell beer, wine, and liquor for on-premises consumption from 4 p.m. to midnight on the days that the movie theater is open.

(2) Beer, wine, and liquor may be sold only:

(i) in single-serve containers; and

(ii) from a counter separate from a counter serving candy, popcorn, and nonalcoholic beverages.

(3) A movie theater for which the license is issued:

(i) is subject to the alcohol awareness training requirements under § 4-505 of this article; and

(ii) shall offer for sale food other than candy and popcorn.

(d) The annual license fee is ~~[\$500]~~ **\$1,000**.

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 372

### (House Bill 924)

AN ACT concerning

#### **Baltimore City – Alcoholic Beverages – Distance Restrictions, Extension Fee, and Class D License**

FOR the purpose of altering certain geographic boundaries for a certain limitation to the issuance of a Class B–D–7 license in certain areas; prohibiting the Board of License Commissioners for Baltimore City from charging a fee for a temporary license permit extension under certain circumstances; requiring the Board to enforce certain provisions of law; authorizing the Board to waive certain distance restrictions for an application for the transfer of a license into a certain area under certain circumstances; prohibiting the Board from issuing a license in or approving the transfer of a license into a certain area under certain circumstances; ~~authorizing certain Class D license holders to serve food, but not alcoholic beverages, during certain hours on Sundays~~; and generally relating to alcoholic beverages licenses in Baltimore City.

BY repealing and reenacting, without amendments,  
 Article – Alcoholic Beverages  
 Section 12–102  
 Annotated Code of Maryland  
 (2016 Volume and 2019 Supplement)

BY adding to  
 Article – Alcoholic Beverages  
 Section 12–1313 ~~and 12–2004(f)(4)~~  
 Annotated Code of Maryland  
 (2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Alcoholic Beverages  
 Section 12–1603(e) and 12–1605(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

12–102.

This title applies only in Baltimore City.

12–1313.

~~IN THE 46TH ALCOHOLIC BEVERAGES DISTRICT, THE BOARD MAY NOT CHARGE A FEE FOR A TEMPORARY LICENSE PERMIT EXTENSION TO AN ORGANIZATION THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE.~~

**(A) THE BOARD MAY NOT CHARGE A FEE FOR A TEMPORARY LICENSE PERMIT EXTENSION IF:**

**(1) THE APPLICANT IS AN OFFICIALLY RECOGNIZED AND ACTIVE MAIN STREET ORGANIZATION ESTABLISHED BY THE CITY THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE; AND**

**(2) THE EVENT IS A SINGLE EVENT WHERE THE ATTENDANCE IS LIMITED TO 750 OR FEWER INDIVIDUALS.**

**(B) THE BOARD SHALL ENFORCE THIS SECTION.**

12-1603.

(e) (1) In this subsection, “Old Goucher Revitalization District” means the area surrounded by Howard Street on the west, 25th Street on the north, Hargrove Street on the east, and 21st Street on the south.

(2) If an establishment has a minimum capital investment, not including land and acquisition costs, of \$50,000, the Board may issue one Class B–D–7 license for use in each of the following properties in the Old Goucher Revitalization District:

(i) a property that is surrounded by Maryland Avenue on the west, 24th Street on the north, Morton Street on the east, and 22nd Street on the south;

(ii) a property that is surrounded by Morton Street on the west, 23rd Street on the north, [Charles] LOVEGROVE Street on the east, and 22nd Street on the south;

(iii) a property that is surrounded by Morton Street on the west, Ware Street on the north, [Lovegrove] CHARLES Street on the east, and 24th Street on the south;  
and

(iv) a property that is surrounded by Maryland Avenue on the west, 24th Street on the north, Morton Street on the east, and 23rd Street on the south.

(3) A Class B–D–7 license that may be issued under (c)(6) or (7) of this section may be transferred within the Old Goucher Revitalization District.

12-1605.

(a) (1) (i) Except as otherwise provided in this subsection, a new license may not be issued for and an existing license may not be moved to a building that is within 300 feet of the nearest point of the building of a place of worship or school.

(ii) In the 45th legislative district, a new Class A license of any type may not be issued for a building that is within 500 feet of the nearest point of the building of a place of worship or school.

(2) Paragraph (1)(i) of this subsection does not apply to:

(i) a Class B beer and wine license outside the 46th legislative district;

(ii) a Class B beer, wine, and liquor license outside the 46th legislative district;

(iii) a Class B–D–7 license in the Old Goucher Revitalization District under § 12–1603(e) of this subtitle;

(iv) a Class C beer and wine license; and

(v) a Class C beer, wine, and liquor license.

(3) A license for use in a building that is within 300 feet of the grounds of a place of worship or school may be renewed or extended for the same building.

(4) (i) This paragraph applies only to an area bounded by:

1. High Street on the west, Pratt Street on the north, Central Avenue on the east, and Eastern Avenue on the south;

2. West Cross Street and Amity Street on the west, Clifford Street on the north, Scott Street on the east, and Carroll Street on the south; [or]

3. Holliday Street on the west, Saratoga Street on the north, Gay Street on the east, and Lexington Street on the south; **OR**

**4. SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, FAGLEY STREET ON THE WEST, GOUGH STREET ON THE NORTH, GRUNDY STREET ON THE EAST, AND CHESTLE PLACE ON THE SOUTH.**

(ii) The Board may waive the distance restrictions in paragraph (1)(i) of this subsection for an application for the transfer of a license into an area specified in subparagraph (i) of this paragraph if:

1. the application is approved by:

A. each community association representing the area;

B. each business association in the area; and

C. the ordained leader and the board or council for each place of worship that is within 300 feet of the proposed location of the establishment for which the license transfer is sought; and

2. a memorandum of understanding is executed by the applicant for the license transfer and each community association in the area.

**(III) THE BOARD MAY NOT ISSUE A LICENSE IN OR APPROVE THE TRANSFER OF A LICENSE INTO THE AREA SPECIFIED IN SUBPARAGRAPH (I)4 OF THIS PARAGRAPH IF:**

1. THE PROPOSED LOCATION OF THE ESTABLISHMENT IS IN AN AREA THAT IS ZONED “RESIDENTIAL”; OR
2. THE LICENSE TO BE ISSUED OR TRANSFERRED IS A CLASS A LICENSE OF ANY TYPE.

~~12-2004.~~

~~(f) (4) IN THE 46TH ALCOHOLIC BEVERAGES DISTRICT, FROM 9 A.M. TO 4 P.M. ON SUNDAYS, A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE IN THE 3500 BLOCK OF GOUGH STREET;~~

~~(i) MAY NOT SERVE OR ALLOW FOR THE CONSUMPTION OF ALCOHOLIC BEVERAGES; BUT~~

~~(ii) MAY SERVE FOOD.~~

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 373

(House Bill 928)

AN ACT concerning

### Public Service Commission – Electricity and Gas Suppliers – Training and Educational Program

FOR the purpose of requiring the Public Service Commission to develop a training and educational program for certain licensed energy suppliers; requiring the Commission to develop the program in consultation with certain interested stakeholders; requiring certain designated representatives to demonstrate a thorough understanding of certain Commission regulations; requiring the Commission to conduct an examination at the conclusion of training and provide certification on a satisfactory score; requiring the Commission to determine the schedule and frequency of certain training and certification; requiring certain licensed suppliers to complete certain training and certification prior to the issuance of a license; authorizing the Commission to adopt certain regulations; requiring the Commission to use certain assessments to fund the initial development of the program; authorizing the Commission to establish certain fees to pay for program costs; and generally relating to training and education for energy suppliers.

BY adding to

Article – Public Utilities

Section 7–311

Annotated Code of Maryland

(2010 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 Utilities**

**7–311.**

**(A) THE COMMISSION SHALL DEVELOP A TRAINING AND EDUCATIONAL PROGRAM FOR ANY ENTITY OR INDIVIDUAL THAT IS LICENSED BY THE COMMISSION AS AN ELECTRICITY SUPPLIER OR A GAS SUPPLIER.**

**(B) THE COMMISSION SHALL DEVELOP THE PROGRAM IN CONSULTATION WITH INTERESTED STAKEHOLDERS, INCLUDING ELECTRICITY SUPPLIERS AND GAS SUPPLIERS.**

**(C) THE PROGRAM SHALL REQUIRE THAT A DESIGNATED REPRESENTATIVE OF EACH LICENSED ELECTRICITY SUPPLIER OR LICENSED GAS SUPPLIER DEMONSTRATE A THOROUGH UNDERSTANDING OF THE COMMISSION’S REGULATIONS REGARDING:**

**(1) SALES;**

**(2) CONSUMER PROTECTION; AND**

**(3) ANY OTHER MATTER THE COMMISSION DEEMS APPROPRIATE.**

**(D) AT THE CONCLUSION OF THE TRAINING, THE COMMISSION SHALL:**

**(1) CONDUCT AN EXAMINATION; AND**

**(2) ON A SATISFACTORY SCORE, CERTIFY THAT THE DESIGNATED REPRESENTATIVE OF THE LICENSED ELECTRICITY SUPPLIER OR LICENSED GAS SUPPLIER HAS SUCCESSFULLY COMPLETED THE TRAINING.**

**(E) (1) THE COMMISSION SHALL DETERMINE THE SCHEDULE AND FREQUENCY BY WHICH A DESIGNATED REPRESENTATIVE OF A LICENSED ELECTRICITY SUPPLIER OR LICENSED GAS SUPPLIER MUST COMPLETE THE**

**TRAINING AND CERTIFICATION.**

**(2) A DESIGNATED REPRESENTATIVE OF A NEW ELECTRICITY SUPPLIER OR GAS SUPPLIER SHALL COMPLETE THE TRAINING AND CERTIFICATION PRIOR TO THE ISSUANCE OF A LICENSE.**

**(F) THE COMMISSION MAY ADOPT REGULATIONS THAT INCLUDE APPROPRIATE PENALTIES OR SANCTIONS FOR FAILURE TO COMPLY WITH THIS SECTION.**

**(G) (1) THE COMMISSION SHALL USE THE ASSESSMENTS COLLECTED IN ACCORDANCE WITH § 2-110 OF THIS ARTICLE FOR THE INITIAL DEVELOPMENT OF THE TRAINING AND EDUCATIONAL PROGRAM.**

**(2) THE COMMISSION MAY ESTABLISH REASONABLE FEES TO PAY FOR THE COSTS OF 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 374**

**(Senate Bill 603)**

AN ACT concerning

**Public Service Commission – Electricity and Gas Suppliers – Training and Educational Program**

FOR the purpose of requiring the Public Service Commission to develop a training and educational program for certain licensed energy suppliers; requiring the Commission to develop the program in consultation with certain interested stakeholders; requiring certain designated representatives to demonstrate a thorough understanding of certain Commission regulations; requiring the Commission to conduct an examination at the conclusion of training and provide certification on a satisfactory score; requiring the Commission to determine the schedule and frequency of certain training and certification; requiring certain licensed suppliers to complete certain training and certification prior to the issuance of a license; authorizing the Commission to adopt certain regulations; requiring the Commission to use certain assessments to fund the initial development of the program;



authorizing the Commission to establish certain fees to pay for program costs; and generally relating to training and education for energy suppliers.

BY adding to

Article – Public Utilities

Section 7–311

Annotated Code of Maryland

(2010 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 Utilities**

**7–311.**

**(A) THE COMMISSION SHALL DEVELOP A TRAINING AND EDUCATIONAL PROGRAM FOR ANY ENTITY OR INDIVIDUAL THAT IS LICENSED BY THE COMMISSION AS AN ELECTRICITY SUPPLIER OR A GAS SUPPLIER.**

**(B) THE COMMISSION SHALL DEVELOP THE PROGRAM IN CONSULTATION WITH INTERESTED STAKEHOLDERS, INCLUDING ELECTRICITY SUPPLIERS AND GAS SUPPLIERS.**

**(C) THE PROGRAM SHALL REQUIRE THAT A DESIGNATED REPRESENTATIVE OF EACH LICENSED ELECTRICITY SUPPLIER OR LICENSED GAS SUPPLIER DEMONSTRATE A THOROUGH UNDERSTANDING OF THE COMMISSION'S REGULATIONS REGARDING:**

**(1) SALES;**

**(2) CONSUMER PROTECTION; AND**

**(3) ANY OTHER MATTER THE COMMISSION DEEMS APPROPRIATE.**

**(D) AT THE CONCLUSION OF THE TRAINING, THE COMMISSION SHALL:**

**(1) CONDUCT AN EXAMINATION; AND**

**(2) ON A SATISFACTORY SCORE, CERTIFY THAT THE DESIGNATED REPRESENTATIVE OF THE LICENSED ELECTRICITY SUPPLIER OR LICENSED GAS SUPPLIER HAS SUCCESSFULLY COMPLETED THE TRAINING.**

**(E) (1) THE COMMISSION SHALL DETERMINE THE SCHEDULE AND**

FREQUENCY BY WHICH A DESIGNATED REPRESENTATIVE OF A LICENSED ELECTRICITY SUPPLIER OR LICENSED GAS SUPPLIER MUST COMPLETE THE TRAINING AND CERTIFICATION.

(2) A DESIGNATED REPRESENTATIVE OF A NEW ELECTRICITY SUPPLIER OR GAS SUPPLIER SHALL COMPLETE THE TRAINING AND CERTIFICATION PRIOR TO THE ISSUANCE OF A LICENSE.

(F) THE COMMISSION MAY ADOPT REGULATIONS THAT INCLUDE APPROPRIATE PENALTIES OR SANCTIONS FOR FAILURE TO COMPLY WITH THIS SECTION.

(G) (1) THE COMMISSION SHALL USE THE ASSESSMENTS COLLECTED IN ACCORDANCE WITH § 2-110 OF THIS ARTICLE FOR THE INITIAL DEVELOPMENT OF THE TRAINING AND EDUCATIONAL PROGRAM.

(2) THE COMMISSION MAY ESTABLISH REASONABLE FEES TO PAY FOR THE COSTS OF 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 375

(House Bill 934)

AN ACT concerning

### Public Safety – 9–1–1 Emergency Telephone System

FOR the purpose of altering references to the terms “9–1–1 fee” and “additional charge”, respectively, to be “State 9–1–1 fee” and “county 9–1–1 fee”, respectively, and altering the definition of “public safety answering point” for purposes of provisions of law concerning the 9–1–1 emergency telephone system; requiring certain educational information made available by the State or a county to include information on certain requirements for certain multiple–line telephone systems; requiring certain public safety answering points to employ certain protocols for the processing of 9–1–1 requests for emergency assistance; requiring a public safety answering point to ensure each 9–1–1 specialist employed by the public safety answering point is certified in certain disciplines; authorizing a public safety answering point to establish a telecommunicator emergency response team for a

certain purpose; requiring each public safety answering point to adopt and implement certain occupational wellness programs; renaming the Emergency Number Systems Board to be the Maryland 9-1-1 Board; ~~altering the composition of the Board;~~ requiring the Board to establish certain training standards for public safety answering point personnel concerning Next Generation 9-1-1 topics; requiring certain standards established by the Board to include minimum standards for 9-1-1 specialists to obtain continuing education; requiring the Board, at least once each year, to conduct a certain audit of each public safety answering point; authorizing the audit to be conducted concurrently with a certain inspection of the public safety answering point; requiring the Board to establish certain standards governing the processing of 9-1-1 requests for assistance; prohibiting money accruing to the 9-1-1 Trust Fund from being used for the maintenance or operation of certain communications centers; altering the amount of a certain credit that certain telephone companies and commercial mobile radio service providers are entitled to receive; requiring the governing body of a county, under certain circumstances, to submit to the Board a certain report concerning the division of 9-1-1 trust funds and to restore the diverted funds within a certain period of time; providing that a county or municipality is responsible for enforcing certain requirements concerning multiple-line telephone systems; authorizing a county or municipality to set a fine or series of fines for a certain violation; requiring that certain fines collected by a county or municipality be returned to the county or municipality taking the enforcement action; requiring a county to submit to the Board a certain certification of enforcement actions under certain circumstances; requiring the terms of certain members of the Board to terminate on a certain date; specifying the terms of certain initial members of the Board; requiring the Department of General Services to report to the Commission to Advance Next Generation 9-1-1 Across Maryland and the General Assembly on or before a certain date; repealing certain obsolete language; making a stylistic change; and generally relating to 9-1-1 emergency telephone systems.

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 1-301, 1-304(e), ~~1-305~~ 1-305(a) and (g), 1-306(b)(15) and (e), 1-307, 1-309, 1-310 through 1-312, and 1-314

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY adding to

Article – Public Safety

Section 1-304.1, 1-304.2, and 1-306(e) and (f)

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,

Article – Public Safety

Section 1-306(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**

1–301.

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

(b) [“Additional charge” means the charge imposed by a county in accordance with § 1–311 of this subtitle.

(c) “Board” means the [Emergency Number Systems] **MARYLAND 9–1–1 Board**.

[(d)] (C) “Commercial mobile radio service” or “CMRS” means mobile telecommunications service that is:

(1) provided for profit with the intent of receiving compensation or monetary gain;

(2) an interconnected, two-way voice service; and

(3) available to the public.

[(e)] (D) “Commercial mobile radio service provider” or “CMRS provider” means a person authorized by the Federal Communications Commission to provide CMRS in the State.

**(E) “COUNTY 9–1–1 FEE” MEANS THE FEE IMPOSED BY A COUNTY IN ACCORDANCE WITH § 1–311 OF THIS SUBTITLE.**

(f) “County plan” means a plan for a 9–1–1 system or enhanced 9–1–1 system, or an amendment to the plan, developed by a county or several counties together under this subtitle.

(g) (1) “Customer” means:

(i) the person that contracts with a home service provider for CMRS;

or

(ii) the end user of the CMRS if the end user of the CMRS is not the contracting party.

(2) “Customer” does not include:

- (i) a reseller of CMRS; or
  - (ii) a serving carrier under an arrangement to serve the customer outside the home service provider's licensed service area.
- (h) "Enhanced 9-1-1 system" means a 9-1-1 system that provides:
- (1) automatic number identification;
  - (2) automatic location identification; and
  - (3) any other technological advancements that the Board requires.
- (i) "FCC order" means an order issued by the Federal Communications Commission under proceedings regarding the compatibility of enhanced 9-1-1 systems and delivery of wireless enhanced 9-1-1 service.
- (j) "Home service provider" means the facilities-based carrier or reseller that contracts with a customer to provide CMRS.
- (k) "Next Generation 9-1-1 services" means an Internet Protocol (IP)-based system, comprised of hardware, software, data, and operational policies and procedures, that:
- (1) provides standardized interfaces from emergency call and message services to support emergency communications;
  - (2) processes all types of requests for emergency services, including voice, text, data, and multimedia information;
  - (3) acquires and integrates additional emergency call data useful to routing and handling of requests for emergency services;
  - (4) delivers the emergency calls, messages, and data to the appropriate public safety answering point and other appropriate emergency entities;
  - (5) supports data or video communications needs for coordinated incident response and management; and
  - (6) provides broadband service to public safety answering points or other first responder entities.
- (l) "9-1-1-accessible service" means telephone service or another communications service that connects an individual dialing the digits 9-1-1 to an established public safety answering point.

(m) [“9–1–1 fee” means the fee imposed in accordance with § 1–310 of this subtitle.

(n) (1) “9–1–1 service carrier” means a provider of CMRS or other 9–1–1-accessible service.

(2) “9–1–1 service carrier” does not include a telephone company.

(o) (N) “9–1–1 specialist” means an employee of a county public safety answering point, or an employee working in a county public safety answering point, whose duties and responsibilities include:

(1) receiving and processing 9–1–1 requests for emergency services;

(2) other support functions directly related to 9–1–1 requests for emergency services; or

(3) dispatching law enforcement officers, fire rescue services, emergency medical services, and other public safety services to the scene of an emergency.

(p) (O) (1) “9–1–1 system” means telephone service that:

(i) meets the planning guidelines established under this subtitle;  
and

(ii) automatically connects an individual dialing the digits 9–1–1 to an established public safety answering point.

(2) “9–1–1 system” includes:

(i) equipment for connecting and outswitching 9–1–1 calls within a telephone central office;

(ii) trunking facilities from a telephone central office to a public safety answering point; and

(iii) equipment to connect 9–1–1 calls to the appropriate public safety agency.

(q) (P) “9–1–1 Trust Fund” means the fund established under § 1–308 of this subtitle.

(r) (Q) “Prepaid wireless E 9–1–1 fee” means the fee that is required to be collected by a seller from a consumer in the amount established under § 1–313 of this subtitle.

**[(s)] (R)** “Prepaid wireless telecommunications service” means a commercial mobile radio service that:

- (1) allows a consumer to dial 9–1–1 to access the 9–1–1 system;
- (2) must be paid for in advance; and
- (3) is sold in predetermined units that decline with use in a known amount.

**[(t)] (S)** “Public safety agency” means:

- (1) a functional division of a public agency that provides fire fighting, police, medical, or other emergency services; or
- (2) a private entity that provides fire fighting, police, medical, or other emergency services on a voluntary basis.

**[(u)] (T)** “Public safety answering point” means a communications facility that:

- (1) is operated on a 24–hour basis;
- (2) first receives 9–1–1 requests for emergency services in a 9–1–1 service area; and
- (3) as appropriate[,]:

**(I)** dispatches public safety services directly[.];

**(II) TRANSMITS INCIDENT DATA TO APPROPRIATE PUBLIC SAFETY AGENCIES WITHIN THE STATE FOR THE DISPATCH OF PUBLIC SAFETY SERVICES; or**

**(III) transfers 9–1–1 requests for emergency services OR TRANSMITS INCIDENT DATA to [appropriate public safety agencies]:**

**1. AN APPROPRIATE FEDERAL EMERGENCY COMMUNICATION CENTER RESPONSIBLE FOR THE DELIVERY OF PUBLIC SAFETY SERVICES ON A FEDERAL CAMPUS OR FEDERAL RESERVATION; OR**

**2. AN APPROPRIATE PUBLIC SAFETY ANSWERING POINT LOCATED WITHIN OR OUTSIDE THE STATE.**

**[(v)] (U)** “Secretary” means the Secretary of Public Safety and Correctional Services.

[(w)] (v) “Seller” means a person that sells prepaid wireless telecommunications service to another person.

**(W) “STATE 9–1–1 FEE” MEANS THE FEE IMPOSED IN ACCORDANCE WITH § 1–310 OF THIS SUBTITLE.**

(x) “Wireless enhanced 9–1–1 service” means enhanced 9–1–1 service under an FCC order.

1–304.

(e) Educational information that relates to emergency services made available by the State or a county:

(1) shall designate the number 9–1–1 as the primary emergency telephone number; [and]

(2) may include a separate secondary backup telephone number for emergency calls; AND

**(3) SHALL INCLUDE INFORMATION ON THE REQUIREMENTS OF § 1–314 OF THIS SUBTITLE.**

1–304.1.

**(A) (1) EACH PUBLIC SAFETY ANSWERING POINT SHALL EMPLOY STANDARDS–BASED PROTOCOLS FOR THE PROCESSING OF 9–1–1 REQUESTS FOR EMERGENCY ASSISTANCE.**

**(2) A PUBLIC SAFETY ANSWERING POINT SHALL ENSURE THAT EACH 9–1–1 SPECIALIST EMPLOYED BY THE PUBLIC SAFETY ANSWERING POINT IS CERTIFIED IN EACH DISCIPLINE RELATED TO 9–1–1 REQUESTS FOR ASSISTANCE FOR WHICH THE 9–1–1 SPECIALIST IS RESPONSIBLE FOR RECEIVING AND PROCESSING.**

**(B) A PUBLIC SAFETY ANSWERING POINT MAY ESTABLISH A TELECOMMUNICATOR EMERGENCY RESPONSE TEAM TO RESPOND TO, RELIEVE, ASSIST, OR AUGMENT OTHER PUBLIC SAFETY ANSWERING POINTS WHEN THOSE PUBLIC SAFETY ANSWERING POINTS ARE AFFECTED BY NATURAL OR HUMAN–MADE DISASTERS.**

1–304.2.



EACH PUBLIC SAFETY ANSWERING POINT SHALL ADOPT AND IMPLEMENT PROGRAMS COMPLIANT WITH BEST PRACTICES ON 9-1-1 ACUTE/TRAUMATIC AND CHRONIC STRESS MANAGEMENT.

1-305.

(a) There is [an Emergency Number Systems] A MARYLAND 9-1-1 Board in the Department of Public Safety and Correctional Services.

~~(b) (1) The Board consists of [17] 19 members.~~

~~(2) Of the [17] 19 members:~~

~~(i) one member shall represent a telephone company operating in the State;~~

~~(ii) one member shall represent the wireless telephone industry in the State;~~

~~(iii) one member shall represent the Maryland Institute for Emergency Medical Services Systems;~~

~~(iv) one member shall represent the Department of State Police;]~~

~~(I) ONE MEMBER SHALL REPRESENT THE EMERGENCY COMMUNICATIONS COMMITTEE OF THE MARYLAND ASSOCIATION OF COUNTIES;~~

~~(II) ONE MEMBER SHALL REPRESENT DIRECTORS OF PUBLIC SAFETY ANSWERING POINTS FOR ALLEGANY COUNTY, GARRETT COUNTY, AND WASHINGTON COUNTY;~~

~~(III) ONE MEMBER SHALL REPRESENT DIRECTORS OF PUBLIC SAFETY ANSWERING POINTS FOR CALVERT COUNTY, CHARLES COUNTY, FREDERICK COUNTY, MONTGOMERY COUNTY, PRINCE GEORGE'S COUNTY, AND ST. MARY'S COUNTY;~~

~~(IV) ONE MEMBER SHALL REPRESENT DIRECTORS OF PUBLIC SAFETY ANSWERING POINTS FOR ANNE ARUNDEL COUNTY, BALTIMORE CITY, BALTIMORE COUNTY, CARROLL COUNTY, HARFORD COUNTY, AND HOWARD COUNTY;~~

~~(V) ONE MEMBER SHALL REPRESENT DIRECTORS OF PUBLIC SAFETY ANSWERING POINTS FOR CAROLINE COUNTY, CECIL COUNTY, DORCHESTER COUNTY, KENT COUNTY, QUEEN ANNE'S COUNTY, SOMERSET COUNTY, TALBOT COUNTY, WICOMICO COUNTY, AND WORCESTER COUNTY;~~

~~[(v)] (VI) one member shall represent the Public Service Commission;~~

~~[(vi)] (VII) one member shall represent the Association of Public Safety Communications Officials International, Inc.;~~

~~[(vii) two members shall represent county fire services in the State, with one member representing career fire services and one member representing volunteer fire services;]~~

~~(VIII) ONE MEMBER SHALL REPRESENT COUNTY FIRE SERVICES IN THE STATE;~~

~~[(viii)] (IX) one member shall represent police services in the State;~~

~~[(ix) two members shall represent emergency management services in the State;]~~

~~(X) ONE MEMBER SHALL REPRESENT COUNTY EMERGENCY MANAGEMENT SERVICES IN THE STATE;~~

~~(XI) ONE MEMBER SHALL REPRESENT COUNTY EMERGENCY MEDICAL SERVICES IN THE STATE;~~

~~(XII) ONE MEMBER SHALL REPRESENT 0-1-1 SPECIALISTS;~~

~~[(x) one member shall represent a county with a population of 200,000 or more;~~

~~(xi) one member shall represent a county with a population of less than 200,000;~~

~~[(xii)] (XIII) one member shall represent the Maryland chapter of the National Emergency Numbers Association;~~

~~[(xiii)] (XIV) one member shall represent the geographical information systems in the State AND COUNTIES; [and]~~

~~(XV) ONE MEMBER, SELECTED FROM A LIST OF THREE INDIVIDUALS RECOMMENDED BY THE MARYLAND ASSOCIATION OF COUNTIES, SHALL POSSESS FINANCIAL EXPERTISE, WORKING IN THE FIELD OF PUBLIC SECTOR FINANCE;~~

~~(XVI) ONE MEMBER SHALL REPRESENT INDIVIDUALS WITH DISABILITIES, ASSISTIVE TECHNOLOGY NEEDS, SENIORS, AND OTHERS WITH LANGUAGE AND ACCESSIBILITY NEEDS; AND~~

~~[(xiv)] (XVII) [two] THREE members shall represent the public, WITH ONE MEMBER POSSESSING CYBERSECURITY EXPERTISE, PARTICULARLY IN THE FIELD OF EMERGENCY COMMUNICATIONS NETWORKS.~~

~~(3) The Governor shall appoint the members with the advice and consent of the Senate.~~

~~(e) (1) The term of a member is 4 years and begins on July 1.~~

~~(2) The terms of the members are staggered as required by the terms provided for members of the Board on October 1, 2003.~~

~~(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.~~

~~(4) If a vacancy occurs after a term has begun, the Governor shall appoint a successor to represent the organization or group in which the vacancy occurs.~~

~~(5) 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.~~

~~(d) The Governor shall appoint a chairperson from among the Board members.~~

~~(e) The Board shall meet as necessary, but at least once each quarter.~~

~~(f) A member of the Board:~~

~~(1) may not receive compensation as a member of the Board; but~~

~~(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.~~

(g) The Secretary shall provide staff to the Board, including:

(1) a coordinator who is responsible for the daily operation of the office of the Board; and

(2) staff to handle the increased duties related to [wireless] enhanced 9-1-1 service.

- (a) The Board shall coordinate the enhancement of county 9–1–1 systems.
- (b) The Board’s responsibilities include:

(15) establishing training standards for public safety answering point personnel based on national best practices, **INCLUDING TRAINING CONCERNING NEXT GENERATION 9–1–1 TOPICS**; and

**(E) (1) THE STANDARDS ESTABLISHED BY THE BOARD UNDER SUBSECTION (B)(15) OF THIS SECTION SHALL INCLUDE MINIMUM CONTINUING EDUCATION STANDARDS FOR 9–1–1 SPECIALISTS.**

**(2) (I) AT LEAST ONCE EACH YEAR, THE BOARD SHALL PROVIDE FOR AN AUDIT OF EACH PUBLIC SAFETY ANSWERING POINT IN ORDER TO ENSURE THAT 9–1–1 SPECIALISTS AND OTHER PERSONNEL EMPLOYED BY THE PUBLIC SAFETY ANSWERING POINT HAVE SATISFIED THE TRAINING REQUIREMENTS ESTABLISHED IN ACCORDANCE WITH SUBSECTION (B)(15) OF THIS SECTION.**

**(II) THE AUDIT DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY BE CONDUCTED CONCURRENTLY WITH AN INSPECTION OF THE PUBLIC SAFETY ANSWERING POINT IN ACCORDANCE WITH SUBSECTION (B)(10) OF THIS SECTION.**

**(F) THE BOARD SHALL ESTABLISH STANDARDS GOVERNING THE PROCESSING OF 9–1–1 REQUESTS FOR ASSISTANCE THAT:**

**(1) MINIMIZE THE TRANSFER OF THOSE REQUESTS FROM THE PUBLIC SAFETY ANSWERING POINT THAT RECEIVED THE REQUEST TO OTHER PUBLIC SAFETY ANSWERING POINTS WITHIN OR OUTSIDE THE STATE OR FEDERAL EMERGENCY COMMUNICATION CENTERS; AND**

~~**(2) AVOID TRANSFERS TO PUBLIC SAFETY AGENCIES THAT WOULD ADVERSELY AFFECT A PUBLIC SAFETY RESPONSE.**~~

**(2) FOLLOW BEST PRACTICES FOR TRANSFERRING REQUESTS TO PUBLIC SAFETY AGENCIES TO ENSURE THE OPTIMAL PUBLIC SAFETY RESPONSE.**

**[(e)] (G) The Board shall:**

(1) establish minimum standards for 9–1–1 systems, enhanced 9–1–1 systems, and Next Generation 9–1–1 services that ensure improved access for individuals with disabilities and individuals who use assistive technologies, including mandatory connectivity requirements for core service providers for Next Generation 9–1–1 services to device–based and cloud–based data repositories; and

(2) update the standards adopted in accordance with item (1) of this subsection based on available technology and equipment.

1-307.

(a) The Board shall submit an annual report to the Governor, the Secretary, and, subject to § 2-1257 of the State Government Article, the Legislative Policy Committee.

(b) The report shall provide the following information for each county:

- (1) the type of 9-1-1 system currently operating in the county;
- (2) the total **STATE** 9-1-1 fee and [additional charge] **COUNTY 9-1-1 FEE** charged;
- (3) the funding formula in effect;
- (4) any statutory or regulatory violation by the county and the response of the Board;
- (5) any efforts to establish an enhanced 9-1-1 system in the county; and
- (6) any suggested changes to this subtitle.

1-309.

(a) On recommendation of the Board, each year the Secretary shall request an appropriation from the 9-1-1 Trust Fund in an amount sufficient to:

- (1) carry out the purposes of this subtitle;
- (2) pay the administrative costs chargeable to the 9-1-1 Trust Fund; and
- (3) reimburse counties for the cost of enhancing a 9-1-1 system.

(b) (1) Subject to the limitations under subsection (e) of this section, the Comptroller shall disburse the money in the 9-1-1 Trust Fund as provided in this subsection.

(2) Each July 1, the Comptroller shall allocate sufficient money from the **STATE** 9-1-1 fee to pay the costs of administering the 9-1-1 Trust Fund.

(3) As directed by the Secretary and in accordance with the State budget, the Comptroller, from the appropriate account, shall:

- (i) reimburse counties for the cost of enhancing a 9-1-1 system;

(ii) pay contractors in accordance with § 1–306(b)(12) of this subtitle;  
and

(iii) pay the costs associated with maintenance, operations, and programs approved by the Board in accordance with § 1–308(b) of this subtitle.

(4) (i) The Comptroller shall pay to each county from its account the money requested by the county to pay the maintenance and operation costs of the county’s 9–1–1 system in accordance with the State budget.

(ii) The Comptroller shall pay the money for maintenance and operation costs on September 30, December 31, March 31, and June 30 of each year.

(c) (1) Money accruing to the 9–1–1 Trust Fund may be used as provided in this subsection.

(2) Money collected from the **STATE 9–1–1** fee may be used only to:

(i) pay the administrative costs chargeable to the 9–1–1 Trust Fund;

(ii) reimburse counties for the cost of enhancing a 9–1–1 system;

(iii) pay contractors in accordance with § 1–306(b)(12) of this subtitle;

and

(iv) pay the costs associated with maintenance, operations, and programs approved by the Board in accordance with § 1–308(b) of this subtitle.

(3) Money collected from the [additional charge] **COUNTY 9–1–1 FEE** may be used by the counties only for the maintenance and operation costs of the 9–1–1 system.

(4) Money collected from the prepaid wireless E 9–1–1 fee shall be used as follows:

(i) 25% for the same purpose as the 9–1–1 fee under paragraph (2) of this subsection; and

(ii) 75% for the same purpose as the [additional charge] **COUNTY 9–1–1 FEE** under paragraph (3) of this subsection, prorated on the basis of the total fees collected in each county.

**(5) MONEY ACCRUING TO THE 9–1–1 TRUST FUND MAY NOT BE USED FOR THE MAINTENANCE OR OPERATION OF COMMUNICATIONS CENTERS OTHER THAN PUBLIC SAFETY ANSWERING POINTS.**

(d) (1) Reimbursement may be made only to the extent that county money was used to enhance the 9-1-1 system.

(2) Reimbursement for the enhancement of 9-1-1 systems shall include the installation of equipment for automatic number identification, automatic location identification, and other technological advancements that the Board requires.

(3) Reimbursement from money collected from the **STATE** 9-1-1 fee may be used only for 9-1-1 system enhancements approved by the Board.

(e) (1) The Board may direct the Comptroller to withhold from a county money for 9-1-1 system expenditures if the county violates this subtitle or a regulation of the Board.

(2) (i) The Board shall state publicly in writing its reason for withholding money from a county and shall record its reason in the minutes of the Board.

(ii) On reaching its decision to withhold money, the Board shall notify the county.

(iii) The county has 30 days after the date of notification to respond in writing to the Board.

(3) (i) On notification by the Board, the Comptroller shall hold money for the county in the county's account in the 9-1-1 Trust Fund.

(ii) Money held by the Comptroller under subparagraph (i) of this paragraph does not accrue interest for the county.

(iii) Interest income earned on money held by the Comptroller under subparagraph (i) of this paragraph accrues to the 9-1-1 Trust Fund.

(4) County money withheld by the Comptroller shall be withheld until the Board directs the Comptroller to release the money.

(f) (1) The Legislative Auditor may conduct fiscal/compliance audits of the 9-1-1 Trust Fund and of the appropriations and disbursements made for purposes of this subtitle.

(2) The cost of the fiscal portion of the audits shall be paid from the 9-1-1 Trust Fund as an administrative cost.

1-310.

(a) This section does not apply to prepaid wireless telecommunications service.

(b) Each subscriber to switched local exchange access service or CMRS or other 9–1–1–accessible service shall pay a **STATE 9–1–1** fee.

(c) (1) Subject to paragraphs (2) through (5) of this subsection, the **STATE 9–1–1** fee is 50 cents per month for each switched local exchange access service, CMRS, or other 9–1–1–accessible service provided, payable when the bill for the service is due.

(2) Except as provided in paragraphs (3) through (5) of this subsection, if a service provider provisions to the same individual or person the voice channel capacity to make more than one simultaneous outbound call from a 9–1–1–accessible service, each separate outbound call voice channel capacity, regardless of the technology, shall constitute a separate 9–1–1–accessible service for purposes of calculating the **STATE 9–1–1** fee due under paragraph (1) of this subsection.

(3) CMRS provided to multiple devices that share a mobile telephone number shall be treated as a single 9–1–1–accessible service for purposes of calculating the **STATE 9–1–1** fee due under paragraph (1) of this subsection.

(4) A broadband connection not used for telephone service may not constitute a separate voice channel capacity for purposes of calculating the **STATE 9–1–1** fee due under paragraph (1) of this subsection.

(5) (i) For a telephone service that provides, to multiple locations, shared simultaneous outbound voice channel capacity configured to provide local dial in different states, the voice channel capacity to which the **STATE 9–1–1** fee due under paragraph (1) of this subsection applies is only the portion of the shared voice channel capacity in the State identified by the service supplier's books and records.

(ii) In determining the portion of shared capacity in the State, a service supplier may rely on, among other factors, a customer's certification of the customer's allocation of capacity in the State, which may be based on:

1. each end user location;
2. the total number of end users; and
3. the number of end users at each end user location.

(d) (1) The Public Service Commission shall direct each telephone company to add the **STATE 9–1–1** fee to all current bills rendered for switched local exchange access service in the State.

(2) Each telephone company:

(i) shall act as a collection agent for the 9–1–1 Trust Fund with respect to the 9–1–1 fees;



(ii) shall remit all money collected to the Comptroller on a monthly basis; and

(iii) is entitled to credit, against the money from the **STATE 9-1-1** fees to be remitted to the Comptroller, an amount equal to **[0.75%] 0.50%** of the **STATE 9-1-1** fees to cover the expenses of billing, collecting, and remitting the **STATE 9-1-1** fees and **[any additional charges] COUNTY 9-1-1 FEES**.

(3) The Comptroller shall deposit the money remitted in the 9-1-1 Trust Fund.

(e) (1) Each 9-1-1 service carrier shall add the **STATE 9-1-1** fee to all current bills rendered for CMRS or other 9-1-1-accessible service in the State.

(2) Each 9-1-1 service carrier:

(i) shall act as a collection agent for the 9-1-1 Trust Fund with respect to the 9-1-1 fees;

(ii) shall remit all money collected to the Comptroller on a monthly basis; and

(iii) is entitled to credit, against the money from the **STATE 9-1-1** fees to be remitted to the Comptroller, an amount equal to **[0.75%] 0.50%** of the **STATE 9-1-1** fees to cover the expenses of billing, collecting, and remitting the **STATE 9-1-1** fees and **[any additional charges] COUNTY 9-1-1 FEES**.

(3) The Comptroller shall deposit the money remitted in the 9-1-1 Trust Fund.

(4) The Board shall adopt procedures for auditing surcharge collection and remittance by CMRS providers.

(5) On request of a CMRS provider, and except as otherwise required by law, the information that the CMRS provider reports to the Board shall be confidential, privileged, and proprietary and may not be disclosed to any person other than the CMRS provider.

(f) Notwithstanding any other provision of this subtitle, the **STATE 9-1-1** fee does not apply to an intermediate service line used exclusively to connect a CMRS or other 9-1-1-accessible service, other than a switched local access service, to another telephone system or switching device.

(g) A CMRS provider that pays or collects **STATE 9-1-1** fees under this section has the same immunity from liability for transmission failures as that approved by the

Public Service Commission for local exchange telephone companies that are subject to regulation by the Commission under the Public Utilities Article.

1–311.

(a) This section does not apply to prepaid wireless telecommunications service.

(b) In addition to the **STATE 9–1–1** fee, the governing body of each county, by ordinance or resolution enacted or adopted after a public hearing, may impose [an additional charge] **A COUNTY 9–1–1 FEE** to be added to all current bills rendered for switched local exchange access service or CMRS or other 9–1–1-accessible service in the county.

(c) (1) Except as provided in paragraph (2) of this subsection and subject to paragraphs (3) through (6) of this subsection, the [additional charge] **COUNTY 9–1–1 FEE** imposed by a county may not exceed 75 cents per month for each switched local exchange access service, CMRS, or other 9–1–1-accessible service provided.

(2) If revenues attributable to the [additional charge] **COUNTY 9–1–1 FEE** for a fiscal year do not provide the revenues necessary to cover a county’s operational costs for the 9–1–1 system for that fiscal year, the county may, for the following fiscal year, impose [an additional charge] **A COUNTY 9–1–1 FEE** not exceeding \$1.50 per month for each switched local exchange access service, CMRS, or other 9–1–1-accessible service provided.

(3) Except as provided in paragraphs (4) through (6) of this subsection, if a service provider provisions to the same individual or person the voice channel capacity to make more than one simultaneous outbound call from a 9–1–1-accessible service, each separate outbound call voice channel capacity, regardless of the technology, shall constitute a separate 9–1–1-accessible service for purposes of calculating the [additional charges] **COUNTY 9–1–1 FEES** due under paragraphs (1) and (2) of this subsection.

(4) CMRS provided to multiple devices that share a mobile telephone number shall be treated as a single 9–1–1-accessible service for purposes of calculating the [additional charges] **COUNTY 9–1–1 FEES** due under paragraphs (1) and (2) of this subsection.

(5) A broadband connection not used for telephone service may not constitute a separate voice channel capacity for purposes of calculating the [additional charges] **COUNTY 9–1–1 FEES** due under paragraphs (1) and (2) of this subsection.

(6) (i) For a telephone service that provides, to multiple locations, shared simultaneous outbound voice channel capacity configured to provide local dial in different states or counties, the voice channel capacity to which the 9–1–1 fee due under paragraphs (1) and (2) of this subsection applies is only the portion of the shared voice channel capacity in the county identified by the service supplier’s books and records.

(ii) In determining the portion of shared capacity in the county, a service supplier may rely on, among other factors, a customer's certification of the customer's allocation of capacity in the county, which may be based on:

1. each end user location;
2. the total number of end users; and
3. the number of end users at each end user location.

(7) The amount of the [additional charges] COUNTY 9-1-1 FEES may not exceed a level necessary to cover the total eligible maintenance and operation costs of the county.

(d) The [additional charge] COUNTY 9-1-1 FEE continues in effect until repealed or modified by a subsequent county ordinance or resolution.

(e) After imposing, repealing, or modifying [an additional charge] A COUNTY 9-1-1 FEE, the county shall certify the amount of the [additional charge] COUNTY 9-1-1 FEE to the Public Service Commission.

(f) The Public Service Commission shall direct each telephone company that provides service in a county that imposed [an additional charge] A COUNTY 9-1-1 FEE to add, within 60 days, the full amount of the [additional charge] COUNTY 9-1-1 FEE to all current bills rendered for switched local exchange access service in the county.

(g) Within 60 days after a county enacts or adopts an ordinance or resolution that imposes, repeals, or modifies [an additional charge] A COUNTY 9-1-1 FEE, each 9-1-1 service carrier that provides service in the county shall add the full amount of the [additional charge] COUNTY 9-1-1 FEE to all current bills rendered for CMRS or other 9-1-1-accessible service in the county.

(h) (1) Each telephone company and each 9-1-1 service carrier shall:

(i) act as a collection agent for the 9-1-1 Trust Fund with respect to the [additional charge] COUNTY 9-1-1 FEE imposed by each county;

(ii) collect the money from the [additional charge] COUNTY 9-1-1 FEE on a county basis; and

(iii) remit all money collected to the Comptroller on a monthly basis.

(2) The Comptroller shall deposit the money remitted in the 9-1-1 Trust Fund account maintained for the county that imposed the [additional charge] COUNTY 9-1-1 FEE.

1-312.

(a) During each county's fiscal year, the county may spend the amounts distributed to it from **STATE 9-1-1** fee collections for the installation, enhancement, maintenance, and operation of a county or multicounty 9-1-1 system.

(b) Subject to the provisions of subsection (c) of this section, maintenance and operation costs may include telephone company charges, equipment costs, equipment lease charges, repairs, utilities, personnel costs, and appropriate carryover costs from previous years.

(c) During a year in which a county raises its [local additional charge] **COUNTY 9-1-1 FEE** under § 1-311 of this subtitle, the county:

(1) may use 9-1-1 trust funds only to supplement levels of spending by the county for 9-1-1 maintenance or operations; and

(2) may not use 9-1-1 trust funds to supplant spending by the county for 9-1-1 maintenance or operations.

(d) **(1)** The Board shall provide for an audit of each county's expenditures for the maintenance and operation of the county's 9-1-1 system.

**(2) IF AN AUDIT PERFORMED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION DETERMINES THAT A COUNTY HAS UTILIZED 9-1-1 TRUST FUNDS FOR PURPOSES OTHER THAN THOSE AUTHORIZED UNDER THIS SUBTITLE, THE GOVERNING BODY OF THE COUNTY SHALL:**

**(I) SUBMIT TO THE BOARD A REPORT THAT INCLUDES AN EXPLANATION FOR THE DIVERSION OF 9-1-1 TRUST FUNDS FOR UNAUTHORIZED PURPOSES AND DETAILS THE STEPS TAKEN BY THE COUNTY TO ENSURE THAT THE DIVERSION OF 9-1-1 TRUST FUNDS DOES NOT OCCUR IN THE FUTURE; AND**

**(II) RESTORE THE DIVERTED FUNDS TO THE COUNTY'S 9-1-1 BUDGET WITHIN THAT FISCAL YEAR.**

(e) (1) For a county without an operational Phase II wireless enhanced 9-1-1 system within the time frames established by the Board under § 1-306(b)(6) of this subtitle, the Board shall adopt procedures, to take effect on or after January 1, 2006, to assure that:

(i) the money collected from the [additional charge] **COUNTY 9-1-1 FEE** and distributed to the county is expended during the county's fiscal year as follows:

1. for a 9–1–1 system in a county or a multicounty area with a population of 100,000 individuals or [less] FEWER, a maximum of 85% may be spent for personnel costs; and

2. for a 9–1–1 system in a county or multicounty area with a population of over 100,000 individuals, a maximum of 70% may be spent for personnel costs; and

(ii) the total amount collected from the STATE 9–1–1 fee and the [additional charge] COUNTY 9–1–1 FEE shall be expended only for the installation, enhancement, maintenance, and operation of a county or multicounty system.

(2) The Board may grant an exception to the provisions of paragraph (1) of this subsection in extenuating circumstances.

(3) A county with an operational Phase II wireless enhanced 9–1–1 system is exempt from the provisions of paragraph (1) of this subsection.

1–314.

(a) In this section, “multiple–line telephone system” means a system that:

(1) consists of common control units, telephone sets, control hardware and software, and adjunct systems, including network and premises–based systems; and

(2) is designed to aggregate more than one incoming voice communication channel for use by more than one telephone.

(b) (1) Except as provided in paragraph (2) of this subsection, [on or before December 31, 2017,] a person that installs or operates a multiple–line telephone system shall ensure that the system is connected to the public switched telephone network in such a way that when an individual using the system dials 9–1–1, the call connects to the public safety answering point without requiring the user to dial any other number or set of numbers.

(2) A unit of the Executive Branch of State government shall comply with paragraph (1) of this subsection on the date that the multiple–line telephone system of the unit is next upgraded.

**(C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, A COUNTY OR MUNICIPALITY SHALL BE RESPONSIBLE FOR ENFORCING SUBSECTION (B) OF THIS SECTION.**

**(D) (1) EACH COUNTY OR MUNICIPALITY MAY SET A FINE OR SERIES OF FINES TO BE ISSUED TO A PERSON THAT VIOLATES SUBSECTION (B) OF THIS SECTION.**

(2) REVENUE COLLECTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE RETURNED TO THE COUNTY OR MUNICIPALITY TAKING THE ENFORCEMENT ACTION.

(E) WHEN A COUNTY SUBMITS A REQUEST FOR DISBURSEMENTS FROM THE 9-1-1 TRUST FUND IN ACCORDANCE WITH § 1-309 OF THIS SUBTITLE, THE COUNTY SHALL SUBMIT TO THE BOARD A CERTIFICATION OF THE ENFORCEMENT ACTIONS TAKEN BY THE COUNTY UNDER THIS SECTION.

~~SECTION 2. AND BE IT FURTHER ENACTED, That, to implement the change in the composition of the Maryland 9-1-1 Board under § 1-305(b)(2) of the Public Safety Article, as enacted by Section 1 of this Act, the terms of the following members serving on the Emergency Number Systems Board before the effective date of this Act shall terminate October 1, 2020:~~

- ~~(1) the member representing a telephone company operating in the State;~~
- ~~(2) the member representing the wireless telephone industry in the State;~~
- ~~(3) the member representing the Maryland Institute for Emergency Medical Services Systems;~~
- ~~(4) the member representing the Department of State Police;~~
- ~~(5) the members representing county fire services in the State;~~
- ~~(6) the members representing emergency management services in the State;~~
- ~~(7) the member representing a county with a population of 200,000 or more; and~~
- ~~(8) the member representing a county with a population of less than 200,000.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the 12 initial members of the Maryland 9-1-1 Board provided for in § 1-305(b)(2) of the Public Safety Article, as enacted by Section 1 of this Act, shall expire as follows:~~

- ~~(1) three members in 2021;~~
- ~~(2) three members in 2022;~~
- ~~(3) three members in 2023; and~~

~~(4) three members in 2024.~~

SECTION ~~4~~ 2. AND BE IT FURTHER ENACTED, That, on or before June 30, 2020, the Department of General Services shall report to the Commission to Advance Next Generation 9–1–1 Across Maryland established by Chapters 301 and 302 of the Acts of the General Assembly of 2018 and the General Assembly, in accordance with § 2–1257 of the State Government Article, on the compliance of units of the Executive Branch with § 1–314(b)(1) of the Public Safety Article.

SECTION ~~5~~ 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 376

(Senate Bill 838)

AN ACT concerning

### Public Safety – 9–1–1 Emergency Telephone System

FOR the purpose of altering references to the terms “9–1–1 fee” and “additional charge”, respectively, to be “State 9–1–1 fee” and “county 9–1–1 fee”, respectively, and altering the definition of “public safety answering point” for purposes of provisions of law concerning the 9–1–1 emergency telephone system; requiring certain educational information made available by the State or a county to include information on certain requirements for certain multiple–line telephone systems; requiring certain public safety answering points to employ certain protocols for the processing of 9–1–1 requests for emergency assistance; requiring a public safety answering point to ensure each 9–1–1 specialist employed by the public safety answering point is certified in certain disciplines; authorizing a public safety answering point to establish a telecommunicator emergency response team for a certain purpose; requiring each public safety answering point to adopt and implement certain occupational wellness programs; renaming the Emergency Number Systems Board to be the Maryland 9–1–1 Board; ~~altering the composition of the Board;~~ requiring the Board to establish certain training standards for public safety answering point personnel concerning Next Generation 9–1–1 topics; requiring certain standards established by the Board to include minimum standards for 9–1–1 specialists to obtain continuing education; requiring the Board, at least once each year, to conduct a certain audit of each public safety answering point; authorizing the audit to be conducted concurrently with a certain inspection of the public safety answering point; requiring the Board to establish certain standards governing the processing of 9–1–1 requests for assistance; prohibiting money accruing to the 9–1–1 Trust Fund from being used for the maintenance or operation

of certain communications centers; altering the amount of a certain credit that certain telephone companies and commercial mobile radio service providers are entitled to receive; requiring the governing body of a county, under certain circumstances, to submit to the Board a certain report concerning the division of 9–1–1 trust funds and to restore the diverted funds within a certain period of time; providing that a county or municipality is responsible for enforcing certain requirements concerning multiple–line telephone systems; authorizing a county or municipality to set a fine or series of fines for a certain violation; requiring that certain fines collected by a county or municipality be returned to the county or municipality taking the enforcement action; requiring a county to submit to the Board a certain certification of enforcement actions under certain circumstances; ~~requiring the terms of certain members of the Board to terminate on a certain date; specifying the terms of certain initial members of the Board;~~ requiring the Department of General Services to report to the Commission to Advance Next Generation 9–1–1 Across Maryland and the General Assembly on or before a certain date; repealing certain obsolete language; making a stylistic change; and generally relating to 9–1–1 emergency telephone systems.

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 1–301, 1–304(e), ~~1–305~~ 1–305(a) and (g), 1–306(b)(15) and (e), 1–307, 1–309, 1–310 through 1–312, and 1–314

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY adding to

Article – Public Safety

Section 1–304.1, 1–304.2, and 1–306(e) and (f)

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,

Article – Public Safety

Section 1–306(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**

1–301.

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



(b) [“Additional charge” means the charge imposed by a county in accordance with § 1–311 of this subtitle.

(c) “Board” means the [Emergency Number Systems] **MARYLAND 9–1–1** Board.

[(d)] **(C)** “Commercial mobile radio service” or “CMRS” means mobile telecommunications service that is:

(1) provided for profit with the intent of receiving compensation or monetary gain;

(2) an interconnected, two-way voice service; and

(3) available to the public.

[(e)] **(D)** “Commercial mobile radio service provider” or “CMRS provider” means a person authorized by the Federal Communications Commission to provide CMRS in the State.

**(E) “COUNTY 9–1–1 FEE” MEANS THE FEE IMPOSED BY A COUNTY IN ACCORDANCE WITH § 1–311 OF THIS SUBTITLE.**

(f) “County plan” means a plan for a 9–1–1 system or enhanced 9–1–1 system, or an amendment to the plan, developed by a county or several counties together under this subtitle.

(g) (1) “Customer” means:

(i) the person that contracts with a home service provider for CMRS;

or

(ii) the end user of the CMRS if the end user of the CMRS is not the contracting party.

(2) “Customer” does not include:

(i) a reseller of CMRS; or

(ii) a serving carrier under an arrangement to serve the customer outside the home service provider’s licensed service area.

(h) “Enhanced 9–1–1 system” means a 9–1–1 system that provides:

(1) automatic number identification;

(2) automatic location identification; and

(3) any other technological advancements that the Board requires.

(i) “FCC order” means an order issued by the Federal Communications Commission under proceedings regarding the compatibility of enhanced 9–1–1 systems and delivery of wireless enhanced 9–1–1 service.

(j) “Home service provider” means the facilities–based carrier or reseller that contracts with a customer to provide CMRS.

(k) “Next Generation 9–1–1 services” means an Internet Protocol (IP)–based system, comprised of hardware, software, data, and operational policies and procedures, that:

(1) provides standardized interfaces from emergency call and message services to support emergency communications;

(2) processes all types of requests for emergency services, including voice, text, data, and multimedia information;

(3) acquires and integrates additional emergency call data useful to routing and handling of requests for emergency services;

(4) delivers the emergency calls, messages, and data to the appropriate public safety answering point and other appropriate emergency entities;

(5) supports data or video communications needs for coordinated incident response and management; and

(6) provides broadband service to public safety answering points or other first responder entities.

(l) “9–1–1–accessible service” means telephone service or another communications service that connects an individual dialing the digits 9–1–1 to an established public safety answering point.

(m) [“9–1–1 fee” means the fee imposed in accordance with § 1–310 of this subtitle.

(n)] (1) “9–1–1 service carrier” means a provider of CMRS or other 9–1–1–accessible service.

(2) “9–1–1 service carrier” does not include a telephone company.

[(o)] (N) “9–1–1 specialist” means an employee of a county public safety answering point, or an employee working in a county public safety answering point, whose duties and responsibilities include:

- (1) receiving and processing 9–1–1 requests for emergency services;
- (2) other support functions directly related to 9–1–1 requests for emergency services; or
- (3) dispatching law enforcement officers, fire rescue services, emergency medical services, and other public safety services to the scene of an emergency.

**[(p)] (O)** (1) “9–1–1 system” means telephone service that:

- (i) meets the planning guidelines established under this subtitle;
- and
- (ii) automatically connects an individual dialing the digits 9–1–1 to an established public safety answering point.

(2) “9–1–1 system” includes:

- (i) equipment for connecting and outswitching 9–1–1 calls within a telephone central office;
- (ii) trunking facilities from a telephone central office to a public safety answering point; and
- (iii) equipment to connect 9–1–1 calls to the appropriate public safety agency.

**[(q)] (P)** “9–1–1 Trust Fund” means the fund established under § 1–308 of this subtitle.

**[(r)] (Q)** “Prepaid wireless E 9–1–1 fee” means the fee that is required to be collected by a seller from a consumer in the amount established under § 1–313 of this subtitle.

**[(s)] (R)** “Prepaid wireless telecommunications service” means a commercial mobile radio service that:

- (1) allows a consumer to dial 9–1–1 to access the 9–1–1 system;
- (2) must be paid for in advance; and
- (3) is sold in predetermined units that decline with use in a known amount.

**[(t)] (S)** “Public safety agency” means:

(1) a functional division of a public agency that provides fire fighting, police, medical, or other emergency services; or

(2) a private entity that provides fire fighting, police, medical, or other emergency services on a voluntary basis.

**[(u)] (T)** “Public safety answering point” means a communications facility that:

(1) is operated on a 24-hour basis;

(2) first receives 9-1-1 requests for emergency services in a 9-1-1 service area; and

(3) as appropriate[,];

**(I)** dispatches public safety services directly[,];

**(II) TRANSMITS INCIDENT DATA TO APPROPRIATE PUBLIC SAFETY AGENCIES WITHIN THE STATE FOR THE DISPATCH OF PUBLIC SAFETY SERVICES; or**

**(III) transfers 9-1-1 requests for emergency services OR TRANSMITS INCIDENT DATA to [appropriate public safety agencies]:**

**1. AN APPROPRIATE FEDERAL EMERGENCY COMMUNICATION CENTER RESPONSIBLE FOR THE DELIVERY OF PUBLIC SAFETY SERVICES ON A FEDERAL CAMPUS OR FEDERAL RESERVATION; OR**

**2. AN APPROPRIATE PUBLIC SAFETY ANSWERING POINT LOCATED WITHIN OR OUTSIDE THE STATE.**

**[(v)] (U)** “Secretary” means the Secretary of Public Safety and Correctional Services.

**[(w)] (V)** “Seller” means a person that sells prepaid wireless telecommunications service to another person.

**(W) “STATE 9-1-1 FEE” MEANS THE FEE IMPOSED IN ACCORDANCE WITH § 1-310 OF THIS SUBTITLE.**

(x) “Wireless enhanced 9-1-1 service” means enhanced 9-1-1 service under an FCC order.

(e) Educational information that relates to emergency services made available by the State or a county:

(1) shall designate the number 9-1-1 as the primary emergency telephone number; [and]

(2) may include a separate secondary backup telephone number for emergency calls; AND

**(3) SHALL INCLUDE INFORMATION ON THE REQUIREMENTS OF § 1-314 OF THIS SUBTITLE.**

#### **1-304.1.**

**(A) (1) EACH PUBLIC SAFETY ANSWERING POINT SHALL EMPLOY STANDARDS-BASED PROTOCOLS FOR THE PROCESSING OF 9-1-1 REQUESTS FOR EMERGENCY ASSISTANCE.**

**(2) A PUBLIC SAFETY ANSWERING POINT SHALL ENSURE THAT EACH 9-1-1 SPECIALIST EMPLOYED BY THE PUBLIC SAFETY ANSWERING POINT IS CERTIFIED IN EACH DISCIPLINE RELATED TO 9-1-1 REQUESTS FOR ASSISTANCE FOR WHICH THE 9-1-1 SPECIALIST IS RESPONSIBLE FOR RECEIVING AND PROCESSING.**

**(B) A PUBLIC SAFETY ANSWERING POINT MAY ESTABLISH A TELECOMMUNICATOR EMERGENCY RESPONSE TEAM TO RESPOND TO, RELIEVE, ASSIST, OR AUGMENT OTHER PUBLIC SAFETY ANSWERING POINTS WHEN THOSE PUBLIC SAFETY ANSWERING POINTS ARE AFFECTED BY NATURAL OR HUMAN-MADE DISASTERS.**

#### **1-304.2.**

**EACH PUBLIC SAFETY ANSWERING POINT SHALL ADOPT AND IMPLEMENT PROGRAMS COMPLIANT WITH BEST PRACTICES ON 9-1-1 ACUTE/TRAUMATIC AND CHRONIC STRESS MANAGEMENT.**

#### **1-305.**

(a) There is [an Emergency Number Systems] **A MARYLAND 9-1-1 Board** in the Department of Public Safety and Correctional Services.

~~(b) (1) The Board consists of [17] 19 members.~~

~~(2) Of the [17] 19 members:~~

~~[(i) one member shall represent a telephone company operating in the State;~~

~~(ii) one member shall represent the wireless telephone industry in the State;~~

~~(iii) one member shall represent the Maryland Institute for Emergency Medical Services Systems;~~

~~(iv) one member shall represent the Department of State Police;]~~

~~(I) ONE MEMBER SHALL REPRESENT THE EMERGENCY COMMUNICATIONS COMMITTEE OF THE MARYLAND ASSOCIATION OF COUNTIES;~~

~~(II) ONE MEMBER SHALL REPRESENT DIRECTORS OF PUBLIC SAFETY ANSWERING POINTS FOR ALLEGANY COUNTY, GARRETT COUNTY, AND WASHINGTON COUNTY;~~

~~(III) ONE MEMBER SHALL REPRESENT DIRECTORS OF PUBLIC SAFETY ANSWERING POINTS FOR CALVERT COUNTY, CHARLES COUNTY, FREDERICK COUNTY, MONTGOMERY COUNTY, PRINCE GEORGE'S COUNTY, AND ST. MARY'S COUNTY;~~

~~(IV) ONE MEMBER SHALL REPRESENT DIRECTORS OF PUBLIC SAFETY ANSWERING POINTS FOR ANNE ARUNDEL COUNTY, BALTIMORE CITY, BALTIMORE COUNTY, CARROLL COUNTY, HARFORD COUNTY, AND HOWARD COUNTY;~~

~~(V) ONE MEMBER SHALL REPRESENT DIRECTORS OF PUBLIC SAFETY ANSWERING POINTS FOR CAROLINE COUNTY, CECIL COUNTY, DORCHESTER COUNTY, KENT COUNTY, QUEEN ANNE'S COUNTY, SOMERSET COUNTY, TALBOT COUNTY, WICOMICO COUNTY, AND WORCESTER COUNTY;~~

~~[(v)] (VI) one member shall represent the Public Service Commission;~~

~~[(vi)] (VII) one member shall represent the Association of Public Safety Communications Officials International, Inc.;~~

~~[(vii) two members shall represent county fire services in the State, with one member representing career fire services and one member representing volunteer fire services;]~~

~~(VIII) ONE MEMBER SHALL REPRESENT COUNTY FIRE SERVICES IN THE STATE;~~

~~[(viii)] (IX) one member shall represent police services in the State;~~

~~[(ix) two members shall represent emergency management services in the State;]~~

~~(X) ONE MEMBER SHALL REPRESENT COUNTY EMERGENCY MANAGEMENT SERVICES IN THE STATE;~~

~~(XI) ONE MEMBER SHALL REPRESENT COUNTY EMERGENCY MEDICAL SERVICES IN THE STATE;~~

~~(XII) ONE MEMBER SHALL REPRESENT 9 1 1 SPECIALISTS;~~

~~[(x) one member shall represent a county with a population of 200,000 or more;~~

~~(xi) one member shall represent a county with a population of less than 200,000;~~

~~(xii)] (XIII) one member shall represent the Maryland chapter of the National Emergency Numbers Association;~~

~~[(xiii)] (XIV) one member shall represent the geographical information systems in the State AND COUNTIES; [and]~~

~~(XV) ONE MEMBER, SELECTED FROM A LIST OF THREE INDIVIDUALS RECOMMENDED BY THE MARYLAND ASSOCIATION OF COUNTIES, SHALL POSSESS FINANCIAL EXPERTISE, WORKING IN THE FIELD OF PUBLIC SECTOR FINANCE;~~

~~(XVI) ONE MEMBER SHALL REPRESENT INDIVIDUALS WITH DISABILITIES, ASSISTIVE TECHNOLOGY NEEDS, SENIORS, AND OTHERS WITH LANGUAGE AND ACCESSIBILITY NEEDS; AND~~

~~[(xiv)] (XVII) [two] THREE members shall represent the public, WITH ONE MEMBER POSSESSING CYBERSECURITY EXPERTISE, PARTICULARLY IN THE FIELD OF EMERGENCY COMMUNICATIONS NETWORKS.~~

~~(3) The Governor shall appoint the members with the advice and consent of the Senate.~~

~~(e) (1) The term of a member is 4 years and begins on July 1.~~

~~(2) The terms of the members are staggered as required by the terms provided for members of the Board on October 1, 2003.~~

~~(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.~~

~~(4) If a vacancy occurs after a term has begun, the Governor shall appoint a successor to represent the organization or group in which the vacancy occurs.~~

~~(5) 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.~~

~~(d) The Governor shall appoint a chairperson from among the Board members.~~

~~(e) The Board shall meet as necessary, but at least once each quarter.~~

~~(f) A member of the Board:~~

~~(1) may not receive compensation as a member of the Board; but~~

~~(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.~~

(g) The Secretary shall provide staff to the Board, including:

(1) a coordinator who is responsible for the daily operation of the office of the Board; and

(2) staff to handle the increased duties related to [wireless] enhanced 9–1–1 service.

1–306.

(a) The Board shall coordinate the enhancement of county 9–1–1 systems.

(b) The Board's responsibilities include:

(15) establishing training standards for public safety answering point personnel based on national best practices, **INCLUDING TRAINING CONCERNING NEXT GENERATION 9–1–1 TOPICS**; and

**(E) (1) THE STANDARDS ESTABLISHED BY THE BOARD UNDER SUBSECTION (B)(15) OF THIS SECTION SHALL INCLUDE MINIMUM CONTINUING EDUCATION STANDARDS FOR 9–1–1 SPECIALISTS.**



(2) (I) AT LEAST ONCE EACH YEAR, THE BOARD SHALL PROVIDE FOR AN AUDIT OF EACH PUBLIC SAFETY ANSWERING POINT IN ORDER TO ENSURE THAT 9-1-1 SPECIALISTS AND OTHER PERSONNEL EMPLOYED BY THE PUBLIC SAFETY ANSWERING POINT HAVE SATISFIED THE TRAINING REQUIREMENTS ESTABLISHED IN ACCORDANCE WITH SUBSECTION (B)(15) OF THIS SECTION.

(II) THE AUDIT DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY BE CONDUCTED CONCURRENTLY WITH AN INSPECTION OF THE PUBLIC SAFETY ANSWERING POINT IN ACCORDANCE WITH SUBSECTION (B)(10) OF THIS SECTION.

(F) THE BOARD SHALL ESTABLISH STANDARDS GOVERNING THE PROCESSING OF 9-1-1 REQUESTS FOR ASSISTANCE THAT:

(1) MINIMIZE THE TRANSFER OF THOSE REQUESTS FROM THE PUBLIC SAFETY ANSWERING POINT THAT RECEIVED THE REQUEST TO OTHER PUBLIC SAFETY ANSWERING POINTS WITHIN OR OUTSIDE THE STATE OR FEDERAL EMERGENCY COMMUNICATION CENTERS; AND

(2) ~~AVOID TRANSFERS TO PUBLIC SAFETY AGENCIES THAT WOULD ADVERSELY AFFECT A PUBLIC SAFETY RESPONSE~~ FOLLOW BEST PRACTICES FOR TRANSFERRING REQUESTS TO PUBLIC SAFETY AGENCIES TO ENSURE THE OPTIMAL PUBLIC SAFETY RESPONSE.

[(e)] (G) The Board shall:

(1) establish minimum standards for 9-1-1 systems, enhanced 9-1-1 systems, and Next Generation 9-1-1 services that ensure improved access for individuals with disabilities and individuals who use assistive technologies, including mandatory connectivity requirements for core service providers for Next Generation 9-1-1 services to device-based and cloud-based data repositories; and

(2) update the standards adopted in accordance with item (1) of this subsection based on available technology and equipment.

1-307.

(a) The Board shall submit an annual report to the Governor, the Secretary, and, subject to § 2-1257 of the State Government Article, the Legislative Policy Committee.

(b) The report shall provide the following information for each county:

(1) the type of 9-1-1 system currently operating in the county;

- charged;
- (2) the total **STATE 9–1–1** fee and [additional charge] **COUNTY 9–1–1 FEE**
  - (3) the funding formula in effect;
  - (4) any statutory or regulatory violation by the county and the response of the Board;
  - (5) any efforts to establish an enhanced 9–1–1 system in the county; and
  - (6) any suggested changes to this subtitle.

1–309.

(a) On recommendation of the Board, each year the Secretary shall request an appropriation from the 9–1–1 Trust Fund in an amount sufficient to:

- (1) carry out the purposes of this subtitle;
- (2) pay the administrative costs chargeable to the 9–1–1 Trust Fund; and
- (3) reimburse counties for the cost of enhancing a 9–1–1 system.

(b) (1) Subject to the limitations under subsection (e) of this section, the Comptroller shall disburse the money in the 9–1–1 Trust Fund as provided in this subsection.

(2) Each July 1, the Comptroller shall allocate sufficient money from the **STATE 9–1–1** fee to pay the costs of administering the 9–1–1 Trust Fund.

(3) As directed by the Secretary and in accordance with the State budget, the Comptroller, from the appropriate account, shall:

- (i) reimburse counties for the cost of enhancing a 9–1–1 system;
- (ii) pay contractors in accordance with § 1–306(b)(12) of this subtitle;

and

(iii) pay the costs associated with maintenance, operations, and programs approved by the Board in accordance with § 1–308(b) of this subtitle.

(4) (i) The Comptroller shall pay to each county from its account the money requested by the county to pay the maintenance and operation costs of the county's 9–1–1 system in accordance with the State budget.

(ii) The Comptroller shall pay the money for maintenance and operation costs on September 30, December 31, March 31, and June 30 of each year.

(c) (1) Money accruing to the 9-1-1 Trust Fund may be used as provided in this subsection.

(2) Money collected from the **STATE** 9-1-1 fee may be used only to:

(i) pay the administrative costs chargeable to the 9-1-1 Trust Fund;

(ii) reimburse counties for the cost of enhancing a 9-1-1 system;

(iii) pay contractors in accordance with § 1-306(b)(12) of this subtitle;

and

(iv) pay the costs associated with maintenance, operations, and programs approved by the Board in accordance with § 1-308(b) of this subtitle.

(3) Money collected from the [additional charge] **COUNTY 9-1-1 FEE** may be used by the counties only for the maintenance and operation costs of the 9-1-1 system.

(4) Money collected from the prepaid wireless E 9-1-1 fee shall be used as follows:

(i) 25% for the same purpose as the 9-1-1 fee under paragraph (2) of this subsection; and

(ii) 75% for the same purpose as the [additional charge] **COUNTY 9-1-1 FEE** under paragraph (3) of this subsection, prorated on the basis of the total fees collected in each county.

**(5) MONEY ACCRUING TO THE 9-1-1 TRUST FUND MAY NOT BE USED FOR THE MAINTENANCE OR OPERATION OF COMMUNICATIONS CENTERS OTHER THAN PUBLIC SAFETY ANSWERING POINTS.**

(d) (1) Reimbursement may be made only to the extent that county money was used to enhance the 9-1-1 system.

(2) Reimbursement for the enhancement of 9-1-1 systems shall include the installation of equipment for automatic number identification, automatic location identification, and other technological advancements that the Board requires.

(3) Reimbursement from money collected from the **STATE** 9-1-1 fee may be used only for 9-1-1 system enhancements approved by the Board.

(e) (1) The Board may direct the Comptroller to withhold from a county money for 9-1-1 system expenditures if the county violates this subtitle or a regulation of the Board.

(2) (i) The Board shall state publicly in writing its reason for withholding money from a county and shall record its reason in the minutes of the Board.

(ii) On reaching its decision to withhold money, the Board shall notify the county.

(iii) The county has 30 days after the date of notification to respond in writing to the Board.

(3) (i) On notification by the Board, the Comptroller shall hold money for the county in the county's account in the 9–1–1 Trust Fund.

(ii) Money held by the Comptroller under subparagraph (i) of this paragraph does not accrue interest for the county.

(iii) Interest income earned on money held by the Comptroller under subparagraph (i) of this paragraph accrues to the 9–1–1 Trust Fund.

(4) County money withheld by the Comptroller shall be withheld until the Board directs the Comptroller to release the money.

(f) (1) The Legislative Auditor may conduct fiscal/compliance audits of the 9–1–1 Trust Fund and of the appropriations and disbursements made for purposes of this subtitle.

(2) The cost of the fiscal portion of the audits shall be paid from the 9–1–1 Trust Fund as an administrative cost.

1–310.

(a) This section does not apply to prepaid wireless telecommunications service.

(b) Each subscriber to switched local exchange access service or CMRS or other 9–1–1-accessible service shall pay a **STATE** 9–1–1 fee.

(c) (1) Subject to paragraphs (2) through (5) of this subsection, the **STATE** 9–1–1 fee is 50 cents per month for each switched local exchange access service, CMRS, or other 9–1–1-accessible service provided, payable when the bill for the service is due.

(2) Except as provided in paragraphs (3) through (5) of this subsection, if a service provider provisions to the same individual or person the voice channel capacity to make more than one simultaneous outbound call from a 9–1–1-accessible service, each separate outbound call voice channel capacity, regardless of the technology, shall constitute a separate 9–1–1-accessible service for purposes of calculating the **STATE** 9–1–1 fee due under paragraph (1) of this subsection.

(3) CMRS provided to multiple devices that share a mobile telephone number shall be treated as a single 9-1-1-accessible service for purposes of calculating the **STATE 9-1-1** fee due under paragraph (1) of this subsection.

(4) A broadband connection not used for telephone service may not constitute a separate voice channel capacity for purposes of calculating the **STATE 9-1-1** fee due under paragraph (1) of this subsection.

(5) (i) For a telephone service that provides, to multiple locations, shared simultaneous outbound voice channel capacity configured to provide local dial in different states, the voice channel capacity to which the **STATE 9-1-1** fee due under paragraph (1) of this subsection applies is only the portion of the shared voice channel capacity in the State identified by the service supplier's books and records.

(ii) In determining the portion of shared capacity in the State, a service supplier may rely on, among other factors, a customer's certification of the customer's allocation of capacity in the State, which may be based on:

1. each end user location;
2. the total number of end users; and
3. the number of end users at each end user location.

(d) (1) The Public Service Commission shall direct each telephone company to add the **STATE 9-1-1** fee to all current bills rendered for switched local exchange access service in the State.

(2) Each telephone company:

(i) shall act as a collection agent for the 9-1-1 Trust Fund with respect to the 9-1-1 fees;

(ii) shall remit all money collected to the Comptroller on a monthly basis; and

(iii) is entitled to credit, against the money from the **STATE 9-1-1** fees to be remitted to the Comptroller, an amount equal to **[0.75%] 0.50%** of the **STATE 9-1-1** fees to cover the expenses of billing, collecting, and remitting the **STATE 9-1-1** fees and **[any additional charges] COUNTY 9-1-1 FEES**.

(3) The Comptroller shall deposit the money remitted in the 9-1-1 Trust Fund.

(e) (1) Each 9-1-1 service carrier shall add the **STATE 9-1-1** fee to all current bills rendered for CMRS or other 9-1-1-accessible service in the State.

(2) Each 9–1–1 service carrier:

(i) shall act as a collection agent for the 9–1–1 Trust Fund with respect to the 9–1–1 fees;

(ii) shall remit all money collected to the Comptroller on a monthly basis; and

(iii) is entitled to credit, against the money from the **STATE 9–1–1** fees to be remitted to the Comptroller, an amount equal to **[0.75%] 0.50%** of the **STATE 9–1–1** fees to cover the expenses of billing, collecting, and remitting the **STATE 9–1–1** fees and **[any additional charges] COUNTY 9–1–1 FEES**.

(3) The Comptroller shall deposit the money remitted in the 9–1–1 Trust Fund.

(4) The Board shall adopt procedures for auditing surcharge collection and remittance by CMRS providers.

(5) On request of a CMRS provider, and except as otherwise required by law, the information that the CMRS provider reports to the Board shall be confidential, privileged, and proprietary and may not be disclosed to any person other than the CMRS provider.

(f) Notwithstanding any other provision of this subtitle, the **STATE 9–1–1** fee does not apply to an intermediate service line used exclusively to connect a CMRS or other 9–1–1-accessible service, other than a switched local access service, to another telephone system or switching device.

(g) A CMRS provider that pays or collects **STATE 9–1–1** fees under this section has the same immunity from liability for transmission failures as that approved by the Public Service Commission for local exchange telephone companies that are subject to regulation by the Commission under the Public Utilities Article.

1–311.

(a) This section does not apply to prepaid wireless telecommunications service.

(b) In addition to the **STATE 9–1–1** fee, the governing body of each county, by ordinance or resolution enacted or adopted after a public hearing, may impose **[an additional charge] A COUNTY 9–1–1 FEE** to be added to all current bills rendered for switched local exchange access service or CMRS or other 9–1–1-accessible service in the county.

(c) (1) Except as provided in paragraph (2) of this subsection and subject to paragraphs (3) through (6) of this subsection, the [additional charge] **COUNTY 9-1-1 FEE** imposed by a county may not exceed 75 cents per month for each switched local exchange access service, CMRS, or other 9-1-1-accessible service provided.

(2) If revenues attributable to the [additional charge] **COUNTY 9-1-1 FEE** for a fiscal year do not provide the revenues necessary to cover a county's operational costs for the 9-1-1 system for that fiscal year, the county may, for the following fiscal year, impose [an additional charge] **A COUNTY 9-1-1 FEE** not exceeding \$1.50 per month for each switched local exchange access service, CMRS, or other 9-1-1-accessible service provided.

(3) Except as provided in paragraphs (4) through (6) of this subsection, if a service provider provisions to the same individual or person the voice channel capacity to make more than one simultaneous outbound call from a 9-1-1-accessible service, each separate outbound call voice channel capacity, regardless of the technology, shall constitute a separate 9-1-1-accessible service for purposes of calculating the [additional charges] **COUNTY 9-1-1 FEES** due under paragraphs (1) and (2) of this subsection.

(4) CMRS provided to multiple devices that share a mobile telephone number shall be treated as a single 9-1-1-accessible service for purposes of calculating the [additional charges] **COUNTY 9-1-1 FEES** due under paragraphs (1) and (2) of this subsection.

(5) A broadband connection not used for telephone service may not constitute a separate voice channel capacity for purposes of calculating the [additional charges] **COUNTY 9-1-1 FEES** due under paragraphs (1) and (2) of this subsection.

(6) (i) For a telephone service that provides, to multiple locations, shared simultaneous outbound voice channel capacity configured to provide local dial in different states or counties, the voice channel capacity to which the 9-1-1 fee due under paragraphs (1) and (2) of this subsection applies is only the portion of the shared voice channel capacity in the county identified by the service supplier's books and records.

(ii) In determining the portion of shared capacity in the county, a service supplier may rely on, among other factors, a customer's certification of the customer's allocation of capacity in the county, which may be based on:

1. each end user location;
2. the total number of end users; and
3. the number of end users at each end user location.

(7) The amount of the [additional charges] **COUNTY 9–1–1 FEES** may not exceed a level necessary to cover the total eligible maintenance and operation costs of the county.

(d) The [additional charge] **COUNTY 9–1–1 FEE** continues in effect until repealed or modified by a subsequent county ordinance or resolution.

(e) After imposing, repealing, or modifying [an additional charge] **A COUNTY 9–1–1 FEE**, the county shall certify the amount of the [additional charge] **COUNTY 9–1–1 FEE** to the Public Service Commission.

(f) The Public Service Commission shall direct each telephone company that provides service in a county that imposed [an additional charge] **A COUNTY 9–1–1 FEE** to add, within 60 days, the full amount of the [additional charge] **COUNTY 9–1–1 FEE** to all current bills rendered for switched local exchange access service in the county.

(g) Within 60 days after a county enacts or adopts an ordinance or resolution that imposes, repeals, or modifies [an additional charge] **A COUNTY 9–1–1 FEE**, each 9–1–1 service carrier that provides service in the county shall add the full amount of the [additional charge] **COUNTY 9–1–1 FEE** to all current bills rendered for CMRS or other 9–1–1-accessible service in the county.

(h) (1) Each telephone company and each 9–1–1 service carrier shall:

(i) act as a collection agent for the 9–1–1 Trust Fund with respect to the [additional charge] **COUNTY 9–1–1 FEE** imposed by each county;

(ii) collect the money from the [additional charge] **COUNTY 9–1–1 FEE** on a county basis; and

(iii) remit all money collected to the Comptroller on a monthly basis.

(2) The Comptroller shall deposit the money remitted in the 9–1–1 Trust Fund account maintained for the county that imposed the [additional charge] **COUNTY 9–1–1 FEE**.

1–312.

(a) During each county's fiscal year, the county may spend the amounts distributed to it from **STATE 9–1–1** fee collections for the installation, enhancement, maintenance, and operation of a county or multicounty 9–1–1 system.

(b) Subject to the provisions of subsection (c) of this section, maintenance and operation costs may include telephone company charges, equipment costs, equipment lease charges, repairs, utilities, personnel costs, and appropriate carryover costs from previous years.



(c) During a year in which a county raises its [local additional charge] COUNTY 9-1-1 FEE under § 1-311 of this subtitle, the county:

(1) may use 9-1-1 trust funds only to supplement levels of spending by the county for 9-1-1 maintenance or operations; and

(2) may not use 9-1-1 trust funds to supplant spending by the county for 9-1-1 maintenance or operations.

(d) (1) The Board shall provide for an audit of each county's expenditures for the maintenance and operation of the county's 9-1-1 system.

(2) IF AN AUDIT PERFORMED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION DETERMINES THAT A COUNTY HAS UTILIZED 9-1-1 TRUST FUNDS FOR PURPOSES OTHER THAN THOSE AUTHORIZED UNDER THIS SUBTITLE, THE GOVERNING BODY OF THE COUNTY SHALL:

(i) SUBMIT TO THE BOARD A REPORT THAT INCLUDES AN EXPLANATION FOR THE DIVERSION OF 9-1-1 TRUST FUNDS FOR UNAUTHORIZED PURPOSES AND DETAILS THE STEPS TAKEN BY THE COUNTY TO ENSURE THAT THE DIVERSION OF 9-1-1 TRUST FUNDS DOES NOT OCCUR IN THE FUTURE; AND

(ii) RESTORE THE DIVERTED FUNDS TO THE COUNTY'S 9-1-1 BUDGET WITHIN THAT FISCAL YEAR.

(e) (1) For a county without an operational Phase II wireless enhanced 9-1-1 system within the time frames established by the Board under § 1-306(b)(6) of this subtitle, the Board shall adopt procedures, to take effect on or after January 1, 2006, to assure that:

(i) the money collected from the [additional charge] COUNTY 9-1-1 FEE and distributed to the county is expended during the county's fiscal year as follows:

1. for a 9-1-1 system in a county or a multicounty area with a population of 100,000 individuals or [less] FEWER, a maximum of 85% may be spent for personnel costs; and

2. for a 9-1-1 system in a county or multicounty area with a population of over 100,000 individuals, a maximum of 70% may be spent for personnel costs; and

(ii) the total amount collected from the STATE 9-1-1 fee and the [additional charge] COUNTY 9-1-1 FEE shall be expended only for the installation, enhancement, maintenance, and operation of a county or multicounty system.

(2) The Board may grant an exception to the provisions of paragraph (1) of this subsection in extenuating circumstances.

(3) A county with an operational Phase II wireless enhanced 9–1–1 system is exempt from the provisions of paragraph (1) of this subsection.

1–314.

(a) In this section, “multiple–line telephone system” means a system that:

(1) consists of common control units, telephone sets, control hardware and software, and adjunct systems, including network and premises–based systems; and

(2) is designed to aggregate more than one incoming voice communication channel for use by more than one telephone.

(b) (1) Except as provided in paragraph (2) of this subsection, [on or before December 31, 2017,] a person that installs or operates a multiple–line telephone system shall ensure that the system is connected to the public switched telephone network in such a way that when an individual using the system dials 9–1–1, the call connects to the public safety answering point without requiring the user to dial any other number or set of numbers.

(2) A unit of the Executive Branch of State government shall comply with paragraph (1) of this subsection on the date that the multiple–line telephone system of the unit is next upgraded.

**(C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, A COUNTY OR MUNICIPALITY SHALL BE RESPONSIBLE FOR ENFORCING SUBSECTION (B) OF THIS SECTION.**

**(D) (1) EACH COUNTY OR MUNICIPALITY MAY SET A FINE OR SERIES OF FINES TO BE ISSUED TO A PERSON THAT VIOLATES SUBSECTION (B) OF THIS SECTION.**

**(2) REVENUE COLLECTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE RETURNED TO THE COUNTY OR MUNICIPALITY TAKING THE ENFORCEMENT ACTION.**

**(E) WHEN A COUNTY SUBMITS A REQUEST FOR DISBURSEMENTS FROM THE 9–1–1 TRUST FUND IN ACCORDANCE WITH § 1–309 OF THIS SUBTITLE, THE COUNTY SHALL SUBMIT TO THE BOARD A CERTIFICATION OF THE ENFORCEMENT ACTIONS TAKEN BY THE COUNTY UNDER THIS SECTION.**

~~SECTION 2. AND BE IT FURTHER ENACTED, That, to implement the change in the composition of the Maryland 9-1-1 Board under § 1-305(b)(2) of the Public Safety Article, as enacted by Section 1 of this Act, the terms of the following members serving on the Emergency Number Systems Board before the effective date of this Act shall terminate October 1, 2020:~~

- ~~(1) the member representing a telephone company operating in the State;~~
- ~~(2) the member representing the wireless telephone industry in the State;~~
- ~~(3) the member representing the Maryland Institute for Emergency Medical Services Systems;~~
- ~~(4) the member representing the Department of State Police;~~
- ~~(5) the members representing county fire services in the State;~~
- ~~(6) the members representing emergency management services in the State;~~
- ~~(7) the member representing a county with a population of 200,000 or more; and~~
- ~~(8) the member representing a county with a population of less than 200,000.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the 12 initial members of the Maryland 9-1-1 Board provided for in § 1-305(b)(2) of the Public Safety Article, as enacted by Section 1 of this Act, shall expire as follows:~~

- ~~(1) three members in 2021;~~
- ~~(2) three members in 2022;~~
- ~~(3) three members in 2023; and~~
- ~~(4) three members in 2024.~~

SECTION 4. 2. AND BE IT FURTHER ENACTED, That, on or before June 30, 2020, the Department of General Services shall report to the Commission to Advance Next Generation 9-1-1 Across Maryland established by Chapters 301 and 302 of the Acts of the General Assembly of 2018 and the General Assembly, in accordance with § 2-1257 of the State Government Article, on the compliance of units of the Executive Branch with § 1-314(b)(1) of the Public Safety Article.

SECTION 5. 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 377

### (House Bill 935)

AN ACT concerning

#### Health Facilities – Freestanding Ambulatory Care Facilities – Administration of Anesthesia

FOR the purpose of requiring the Secretary of Health to establish in regulations a provision requiring an ambulatory surgical facility to ensure that ~~a health care practitioner administering anesthesia for a procedure has access to certain medical resources~~ an anesthesia practitioner is not precluded from providing a certain level of support to treat certain patients in a certain manner; defining certain terms; and generally relating to the administration of anesthesia at freestanding ambulatory care facilities.

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 19–3B–01 and 19–3B–03  
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

##### 19–3B–01.

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

(b) (1) “Ambulatory surgical facility” means any center, service, office facility, or other entity that:

(i) Operates exclusively for the purpose of providing surgical services to patients requiring a period of postoperative observation but not requiring hospitalization and in which the expected duration of services would not exceed 24 hours following admission; and

(ii) Seeks reimbursement from payors as an ambulatory surgery center.

(2) “Ambulatory surgical facility” does not include:

(i) The office of one or more health care practitioners seeking only professional reimbursement for the provisions of medical services, unless:

1. The office operates under contract or other agreement with a payor as an ambulatory surgical facility regardless of whether it is paid a technical or facility fee; or

2. The office is designated to receive ambulatory surgical referrals in accordance with utilization review or other policies adopted by a payor;

(ii) Any facility or service owned or operated by a hospital and regulated under Subtitle 2 of this title;

(iii) The office of a health care practitioner with not more than one operating room if:

1. The office does not receive a technical or facility fee; and

2. The operating room is used exclusively by the health care practitioner for patients of the health care practitioner;

(iv) The office of a group of health care practitioners with not more than one operating room if:

1. The office does not receive a technical or facility fee; and

2. The operating room is used exclusively by members of the group practice for patients of the group practice; or

(v) An office owned or operated by one or more dentists licensed under the Health Occupations Article.

(c) “Freestanding ambulatory care facility” means:

(1) An ambulatory surgical facility;

(2) A freestanding endoscopy facility;

(3) A freestanding facility utilizing major medical equipment;

(4) A kidney dialysis center; or

(5) A freestanding birthing center.

(d) (1) “Freestanding birthing center” means a facility that provides nurse midwife services under Title 8, Subtitle 6 of the Health Occupations Article.

(2) “Freestanding birthing center” does not include:

(i) A hospital regulated under Subtitle 2 of this title; or

(ii) The private residence of the mother.

(e) (1) “Freestanding endoscopy facility” means a facility:

(i) For the testing, diagnosis, or treatment of a medical disorder in conjunction with the use of microscopic, endoscopic, or laparoscopic equipment that is inserted in a naturally occurring orifice of the body; and

(ii) That seeks reimbursement as a freestanding endoscopy facility from payors or Medicare.

(2) “Freestanding endoscopy facility” does not include:

(i) The office of one or more health care practitioners unless:

1. The office operates under a contract or other agreement with a payor as a freestanding endoscopy facility regardless of whether it is paid a technical or facility fee; or

2. The office is designated to receive endoscopic referrals in accordance with utilization review or other policies adopted by a payor; or

(ii) Any facility or service operated by a hospital and regulated under Subtitle 2 of this title.

(f) (1) “Freestanding facility operating major medical equipment” means a facility using major medical equipment.

(2) “Freestanding facility operating major medical equipment” does not include any facility or service owned or operated by a hospital and regulated under Subtitle 2 of this title.

(g) “Health care practitioner” means a person who is licensed, certified, or otherwise authorized under the Health Occupations Article to provide medical services in the ordinary course of business or practice of a profession.

(h) (1) “Kidney dialysis center” means a facility that provides hemodialysis or chronic peritoneal dialysis.

(2) “Kidney dialysis center” does not include any facility or service owned or operated by a hospital and regulated under Subtitle 2 of this title.

(i) “License” means a license issued by the Secretary under this subtitle.

(j) “Major medical equipment” means:

(1) Cardiac catheterization equipment;

(2) A computer tomography (CT) scanner;

(3) A lithotripter;

(4) Radiation therapy equipment, including a linear accelerator; or

(5) A magnetic resonance imager (MRI).

**(K) “NONSTERILE PROCEDURE ROOM” MEANS A ROOM:**

**(1) IN WHICH MINOR SURGICAL PROCEDURES ARE PERFORMED, INCLUDING ENDOSCOPY AND ENDOSCOPIC PROCEDURES REQUIRING DEEP SEDATION;**

**(2) THAT CAN ONLY BE ACCESSED FROM A SEMI-RESTRICTED CORRIDOR OR AN UNRESTRICTED CORRIDOR;**

**(3) THAT IS NOT USED FOR OPEN SURGICAL PROCEDURES THAT:**

**(i) ENTER THE THORAX, ABDOMEN, PELVIS, CRANIUM, OR SPINE; OR**

**(ii) ROUTINELY REQUIRE INDUCTION OF DEEP SEDATION OR GENERAL ANESTHESIA FOR THE ENTIRETY OF THE SURGICAL PROCEDURE; AND**

**(4) IN WHICH DEEP SEDATION OR GENERAL ANESTHESIA MAY BE INDUCED IF:**

**(i) WARRANTED BY THE CLINICAL SITUATION; AND**

**(ii) THE ROOM IS EQUIPPED TO SAFELY CONDUCT THE REQUIRED LEVEL OF ANESTHESIA.**

**[(k)] (L) “Payor” means:**

(1) A health insurer, nonprofit health service plan, or health maintenance organization that holds a certificate of authority to offer health insurance policies or contracts in the State in accordance with this article or the Insurance Article;

(2) A third party administrator or any other entity under contract with a Maryland business to administer health benefits; or

(3) A self-insured group.

**(M) “STERILE OPERATING ROOM” MEANS A ROOM IN A SURGICAL SUITE THAT MEETS THE REQUIREMENTS OF A RESTRICTED AREA AND IS DESIGNATED AND EQUIPPED FOR PERFORMING SURGICAL OPERATIONS OR OTHER INVASIVE PROCEDURES THAT MAY REQUIRE AN ASEPTIC FIELD.**

**[D] (N) “Surgical services” has the meaning incorporated in the Centers for Medicare and Medicaid Services State Operations Manual – Guidance for Surveyors: Ambulatory Surgical Centers.**

19-3B-03.

(a) (1) After consultation with representatives of payors, health care practitioners, and freestanding ambulatory care facilities, the Secretary shall by regulation establish:

(i) Procedures to implement the provisions of this subtitle; and

(ii) Standards to ensure quality of care and patient safety that shall include:

1. Procedures for credentialing and practitioner performance evaluation;

2. Qualifications of health care practitioners and support personnel;

3. Procedures to be followed in the event of an emergency, including a requirement that in the event of an emergency the patient be transported to the nearest appropriate emergency care facility;

4. Procedures for quality control of any biomedical equipment;

5. Procedures for postoperative recovery;

6. Procedures for discharge;



~~7. PROCEDURES FOR ENSURING THAT A HEALTH CARE PRACTITIONER ADMINISTERING ANESTHESIA FOR A PROCEDURE HAS ACCESS TO ALL MEDICAL RESOURCES NECESSARY TO ADEQUATELY AND SAFELY CARE FOR THE PATIENT, AS DETERMINED BY THE PRACTITIONER IN CONSULTATION WITH THE HEALTH CARE PROVIDER PERFORMING THE PROCEDURE~~ AN ANESTHESIA PRACTITIONER IS NOT PRECLUDED FROM PROVIDING THE HIGHEST LEVEL OF ANESTHESIA SUPPORT THAT MAY BE REQUIRED TO SAFELY TREAT PATIENTS UNDERGOING PROCEDURES IN A FREESTANDING AMBULATORY SURGICAL FACILITY PERFORMED IN A NONSTERILE PROCEDURE ROOM OR A STERILE OPERATING ROOM;

[7.] 8. The use of ultrasound imaging in a freestanding birthing center; and

[8.] 9. Any other procedures that the Secretary considers necessary for quality of care and patient safety.

(2) The procedures for practitioner performance evaluation required under paragraph (1)(ii)1 of this subsection shall include a review of care provided to patients at the freestanding ambulatory care facility by members of the medical staff.

(3) The review of care shall:

(i) Be undertaken for cases chosen at random and for cases with unexpected adverse outcomes;

(ii) Be based on objective review standards;

(iii) Include a review of the appropriateness of the plan of care for the patient, particularly any medical procedures performed on the patient, in relation to the patient's condition; and

(iv) Except as provided in paragraph (4) of this subsection, be conducted by at least two members of the medical staff who:

1. As appropriate, are of the same specialty as the member of the medical staff under review; and

2. Have been trained in the freestanding ambulatory care facility's policies and procedures regarding practitioner performance evaluation.

(4) A review of the care provided by a member of the medical staff who is a solo practitioner shall be conducted by an external reviewer.

(5) A freestanding ambulatory care facility shall take into account the results of the practitioner performance evaluation process for a member of the medical staff in the reappointment process.

(b) If appropriate certification by Medicare is available, obtaining the certification shall be a condition of licensure for:

- (1) An ambulatory surgical facility; and
- (2) A kidney dialysis center.

(c) Each freestanding ambulatory care facility shall provide assurances satisfactory to the Secretary that the freestanding ambulatory care facility does not discriminate against patients, including discrimination based on ability to pay for nonelective procedures.

(d) The Secretary may delegate to the Kidney Disease Commission the Secretary's authority under § 19–3B–07 of this subtitle to inspect kidney dialysis centers.

(e) (1) Except as provided in paragraph (2) of this subsection, the Department shall survey freestanding ambulatory care facilities in accordance with federal regulations.

(2) The Department shall survey each freestanding birthing center at least once per calendar 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 378

(Senate Bill 728)

AN ACT concerning

### **Health Facilities – Freestanding Ambulatory Care Facilities – Administration of Anesthesia**

FOR the purpose of requiring the Secretary of Health to establish in regulations a provision requiring an ambulatory surgical facility to ensure that ~~a health care practitioner administering anesthesia for a procedure has access to certain medical resources~~ an anesthesia practitioner is not precluded from providing a certain level of support to treat certain patients in a certain manner; defining certain terms; and generally relating to the administration of anesthesia at freestanding ambulatory care facilities.

BY repealing and reenacting, with amendments,

Article – Health – General  
Section 19–3B–01 and 19–3B–03  
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**

19–3B–01.

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

(b) (1) “Ambulatory surgical facility” means any center, service, office facility, or other entity that:

(i) Operates exclusively for the purpose of providing surgical services to patients requiring a period of postoperative observation but not requiring hospitalization and in which the expected duration of services would not exceed 24 hours following admission; and

(ii) Seeks reimbursement from payors as an ambulatory surgery center.

(2) “Ambulatory surgical facility” does not include:

(i) The office of one or more health care practitioners seeking only professional reimbursement for the provisions of medical services, unless:

1. The office operates under contract or other agreement with a payor as an ambulatory surgical facility regardless of whether it is paid a technical or facility fee; or

2. The office is designated to receive ambulatory surgical referrals in accordance with utilization review or other policies adopted by a payor;

(ii) Any facility or service owned or operated by a hospital and regulated under Subtitle 2 of this title;

(iii) The office of a health care practitioner with not more than one operating room if:

1. The office does not receive a technical or facility fee; and

2. The operating room is used exclusively by the health care practitioner for patients of the health care practitioner;

(iv) The office of a group of health care practitioners with not more than one operating room if:

1. The office does not receive a technical or facility fee; and
2. The operating room is used exclusively by members of the group practice for patients of the group practice; or

(v) An office owned or operated by one or more dentists licensed under the Health Occupations Article.

(c) “Freestanding ambulatory care facility” means:

- (1) An ambulatory surgical facility;
- (2) A freestanding endoscopy facility;
- (3) A freestanding facility utilizing major medical equipment;
- (4) A kidney dialysis center; or
- (5) A freestanding birthing center.

(d) (1) “Freestanding birthing center” means a facility that provides nurse midwife services under Title 8, Subtitle 6 of the Health Occupations Article.

(2) “Freestanding birthing center” does not include:

- (i) A hospital regulated under Subtitle 2 of this title; or
- (ii) The private residence of the mother.

(e) (1) “Freestanding endoscopy facility” means a facility:

(i) For the testing, diagnosis, or treatment of a medical disorder in conjunction with the use of microscopic, endoscopic, or laparoscopic equipment that is inserted in a naturally occurring orifice of the body; and

(ii) That seeks reimbursement as a freestanding endoscopy facility from payors or Medicare.

(2) “Freestanding endoscopy facility” does not include:

- (i) The office of one or more health care practitioners unless:

1. The office operates under a contract or other agreement with a payor as a freestanding endoscopy facility regardless of whether it is paid a technical or facility fee; or

2. The office is designated to receive endoscopic referrals in accordance with utilization review or other policies adopted by a payor; or

(ii) Any facility or service operated by a hospital and regulated under Subtitle 2 of this title.

(f) (1) “Freestanding facility operating major medical equipment” means a facility using major medical equipment.

(2) “Freestanding facility operating major medical equipment” does not include any facility or service owned or operated by a hospital and regulated under Subtitle 2 of this title.

(g) “Health care practitioner” means a person who is licensed, certified, or otherwise authorized under the Health Occupations Article to provide medical services in the ordinary course of business or practice of a profession.

(h) (1) “Kidney dialysis center” means a facility that provides hemodialysis or chronic peritoneal dialysis.

(2) “Kidney dialysis center” does not include any facility or service owned or operated by a hospital and regulated under Subtitle 2 of this title.

(i) “License” means a license issued by the Secretary under this subtitle.

(j) “Major medical equipment” means:

(1) Cardiac catheterization equipment;

(2) A computer tomography (CT) scanner;

(3) A lithotripter;

(4) Radiation therapy equipment, including a linear accelerator; or

(5) A magnetic resonance imager (MRI).

**(K) “NONSTERILE PROCEDURE ROOM” MEANS A ROOM:**

**(1) IN WHICH MINOR SURGICAL PROCEDURES ARE PERFORMED, INCLUDING ENDOSCOPY AND ENDOSCOPIC PROCEDURES REQUIRING DEEP SEDATION;**

(2) THAT CAN ONLY BE ACCESSED FROM A SEMI-RESTRICTED CORRIDOR OR AN UNRESTRICTED CORRIDOR;

(3) THAT IS NOT USED FOR OPEN SURGICAL PROCEDURES THAT:

(I) ENTER THE THORAX, ABDOMEN, PELVIS, CRANIUM, OR SPINE; OR

(II) ROUTINELY REQUIRE INDUCTION OF DEEP SEDATION OR GENERAL ANESTHESIA FOR THE ENTIRETY OF THE SURGICAL PROCEDURE; AND

(4) IN WHICH DEEP SEDATION OR GENERAL ANESTHESIA MAY BE INDUCED IF:

(I) WARRANTED BY THE CLINICAL SITUATION; AND

(II) THE ROOM IS EQUIPPED TO SAFELY CONDUCT THE REQUIRED LEVEL OF ANESTHESIA.

[(k)] (L) “Payor” means:

(1) A health insurer, nonprofit health service plan, or health maintenance organization that holds a certificate of authority to offer health insurance policies or contracts in the State in accordance with this article or the Insurance Article;

(2) A third party administrator or any other entity under contract with a Maryland business to administer health benefits; or

(3) A self-insured group.

(M) “STERILE OPERATING ROOM” MEANS A ROOM IN A SURGICAL SUITE THAT MEETS THE REQUIREMENTS OF A RESTRICTED AREA AND IS DESIGNATED AND EQUIPPED FOR PERFORMING SURGICAL OPERATIONS OR OTHER INVASIVE PROCEDURES THAT MAY REQUIRE AN ASEPTIC FIELD.

[(l)] (N) “Surgical services” has the meaning incorporated in the Centers for Medicare and Medicaid Services State Operations Manual – Guidance for Surveyors: Ambulatory Surgical Centers.

19-3B-03.

(a) (1) After consultation with representatives of payors, health care practitioners, and freestanding ambulatory care facilities, the Secretary shall by regulation establish:

(i) Procedures to implement the provisions of this subtitle; and

(ii) Standards to ensure quality of care and patient safety that shall include:

1. Procedures for credentialing and practitioner performance evaluation;

2. Qualifications of health care practitioners and support personnel;

3. Procedures to be followed in the event of an emergency, including a requirement that in the event of an emergency the patient be transported to the nearest appropriate emergency care facility;

4. Procedures for quality control of any biomedical equipment;

5. Procedures for postoperative recovery;

6. Procedures for discharge;

**7. PROCEDURES FOR ENSURING THAT A HEALTH CARE PRACTITIONER ADMINISTERING ANESTHESIA FOR A PROCEDURE HAS ACCESS TO ALL MEDICAL RESOURCES NECESSARY TO ADEQUATELY AND SAFELY CARE FOR THE PATIENT, AS DETERMINED BY THE PRACTITIONER IN CONSULTATION WITH THE HEALTH CARE PROVIDER PERFORMING THE PROCEDURE AN ANESTHESIA PRACTITIONER IS NOT PRECLUDED FROM PROVIDING THE HIGHEST LEVEL OF ANESTHESIA SUPPORT THAT MAY BE REQUIRED TO SAFELY TREAT PATIENTS UNDERGOING PROCEDURES IN A FREESTANDING AMBULATORY SURGICAL FACILITY PERFORMED IN A NONSTERILE PROCEDURE ROOM OR A STERILE OPERATING ROOM;**

[7.] 8. The use of ultrasound imaging in a freestanding birthing center; and

[8.] 9. Any other procedures that the Secretary considers necessary for quality of care and patient safety.

(2) The procedures for practitioner performance evaluation required under paragraph (1)(ii)1 of this subsection shall include a review of care provided to patients at the freestanding ambulatory care facility by members of the medical staff.

(3) The review of care shall:

(i) Be undertaken for cases chosen at random and for cases with unexpected adverse outcomes;

- (ii) Be based on objective review standards;
- (iii) Include a review of the appropriateness of the plan of care for the patient, particularly any medical procedures performed on the patient, in relation to the patient's condition; and
- (iv) Except as provided in paragraph (4) of this subsection, be conducted by at least two members of the medical staff who:
  - 1. As appropriate, are of the same specialty as the member of the medical staff under review; and
  - 2. Have been trained in the freestanding ambulatory care facility's policies and procedures regarding practitioner performance evaluation.
- (4) A review of the care provided by a member of the medical staff who is a solo practitioner shall be conducted by an external reviewer.
- (5) A freestanding ambulatory care facility shall take into account the results of the practitioner performance evaluation process for a member of the medical staff in the reappointment process.
- (b) If appropriate certification by Medicare is available, obtaining the certification shall be a condition of licensure for:
  - (1) An ambulatory surgical facility; and
  - (2) A kidney dialysis center.
- (c) Each freestanding ambulatory care facility shall provide assurances satisfactory to the Secretary that the freestanding ambulatory care facility does not discriminate against patients, including discrimination based on ability to pay for nonelective procedures.
- (d) The Secretary may delegate to the Kidney Disease Commission the Secretary's authority under § 19–3B–07 of this subtitle to inspect kidney dialysis centers.
- (e) (1) Except as provided in paragraph (2) of this subsection, the Department shall survey freestanding ambulatory care facilities in accordance with federal regulations.
- (2) The Department shall survey each freestanding birthing center at least once per calendar 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 379

### (House Bill 939)

AN ACT concerning

#### **State Board of Dental Examiners – Practice of Dentistry – Revisions**

FOR the purpose of requiring a dental practice to be owned by a licensed dentist or a dental professional corporation; establishing that only a certain individual licensed by the State Board of Dental Examiners may take certain actions; prohibiting certain provisions of this Act from being construed to prohibit a dentist or dental professional corporation from entering into an agreement under which an unlicensed person may take certain actions; prohibiting a licensed dentist from sharing revenues or splitting fees except under certain circumstances; repealing a certain exemption from the requirements of the Maryland Dentistry Act; authorizing the Board to take certain action against certain applicants and licensees for accepting or tendering rebates or splitting fees in violation of a certain provision of this Act; providing that certain contractual provisions are void and unenforceable as contrary to the public policy of the State; establishing that it is unlawful for a person who is not a licensed dentist to direct, control, or interfere with certain independent professional judgments of a dentist or dental hygienist; altering a certain definition and defining a certain term; providing for the application of certain provisions of this Act; and generally relating to the practice of dentistry.

BY repealing and reenacting, without amendments,  
Article – Health Occupations  
Section 4–101(a) and 4–301  
Annotated Code of Maryland  
(2014 Replacement Volume and 2019 Supplement)

BY adding to  
Article – Health Occupations  
Section 4–101(f–1), 4–103, 4–315(a)(36), and 4–509  
Annotated Code of Maryland  
(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Article – Health Occupations  
Section 4–101(l), 4–102, and 4–315(a)(34) and (35)  
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**

4–101.

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

**(F–1) “DENTAL PROFESSIONAL CORPORATION” MEANS:**

**(1) A CORPORATION SOLELY OWNED BY AN INDIVIDUAL OR INDIVIDUALS LICENSED BY THE BOARD TO PRACTICE DENTISTRY AND FORMED UNDER TITLE 5 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE; OR**

**(2) A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY OWNED SOLELY BY AN INDIVIDUAL OR INDIVIDUALS LICENSED BY THE BOARD TO PRACTICE DENTISTRY AND FORMED UNDER TITLE 4A OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.**

(1) **(1)** “Practice dentistry” means to:

[(1) Be a manager, a proprietor, or a conductor of or an operator in any place in which a dental service or dental operation is performed intraorally;]

[(2) **(I)** Perform or attempt to perform any intraoral dental service or intraoral dental operation;

[(3) **(II)** Diagnose, treat, or attempt to diagnose or treat any disease, injury, malocclusion, or malposition of a tooth, gum, or jaw, or structures associated with a tooth, gum, or jaw if the service, operation, or procedure is included in the curricula of an accredited dental school or in an approved dental residency program of an accredited hospital or teaching institution;

[(4) **(III)** Perform or offer to perform dental laboratory work;

[(5) **(IV)** Place or adjust a dental appliance in a human mouth; or

[(6) **(V)** Administer anesthesia for the purposes of dentistry and not as a medical specialty.

**(2) “PRACTICE DENTISTRY” INCLUDES:**

**(I) PATIENT EVALUATION, DIAGNOSIS, AND DETERMINATION OF TREATMENT PLANS;**

**(II) DETERMINATION OF TREATMENT OPTIONS, INCLUDING THE CHOICE OF RESTORATIVE AND TREATMENT MATERIALS AND DIAGNOSTIC EQUIPMENT; AND**

**(III) DETERMINATION AND ESTABLISHMENT OF DENTAL PATIENT PROTOCOLS, DENTAL STANDARDS OF CARE, AND DENTAL PRACTICE GUIDELINES.**

4-102.

(a) (1) Except as otherwise provided in this subsection, this title does not limit the right of an individual to practice a health occupation that the individual is authorized to practice under this article.

(2) The provisions of this title do not affect a physician while practicing medicine, unless the physician practices dentistry as a specialty.

(b) This title does not prohibit an educational program broadcast on radio or television by the Department or by the health department of a political subdivision of this State.

[(c) This title does not apply to a clinic maintained by a public school, a State institution, or charitable institution, or a business corporation, for its pupils, inmates, or employees if:

(1) The school or institution, or corporation does not advertise concerning dentistry; and

(2) Notwithstanding the provisions of this subsection:

(i) Each dental hygienist, dental assistant, dental technician, or other dental auxiliary employed by the clinic shall be subject to the provisions of this title; and

(ii) Each dentist employed by the clinic shall be licensed and shall be subject to the provisions of Subtitle 3 of this title.]

4-103.

**(A) ONLY AN INDIVIDUAL OR INDIVIDUALS LICENSED BY THE BOARD TO PRACTICE DENTISTRY OR A DENTAL PROFESSIONAL CORPORATION MAY OWN A DENTAL PRACTICE.**

**(B) ONLY AN INDIVIDUAL LICENSED BY THE BOARD TO PRACTICE DENTISTRY MAY:**

(1) DIRECT THE CLINICAL TRAINING OF A DENTIST, DENTAL HYGIENIST, OR DENTAL ASSISTANT WHO ASSISTS IN THE CARE AND TREATMENT OF DENTAL PATIENTS;

(2) DIRECT A DENTIST, DENTAL HYGIENIST, OR DENTAL ASSISTANT IN PROVIDING DENTAL CARE AND TREATMENT TO DENTAL PATIENTS;

(3) HIRE, SUPERVISE, OR TERMINATE THE EMPLOYMENT OF A DENTIST, DENTAL HYGIENIST, OR DENTAL ASSISTANT WHO PROVIDES DENTAL CARE AND TREATMENT TO DENTAL PATIENTS;

(4) DIRECT THE PREPARATION AND MAINTENANCE OF PATIENT TREATMENT RECORDS OR EXERT CONTROL OF A PATIENT'S OR TREATING DENTIST'S RIGHT OF ACCESS TO PATIENT TREATMENT RECORDS; OR

(5) SHARE IN THE INCOME, REVENUES, PROFITS, OR FEES WITH LICENSED DENTISTS WITHIN THE SAME DENTAL PRACTICE.

(C) EXCEPT AS PROVIDED IN SUBSECTION (B)(5) OF THIS SECTION, A LICENSED DENTIST MAY NOT SHARE IN REVENUES OR SPLIT FEES.

(D) IT IS UNLAWFUL FOR ANY PERSON WHO IS NOT A LICENSED DENTIST TO DIRECT, CONTROL, OR INTERFERE WITH THE INDEPENDENT PROFESSIONAL JUDGMENT OF A DENTIST OR DENTAL HYGIENIST REGARDING THE DIAGNOSIS, CARE, OR TREATMENT OF A PATIENT'S DENTAL DISEASE, DISORDER, OR PHYSICAL CONDITION.

(E) ~~SUBSECTIONS SUBJECT TO SUBSECTIONS (A) AND, (B), AND (C) OF THIS SECTION MAY NOT BE CONSTRUED TO,~~ THIS SECTION DOES NOT PROHIBIT A DENTIST OR DENTAL PROFESSIONAL CORPORATION FROM ENTERING INTO AN AGREEMENT UNDER WHICH THAT PROVIDES THAT AN UNLICENSED PERSON MAY:

(1) OWN, LEASE, OR OTHERWISE PROVIDE REAL PROPERTY OR FURNISHINGS, EQUIPMENT, OR OTHER GOODS THAT ARE USED BY A DENTIST OR DENTAL PRACTICE;

(2) PROVIDE BOOKKEEPING, ACCOUNTING, AND TAX PREPARATION SERVICES;

(3) ADMINISTER AND PROCESS PAYROLL OF A DENTAL PRACTICE;

(4) PROVIDE ADMINISTRATIVE MANAGEMENT OF PATIENT TREATMENT RECORDS;

**(5) INTERACT WITH PATIENTS AND THIRD-PARTY PAYORS FOR THE BILLING AND COLLECTIONS FOR DENTAL SERVICES;**

**(6) CREATE AND PLACE ADVERTISING AND MARKETING, AS APPROVED BY A LICENSED DENTIST;**

**(7) PROVIDE SERVICES TO ASSIST IN THE RECRUITMENT OF DENTISTS, DENTAL HYGIENISTS, AND DENTAL ASSISTANTS FOR INTERVIEW AND HIRING BY A LICENSED DENTIST WITHIN THE DENTAL PRACTICE;**

**(8) HIRE, SUPERVISE, AND TERMINATE THE EMPLOYMENT OF NONPROFESSIONAL OFFICE STAFF, SUBJECT TO APPROVAL BY A LICENSED DENTIST WHO HAS THE AUTHORITY TO MAKE THAT DECISION;**

**(9) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OF THIS SECTION, PROVIDE AND ADMINISTER ALL NORMAL AND USUAL HUMAN RESOURCE-RELATED SERVICES TO NONDENTAL EMPLOYEES;**

**(10) DETERMINE AND ASSIST IN THE ACQUISITION OF INFORMATION TECHNOLOGY;**

**(11) PROVIDE GENERAL PROPERTY MANAGEMENT AND MAINTENANCE;**

**(12) ASSIST IN RISK MANAGEMENT, INCLUDING LEGAL AND REGULATORY COMPLIANCE, SECURING APPROPRIATE INSURANCE COVERAGES AND POLICY LIMITS, AND THE PROCESSING OF INSURANCE CLAIMS;**

**(13) PROVIDE CONSULTING SERVICES RELATING TO PRODUCTIVITY, EFFICIENCY, AND COST MANAGEMENT OF A DENTAL PRACTICE;**

**(14) RECEIVE COMPENSATION IN THE FORM OF FEES NEGOTIATED WITH AND APPROVED BY THE DENTIST OWNERS OF THE DENTAL PRACTICE THAT SHALL BE A PREDETERMINED FIXED FEE OR FIXED COMPENSATION AND MAY BE BASED ON PRIOR REVENUES OR PROFITS OVER A PRECEDING PERIOD OF 12 MONTHS OR LONGER; OR**

**(15) CONTRACT WITH A THIRD PARTY TO PROVIDE ANY OF THE SERVICES SPECIFIED UNDER THIS SUBSECTION.**

**(F) (1) THE REQUIREMENTS OF SUBSECTIONS (A) AND (B) OF THIS SECTION DO NOT APPLY TO:**

**(I) A CLINIC MAINTAINED BY:**

- 1. A PUBLIC SCHOOL;**
- 2. A FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCY OR INSTITUTION;**
- 3. A DENTAL OR DENTAL HYGIENE PROGRAM THAT IS APPROVED BY THE COMMISSION ON DENTAL ACCREDITATION (CODA) FOR AN INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN § 10–101 OF THE EDUCATION ARTICLE; OR**
- 4. A CHARITABLE ORGANIZATION, AS DEFINED IN § 6–101 OF THE BUSINESS REGULATION ARTICLE;**

**(II) A FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCY; OR**

- (III) A NONPROFIT ORGANIZATION THAT PROVIDES DENTAL SERVICES AND IS:**
- 1. A HEALTH CARE CENTER OR PROGRAM THAT OFFERS DENTAL SERVICES:**
    - A. FREE OF COST OR ON A SLIDING SCALE FEE SCHEDULE; AND**
    - B. WITHOUT REGARD TO AN INDIVIDUAL’S ABILITY TO PAY; OR**
  - 2. A FEDERALLY QUALIFIED HEALTH CENTER OR A FEDERALLY QUALIFIED HEALTH CENTER LOOK–ALIKE.**

**(2) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION:**

**(I) EACH DENTAL HYGIENIST, DENTAL ASSISTANT, AND DENTAL TECHNICIAN EMPLOYED BY AN ENTITY DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE SUBJECT TO THE PROVISIONS OF THIS TITLE; AND**

**(II) EACH DENTIST EMPLOYED BY AN ENTITY DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE LICENSED AND SUBJECT TO THE PROVISIONS OF SUBTITLE 3 OF THIS TITLE.**

(a) (1) Except as otherwise provided in this title, an individual shall be licensed by the Board to practice dentistry before the individual may practice dentistry on a human being in this State.

(2) Except as otherwise provided in this title, an individual shall be licensed by the Board to practice dental hygiene before the individual may practice dental hygiene on a human being in this State.

(b) This section does not apply to:

(1) A student of dentistry while engaged in an educational program at an approved school of dentistry;

(2) A student of dental hygiene while engaged in an approved educational program in dental hygiene;

(3) A dentist while performing official duties in a federal dental service;

(4) An individual licensed to practice dentistry in any other state or a foreign country, while the individual:

(i) Makes a clinical demonstration before a dental society, dental convention, association of dentists, or dental college; or

(ii) Performs professional duties on a specific case for which the individual is called into this State;

(5) A dental assistant, if the dental assistant:

(i) Subject to the rules and regulations adopted by the Board, performs only procedures that do not require the professional skills of a licensed dentist; and

(ii) Performs intraoral tasks only under the direct supervision of a licensed dentist who personally is present in the office area where the tasks are performed; or

(6) An heir of a deceased licensed dentist or a personal representative of a deceased licensed dentist, if:

(i) The deceased licensed dentist was the owner of the dental practice;

(ii) The deceased licensed dentist did not provide for the disposition of the dental practice; and

(iii) The heir or the personal representative of the deceased licensed dentist serves as the owner of the dental practice, regardless of whether the heir or the personal representative is licensed to practice dentistry, for no longer than 1 year after the death of the licensed dentist unless the Board extends the time period under subsection (c)(1) of this section.

(c) (1) On written request and good cause shown by the heir or personal representative of a deceased licensed dentist, including evidence of a good faith effort to sell or close the dental practice, the Board, in its sole discretion, may extend the 1-year period under subsection (b)(6)(iii) of this section for up to an additional 6 months to allow the heir or personal representative sufficient time to sell or otherwise dispose of the dental practice.

(2) During the temporary ownership of a dental practice by an heir or a representative of a deceased licensed dentist under subsection (b)(6)(iii) of this section and, if applicable, paragraph (1) of this subsection, all patient care shall be provided:

- (i) By an appropriate individual who is licensed under this title; and
- (ii) In accordance with the individual's scope of practice.

(3) The temporary ownership of a dental practice by an heir or a personal representative of a deceased licensed dentist under this subsection may not affect the exercise of the independent judgment of a licensed dentist who provides care to patients of the dental practice.

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) ACCEPTS OR TENDERS REBATES OR SPLITS FEES IN VIOLATION OF § 4–103(C) OF THIS SUBTITLE.**

4–509.

**ANY CONTRACTUAL PROVISION THAT COULD BE INTERPRETED TO LIMIT, RESTRICT, OR PREVENT A DENTIST, DENTAL HYGIENIST, DENTAL ASSISTANT, OR OTHER PERSON FROM TESTIFYING OR PROVIDING INFORMATION TO THE BOARD,**



THE GENERAL ASSEMBLY, OR A COURT OF COMPETENT JURISDICTION CONCERNING A POTENTIAL VIOLATION OF THIS TITLE SHALL BE VOID AND UNENFORCEABLE AS CONTRARY TO THE PUBLIC POLICY 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 380

(Senate Bill 174)

AN ACT concerning

### State Board of Dental Examiners – Practice of Dentistry – Revisions

FOR the purpose of requiring a dental practice to be owned by a licensed dentist or a dental professional corporation; establishing that only a certain individual licensed by the State Board of Dental Examiners may take certain actions; prohibiting certain provisions of this Act from being construed to prohibit a dentist or dental professional corporation from entering into an agreement under which an unlicensed person may take certain actions; prohibiting a licensed dentist from sharing revenues or splitting fees except under certain circumstances; repealing a certain exemption from the requirements of the Maryland Dentistry Act; authorizing the Board to take certain action against certain applicants and licensees for accepting or tendering rebates or splitting fees in violation of a certain provision of this Act; providing that certain contractual provisions are void and unenforceable as contrary to the public policy of the State; establishing that it is unlawful for a person who is not a licensed dentist to direct, control, or interfere with certain independent professional judgments of a dentist or dental hygienist; altering a certain definition and defining a certain term; providing for the application of certain provisions of this Act; and generally relating to the practice of dentistry.

BY repealing and reenacting, without amendments,  
Article – Health Occupations  
Section 4–101(a) and 4–301  
Annotated Code of Maryland  
(2014 Replacement Volume and 2019 Supplement)

BY adding to  
Article – Health Occupations  
Section 4–101(f–1), 4–103, 4–315(a)(36), and 4–509  
Annotated Code of Maryland  
(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Article – Health Occupations  
Section 4–101(l), 4–102, and 4–315(a)(34) and (35)  
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**

4–101.

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

**(F–1) “DENTAL PROFESSIONAL CORPORATION” MEANS:**

**(1) A CORPORATION SOLELY OWNED BY AN INDIVIDUAL OR INDIVIDUALS LICENSED BY THE BOARD TO PRACTICE DENTISTRY AND FORMED UNDER TITLE 5 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE; OR**

**(2) A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY OWNED SOLELY BY AN INDIVIDUAL OR INDIVIDUALS LICENSED BY THE BOARD TO PRACTICE DENTISTRY AND FORMED UNDER TITLE 4A OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.**

(l) **(1)** “Practice dentistry” means to:

[(1) Be a manager, a proprietor, or a conductor of or an operator in any place in which a dental service or dental operation is performed intraorally;]

[(2)] **(I)** Perform or attempt to perform any intraoral dental service or intraoral dental operation;

[(3)] **(II)** Diagnose, treat, or attempt to diagnose or treat any disease, injury, malocclusion, or malposition of a tooth, gum, or jaw, or structures associated with a tooth, gum, or jaw if the service, operation, or procedure is included in the curricula of an accredited dental school or in an approved dental residency program of an accredited hospital or teaching institution;

[(4)] **(III)** Perform or offer to perform dental laboratory work;

[(5)] **(IV)** Place or adjust a dental appliance in a human mouth; or

[(6)] (v) Administer anesthesia for the purposes of dentistry and not as a medical specialty.

**(2) "PRACTICE DENTISTRY" INCLUDES:**

**(I) PATIENT EVALUATION, DIAGNOSIS, AND DETERMINATION OF TREATMENT PLANS;**

**(II) DETERMINATION OF TREATMENT OPTIONS, INCLUDING THE CHOICE OF RESTORATIVE AND TREATMENT MATERIALS AND DIAGNOSTIC EQUIPMENT; AND**

**(III) DETERMINATION AND ESTABLISHMENT OF DENTAL PATIENT PROTOCOLS, DENTAL STANDARDS OF CARE, AND DENTAL PRACTICE GUIDELINES.**

4-102.

(a) (1) Except as otherwise provided in this subsection, this title does not limit the right of an individual to practice a health occupation that the individual is authorized to practice under this article.

(2) The provisions of this title do not affect a physician while practicing medicine, unless the physician practices dentistry as a specialty.

(b) This title does not prohibit an educational program broadcast on radio or television by the Department or by the health department of a political subdivision of this State.

[(c) This title does not apply to a clinic maintained by a public school, a State institution, or charitable institution, or a business corporation, for its pupils, inmates, or employees if:

(1) The school or institution, or corporation does not advertise concerning dentistry; and

(2) Notwithstanding the provisions of this subsection:

(i) Each dental hygienist, dental assistant, dental technician, or other dental auxiliary employed by the clinic shall be subject to the provisions of this title; and

(ii) Each dentist employed by the clinic shall be licensed and shall be subject to the provisions of Subtitle 3 of this title.]

4-103.

(A) ONLY AN INDIVIDUAL OR INDIVIDUALS LICENSED BY THE BOARD TO PRACTICE DENTISTRY OR A DENTAL PROFESSIONAL CORPORATION MAY OWN A DENTAL PRACTICE.

(B) ONLY AN INDIVIDUAL LICENSED BY THE BOARD TO PRACTICE DENTISTRY MAY:

(1) DIRECT THE CLINICAL TRAINING OF A DENTIST, DENTAL HYGIENIST, OR DENTAL ASSISTANT WHO ASSISTS IN THE CARE AND TREATMENT OF DENTAL PATIENTS;

(2) DIRECT A DENTIST, DENTAL HYGIENIST, OR DENTAL ASSISTANT IN PROVIDING DENTAL CARE AND TREATMENT TO DENTAL PATIENTS;

(3) HIRE, SUPERVISE, OR TERMINATE THE EMPLOYMENT OF A DENTIST, DENTAL HYGIENIST, OR DENTAL ASSISTANT WHO PROVIDES DENTAL CARE AND TREATMENT TO DENTAL PATIENTS;

(4) DIRECT THE PREPARATION AND MAINTENANCE OF PATIENT TREATMENT RECORDS OR EXERT CONTROL OF A PATIENT'S OR TREATING DENTIST'S RIGHT OF ACCESS TO PATIENT TREATMENT RECORDS; OR

(5) SHARE IN THE INCOME, REVENUES, PROFITS, OR FEES WITH LICENSED DENTISTS WITHIN THE SAME DENTAL PRACTICE.

(C) EXCEPT AS PROVIDED IN SUBSECTION (B)(5) OF THIS SECTION, A LICENSED DENTIST MAY NOT SHARE IN REVENUES OR SPLIT FEES.

(D) IT IS UNLAWFUL FOR ANY PERSON WHO IS NOT A LICENSED DENTIST TO DIRECT, CONTROL, OR INTERFERE WITH THE INDEPENDENT PROFESSIONAL JUDGMENT OF A DENTIST OR DENTAL HYGIENIST REGARDING THE DIAGNOSIS, CARE, OR TREATMENT OF A PATIENT'S DENTAL DISEASE, DISORDER, OR PHYSICAL CONDITION.

(E) ~~SUBSECTIONS SUBJECT TO SUBSECTIONS (A) AND, (B), AND (C) OF THIS SECTION MAY NOT BE CONSTRUED TO, THIS SECTION DOES NOT PROHIBIT A DENTIST OR DENTAL PROFESSIONAL CORPORATION FROM ENTERING INTO AN AGREEMENT UNDER WHICH THAT PROVIDES THAT AN UNLICENSED PERSON MAY:~~

(1) OWN, LEASE, OR OTHERWISE PROVIDE REAL PROPERTY OR FURNISHINGS, EQUIPMENT, OR OTHER GOODS THAT ARE USED BY A DENTIST OR DENTAL PRACTICE;

- (2) PROVIDE BOOKKEEPING, ACCOUNTING, AND TAX PREPARATION SERVICES;**
- (3) ADMINISTER AND PROCESS PAYROLL OF A DENTAL PRACTICE;**
- (4) PROVIDE ADMINISTRATIVE MANAGEMENT OF PATIENT TREATMENT RECORDS;**
- (5) INTERACT WITH PATIENTS AND THIRD-PARTY PAYORS FOR THE BILLING AND COLLECTIONS FOR DENTAL SERVICES;**
- (6) CREATE AND PLACE ADVERTISING AND MARKETING, AS APPROVED BY A LICENSED DENTIST;**
- (7) PROVIDE SERVICES TO ASSIST IN THE RECRUITMENT OF DENTISTS, DENTAL HYGIENISTS, AND DENTAL ASSISTANTS FOR INTERVIEW AND HIRING BY A LICENSED DENTIST WITHIN THE DENTAL PRACTICE;**
- (8) HIRE, SUPERVISE, AND TERMINATE THE EMPLOYMENT OF NONPROFESSIONAL OFFICE STAFF, SUBJECT TO APPROVAL BY A LICENSED DENTIST WHO HAS THE AUTHORITY TO MAKE THAT DECISION;**
- (9) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OF THIS SECTION, PROVIDE AND ADMINISTER ALL NORMAL AND USUAL HUMAN RESOURCE-RELATED SERVICES TO NONDENTAL EMPLOYEES;**
- (10) DETERMINE AND ASSIST IN THE ACQUISITION OF INFORMATION TECHNOLOGY;**
- (11) PROVIDE GENERAL PROPERTY MANAGEMENT AND MAINTENANCE;**
- (12) ASSIST IN RISK MANAGEMENT, INCLUDING LEGAL AND REGULATORY COMPLIANCE, SECURING APPROPRIATE INSURANCE COVERAGES AND POLICY LIMITS, AND THE PROCESSING OF INSURANCE CLAIMS;**
- (13) PROVIDE CONSULTING SERVICES RELATING TO PRODUCTIVITY, EFFICIENCY, AND COST MANAGEMENT OF A DENTAL PRACTICE;**
- (14) RECEIVE COMPENSATION IN THE FORM OF FEES NEGOTIATED WITH AND APPROVED BY THE DENTIST OWNERS OF THE DENTAL PRACTICE THAT SHALL BE A PREDETERMINED FIXED FEE OR FIXED COMPENSATION AND MAY BE BASED ON PRIOR REVENUES OR PROFITS OVER A PRECEDING PERIOD OF 12 MONTHS OR LONGER; OR**

**(15) CONTRACT WITH A THIRD PARTY TO PROVIDE ANY OF THE SERVICES SPECIFIED UNDER THIS SUBSECTION.**

**(F) (1) THE REQUIREMENTS OF SUBSECTIONS (A) AND (B) OF THIS SECTION DO NOT APPLY TO:**

**(I) A CLINIC MAINTAINED BY:**

- 1. A PUBLIC SCHOOL;**
- 2. A FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCY OR INSTITUTION;**
- 3. A DENTAL OR DENTAL HYGIENE PROGRAM THAT IS APPROVED BY THE COMMISSION ON DENTAL ACCREDITATION (CODA) FOR AN INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN § 10–101 OF THE EDUCATION ARTICLE; OR**
- 4. A CHARITABLE ORGANIZATION, AS DEFINED IN § 6–101 OF THE BUSINESS REGULATION ARTICLE;**

**(II) A FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCY; OR**

**(III) A NONPROFIT ORGANIZATION THAT PROVIDES DENTAL SERVICES AND IS:**

- 1. A HEALTH CARE CENTER OR PROGRAM THAT OFFERS DENTAL SERVICES:**
  - A. FREE OF COST OR ON A SLIDING SCALE FEE SCHEDULE; AND**
  - B. WITHOUT REGARD TO AN INDIVIDUAL’S ABILITY TO PAY; OR**
- 2. A FEDERALLY QUALIFIED HEALTH CENTER OR A FEDERALLY QUALIFIED HEALTH CENTER LOOK–ALIKE.**

**(2) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION:**

**(I) EACH DENTAL HYGIENIST, DENTAL ASSISTANT, AND DENTAL TECHNICIAN EMPLOYED BY AN ENTITY DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE SUBJECT TO THE PROVISIONS OF THIS TITLE; AND**

**(II) EACH DENTIST EMPLOYED BY AN ENTITY DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE LICENSED AND SUBJECT TO THE PROVISIONS OF SUBTITLE 3 OF THIS TITLE.**

4-301.

(a) (1) Except as otherwise provided in this title, an individual shall be licensed by the Board to practice dentistry before the individual may practice dentistry on a human being in this State.

(2) Except as otherwise provided in this title, an individual shall be licensed by the Board to practice dental hygiene before the individual may practice dental hygiene on a human being in this State.

(b) This section does not apply to:

(1) A student of dentistry while engaged in an educational program at an approved school of dentistry;

(2) A student of dental hygiene while engaged in an approved educational program in dental hygiene;

(3) A dentist while performing official duties in a federal dental service;

(4) An individual licensed to practice dentistry in any other state or a foreign country, while the individual:

(i) Makes a clinical demonstration before a dental society, dental convention, association of dentists, or dental college; or

(ii) Performs professional duties on a specific case for which the individual is called into this State;

(5) A dental assistant, if the dental assistant:

(i) Subject to the rules and regulations adopted by the Board, performs only procedures that do not require the professional skills of a licensed dentist; and

(ii) Performs intraoral tasks only under the direct supervision of a licensed dentist who personally is present in the office area where the tasks are performed; or

(6) An heir of a deceased licensed dentist or a personal representative of a deceased licensed dentist, if:

(i) The deceased licensed dentist was the owner of the dental practice;

(ii) The deceased licensed dentist did not provide for the disposition of the dental practice; and

(iii) The heir or the personal representative of the deceased licensed dentist serves as the owner of the dental practice, regardless of whether the heir or the personal representative is licensed to practice dentistry, for no longer than 1 year after the death of the licensed dentist unless the Board extends the time period under subsection (c)(1) of this section.

(c) (1) On written request and good cause shown by the heir or personal representative of a deceased licensed dentist, including evidence of a good faith effort to sell or close the dental practice, the Board, in its sole discretion, may extend the 1-year period under subsection (b)(6)(iii) of this section for up to an additional 6 months to allow the heir or personal representative sufficient time to sell or otherwise dispose of the dental practice.

(2) During the temporary ownership of a dental practice by an heir or a representative of a deceased licensed dentist under subsection (b)(6)(iii) of this section and, if applicable, paragraph (1) of this subsection, all patient care shall be provided:

(i) By an appropriate individual who is licensed under this title; and

(ii) In accordance with the individual's scope of practice.

(3) The temporary ownership of a dental practice by an heir or a personal representative of a deceased licensed dentist under this subsection may not affect the exercise of the independent judgment of a licensed dentist who provides care to patients of the dental practice.

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) ACCEPTS OR TENDERS REBATES OR SPLITS FEES IN VIOLATION OF § 4-103(C) OF THIS SUBTITLE.**

**4-509.**

**ANY CONTRACTUAL PROVISION THAT COULD BE INTERPRETED TO LIMIT, RESTRICT, OR PREVENT A DENTIST, DENTAL HYGIENIST, DENTAL ASSISTANT, OR OTHER PERSON FROM TESTIFYING OR PROVIDING INFORMATION TO THE BOARD, THE GENERAL ASSEMBLY, OR A COURT OF COMPETENT JURISDICTION CONCERNING A POTENTIAL VIOLATION OF THIS TITLE SHALL BE VOID AND UNENFORCEABLE AS CONTRARY TO THE PUBLIC POLICY 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 381

**(House Bill 942)**

AN ACT concerning

### **State Retirement and Pension System – Reemployment Earnings Offset – Clarification**

FOR the purpose of clarifying certain provisions of law pertaining to a certain reemployment earnings offset of a retirement allowance for certain retirees of the State Retirement and Pension System that are reemployed in certain positions; and generally relating to clarifying certain provisions of law pertaining to a reemployment earnings offset for certain retirees of the State Retirement and Pension System.

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 22-406(c)(2)(i) and (iii), 23-407(c)(2)(i) and (iii), 24-405(c)(4), 25-403(b)(2),  
and 27-406(d)

Annotated Code of Maryland

(2015 Replacement Volume and 2019 Supplement)

BY adding to

Article – State Personnel and Pensions

Section 22-406(c)(2)(iv) and 23-407(c)(2)(iv)

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) (2) (i) Except as provided in subparagraph (ii) of this paragraph and subject to [subparagraph (iii)] **SUBPARAGRAPHS (III) AND (IV)** of this paragraph, the reduction required under paragraph (1) of this subsection shall equal:

1. the amount by which the sum of the individual's initial annual basic allowance and the individual's annual compensation exceeds the average final compensation used to compute the basic allowance; or

2. for a retiree who retired under the Workforce Reduction Act (Chapter 353 of the Acts of 1996), the amount by which the sum of the retiree's annual compensation and the retiree's annual basic allowance at the time of retirement, including the incentive provided by the Workforce Reduction Act, exceeds the average final compensation used to compute the basic allowance.

(iii) [1.] Any reduction taken [to a retiree's allowance] under this subsection may not [exceed an amount that would reduce the retiree's allowance to less than what is required to be deducted] **REDUCE THE RETIREE'S ALLOWANCE TO AN AMOUNT LESS THAN THE REQUIRED DEDUCTION** for:

[A.] 1. if the retiree retired from any unit of State government, the retiree's monthly State–approved medical insurance premiums; or

[B.] 2. if the retiree retired from a participating employer other than the State, the approved monthly medical insurance premiums required by the participating employer that employed the retiree at the time of the retiree's retirement.

[2. If a reduction for a calendar year taken under subparagraph 1 of this subparagraph is less than the reduction required under subparagraph (i) of this paragraph, the Board of Trustees shall recover from the retiree an amount equal to the reduction required under subparagraph (i) of this paragraph less the reduction taken under subparagraph 1 of this subparagraph.]

**(IV) THE BOARD OF TRUSTEES SHALL RECOVER FROM THE RETIREE ANY DIFFERENCE BETWEEN THE REDUCTION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH AND THE REDUCTION TAKEN UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH.**

23-407.

(c) (2) (i) Except as provided in subparagraph (ii) of this paragraph and subject to [subparagraph (iii)] **SUBPARAGRAPHS (III) AND (IV)** of this paragraph, the reduction required under paragraph (1) of this subsection shall equal:

1. the amount by which the sum of the individual's initial annual basic allowance and the individual's annual compensation exceeds the average final compensation used to compute the basic allowance; or

2. for a retiree who retired under the Workforce Reduction Act (Chapter 353 of the Acts of 1996), the amount by which the sum of the retiree's annual compensation and the retiree's annual basic allowance at the time of retirement, including the incentive provided by the Workforce Reduction Act, exceeds the average final compensation used to compute the basic allowance.

(iii) [1.] Any reduction taken [to a retiree's allowance] under this subsection may not [exceed an amount that would reduce the retiree's allowance to less than what is required to be deducted] **REDUCE THE RETIREE'S ALLOWANCE TO AN AMOUNT LESS THAN THE REQUIRED DEDUCTION** for:

[A.] 1. if the retiree retired from any unit of State government, the retiree's monthly State-approved medical insurance premiums; or

[B.] 2. if the retiree retired from a participating employer other than the State, the approved monthly medical insurance premiums required by the participating employer that employed the retiree at the time of the retiree's retirement.

[2. If a reduction for a calendar year taken under subparagraph 1 of this subparagraph is less than the reduction required under subparagraph (i) of this paragraph, the Board of Trustees shall recover from the retiree an amount equal to the reduction required under subparagraph (i) of this paragraph less the reduction taken under subparagraph 1 of this subparagraph.]

**(IV) THE BOARD OF TRUSTEES SHALL RECOVER FROM THE RETIREE ANY DIFFERENCE BETWEEN THE REDUCTION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH AND THE REDUCTION TAKEN UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH.**

24-405.

(c) (4) (i) Any reduction taken to an allowance under paragraph (3) of this subsection may not [reduce the allowance to less than the amount required to be deducted] **REDUCE THE ALLOWANCE TO AN AMOUNT LESS THAN THE REQUIRED DEDUCTION** for the individual's monthly State-approved medical insurance premiums.

(ii) [If a reduction for a calendar year taken under subparagraph (i) of this paragraph is less than the reduction required under paragraph (3) of this subsection, the] **THE** Board of Trustees shall recover from the individual [an amount equal to] **ANY DIFFERENCE BETWEEN** the reduction required under paragraph (3) of this subsection [less] **AND** the reduction taken under subparagraph (i) of this paragraph.

25–403.

(b) (2) (i) Subject to [subparagraph (ii)] **SUBPARAGRAPHS (II) AND (III)** of this paragraph, the reduction under paragraph (1) of this subsection shall equal the amount by which the sum of the individual's initial annual basic allowance and the individual's annual compensation exceeds the average final compensation used to compute the basic allowance.

(ii) [1.] Any reduction taken [to a retiree's allowance] under this subsection may not [exceed an amount that would reduce the retiree's allowance to less than what is required to be deducted] **REDUCE THE RETIREE'S ALLOWANCE TO AN AMOUNT LESS THAN THE REQUIRED DEDUCTION** for:

[A.] 1. if the retiree retired from any unit of State government, the retiree's monthly State-approved medical insurance premiums; or

[B.] 2. if the retiree retired from a participating employer other than the State, the approved monthly medical insurance premiums required by the participating employer that employed the retiree at the time of the retiree's retirement.

[2. If a reduction for a calendar year taken under subsubparagraph 1 of this subparagraph is less than the reduction required under subparagraph (i) of this paragraph, the Board of Trustees shall recover from the retiree an amount equal to the reduction required under subparagraph (i) of this paragraph less the reduction taken under subsubparagraph 1 of this subparagraph.]

**(III) THE BOARD OF TRUSTEES SHALL RECOVER FROM THE RETIREE ANY DIFFERENCE BETWEEN THE REDUCTION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH ~~LESS~~ AND THE REDUCTION TAKEN UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH.**

27–406.

(d) (1) Any reduction taken [to a retiree's allowance] under subsection (c) of this section may not [exceed an amount that would reduce the retiree's allowance to less than what is required to be deducted] **REDUCE THE RETIREE'S ALLOWANCE TO AN AMOUNT LESS THAN THE REQUIRED DEDUCTION** for the retiree's monthly State-approved medical insurance premiums.

(2) [If a reduction for a calendar year taken under paragraph (1) of this subsection is less than the reduction required under subsection (c) of this section, the] **THE** Board of Trustees shall recover from the retiree [an amount equal to] **ANY DIFFERENCE BETWEEN** the reduction required under subsection (c) of this section ~~less~~ **AND** the reduction taken under paragraph (1) of 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 382

### (Senate Bill 809)

AN ACT concerning

#### State Retirement and Pension System – Reemployment Earnings Offset – Clarification

FOR the purpose of clarifying certain provisions of law pertaining to a certain reemployment earnings offset of a retirement allowance for certain retirees of the State Retirement and Pension System that are reemployed in certain positions; and generally relating to clarifying certain provisions of law pertaining to a reemployment earnings offset for certain retirees of the State Retirement and Pension System.

BY repealing and reenacting, with amendments,  
 Article – State Personnel and Pensions  
 Section 22–406(c)(2)(i) and (iii), 23–407(c)(2)(i) and (iii), 24–405(c)(4), 25–403(b)(2),  
 and 27–406(d)  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2019 Supplement)

BY adding to  
 Article – State Personnel and Pensions  
 Section 22–406(c)(2)(iv) and 23–407(c)(2)(iv)  
 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) (2) (i) Except as provided in subparagraph (ii) of this paragraph and subject to [subparagraph (iii)] **SUBPARAGRAPHS (III) AND (IV)** of this paragraph, the reduction required under paragraph (1) of this subsection shall equal:

1. the amount by which the sum of the individual's initial annual basic allowance and the individual's annual compensation exceeds the average final compensation used to compute the basic allowance; or

2. for a retiree who retired under the Workforce Reduction Act (Chapter 353 of the Acts of 1996), the amount by which the sum of the retiree's annual compensation and the retiree's annual basic allowance at the time of retirement, including the incentive provided by the Workforce Reduction Act, exceeds the average final compensation used to compute the basic allowance.

(iii) [1.] Any reduction taken [to a retiree's allowance] under this subsection may not [exceed an amount that would reduce the retiree's allowance to less than what is required to be deducted] **REDUCE THE RETIREE'S ALLOWANCE TO AN AMOUNT LESS THAN THE REQUIRED DEDUCTION** for:

[A.] 1. if the retiree retired from any unit of State government, the retiree's monthly State-approved medical insurance premiums; or

[B.] 2. if the retiree retired from a participating employer other than the State, the approved monthly medical insurance premiums required by the participating employer that employed the retiree at the time of the retiree's retirement.

[2. If a reduction for a calendar year taken under subparagraph 1 of this subparagraph is less than the reduction required under subparagraph (i) of this paragraph, the Board of Trustees shall recover from the retiree an amount equal to the reduction required under subparagraph (i) of this paragraph less the reduction taken under subparagraph 1 of this subparagraph.]

**(IV) THE BOARD OF TRUSTEES SHALL RECOVER FROM THE RETIREE ANY DIFFERENCE BETWEEN THE REDUCTION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH AND THE REDUCTION TAKEN UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH.**

23–407.

(c) (2) (i) Except as provided in subparagraph (ii) of this paragraph and subject to [subparagraph (iii)] **SUBPARAGRAPHS (III) AND (IV)** of this paragraph, the reduction required under paragraph (1) of this subsection shall equal:

1. the amount by which the sum of the individual's initial annual basic allowance and the individual's annual compensation exceeds the average final compensation used to compute the basic allowance; or

2. for a retiree who retired under the Workforce Reduction Act (Chapter 353 of the Acts of 1996), the amount by which the sum of the retiree's annual compensation and the retiree's annual basic allowance at the time of retirement, including the incentive provided by the Workforce Reduction Act, exceeds the average final compensation used to compute the basic allowance.

(iii) [1.] Any reduction taken [to a retiree's allowance] under this subsection may not [exceed an amount that would reduce the retiree's allowance to less than what is required to be deducted] **REDUCE THE RETIREE'S ALLOWANCE TO AN AMOUNT LESS THAN THE REQUIRED DEDUCTION** for:

[A.] 1. if the retiree retired from any unit of State government, the retiree's monthly State-approved medical insurance premiums; or

[B.] 2. if the retiree retired from a participating employer other than the State, the approved monthly medical insurance premiums required by the participating employer that employed the retiree at the time of the retiree's retirement.

[2. If a reduction for a calendar year taken under subsubparagraph 1 of this subparagraph is less than the reduction required under subparagraph (i) of this paragraph, the Board of Trustees shall recover from the retiree an amount equal to the reduction required under subparagraph (i) of this paragraph less the reduction taken under subsubparagraph 1 of this subparagraph.]

**(IV) THE BOARD OF TRUSTEES SHALL RECOVER FROM THE RETIREE ANY DIFFERENCE BETWEEN THE REDUCTION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH AND THE REDUCTION TAKEN UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH.**

24-405.

(c) (4) (i) Any reduction taken to an allowance under paragraph (3) of this subsection may not [reduce the allowance to less than the amount required to be deducted] **REDUCE THE ALLOWANCE TO AN AMOUNT LESS THAN THE REQUIRED DEDUCTION** for the individual's monthly State-approved medical insurance premiums.

(ii) [If a reduction for a calendar year taken under subparagraph (i) of this paragraph is less than the reduction required under paragraph (3) of this subsection, the] **THE** Board of Trustees shall recover from the individual [an amount equal to] **ANY**

**DIFFERENCE BETWEEN** the reduction required under paragraph (3) of this subsection [less] **AND** the reduction taken under subparagraph (i) of this paragraph.

25–403.

(b) (2) (i) Subject to [subparagraph (ii)] **SUBPARAGRAPHS (II) AND (III)** of this paragraph, the reduction under paragraph (1) of this subsection shall equal the amount by which the sum of the individual's initial annual basic allowance and the individual's annual compensation exceeds the average final compensation used to compute the basic allowance.

(ii) [1.] Any reduction taken [to a retiree's allowance] under this subsection may not [exceed an amount that would reduce the retiree's allowance to less than what is required to be deducted] **REDUCE THE RETIREE'S ALLOWANCE TO AN AMOUNT LESS THAN THE REQUIRED DEDUCTION** for:

[A.] 1. if the retiree retired from any unit of State government, the retiree's monthly State-approved medical insurance premiums; or

[B.] 2. if the retiree retired from a participating employer other than the State, the approved monthly medical insurance premiums required by the participating employer that employed the retiree at the time of the retiree's retirement.

[2. If a reduction for a calendar year taken under subparagraph 1 of this subparagraph is less than the reduction required under subparagraph (i) of this paragraph, the Board of Trustees shall recover from the retiree an amount equal to the reduction required under subparagraph (i) of this paragraph less the reduction taken under subparagraph 1 of this subparagraph.]

**(III) THE BOARD OF TRUSTEES SHALL RECOVER FROM THE RETIREE ANY DIFFERENCE BETWEEN THE REDUCTION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH ~~LESS~~ AND THE REDUCTION TAKEN UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH.**

27–406.

(d) (1) Any reduction taken [to a retiree's allowance] under subsection (c) of this section may not [exceed an amount that would reduce the retiree's allowance to less than what is required to be deducted] **REDUCE THE RETIREE'S ALLOWANCE TO AN AMOUNT LESS THAN THE REQUIRED DEDUCTION** for the retiree's monthly State-approved medical insurance premiums.

(2) [If a reduction for a calendar year taken under paragraph (1) of this subsection is less than the reduction required under subsection (c) of this section, the] **THE** Board of Trustees shall recover from the retiree [an amount equal to] **ANY DIFFERENCE**



**BETWEEN** the reduction required under subsection (c) of this section ~~less~~ **AND** the reduction taken under paragraph (1) of 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 383**

### **(House Bill 946)**

AN ACT concerning

#### **Child Support – Guidelines**

FOR the purpose of authorizing a court, in determining whether the application of the child support guidelines would be unjust or inappropriate in a particular case, to consider whether an obligor's monthly obligation would leave the obligor with a monthly actual income below the 2019 federal poverty level for an individual; authorizing the court to decline to establish a child support order under certain circumstances; specifying that the fact that a parent meets or ceases to meet certain criteria shall constitute a material change of circumstance for the purpose of a modification of a child support award; requiring the court to take certain actions if there is a dispute as to whether a parent is voluntarily impoverished; revising the schedule of basic child support obligations used to calculate the amount of a child support award under the child support guidelines; altering certain definitions; defining certain terms; providing for the application of this Act; providing for a delayed effective date; and generally relating to child support.

BY repealing and reenacting, with amendments,  
Article – Family Law  
Section 12–201, 12–202, and 12–204(b) and (e)  
Annotated Code of Maryland  
(2019 Replacement Volume)

BY repealing and reenacting, without amendments,  
Article – Family Law  
Section 12–204(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

12–201.

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

(b) (1) “Actual income” means income from any source.

(2) For income from self–employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or closely held corporation, “actual income” means gross receipts minus ordinary and necessary expenses required to produce income.

(3) “Actual income” includes:

(i) salaries;

(ii) wages;

(iii) commissions;

(iv) bonuses;

(v) dividend income;

(vi) pension income;

(vii) interest income;

(viii) trust income;

(ix) annuity income;

(x) Social Security benefits;

(xi) workers’ compensation benefits;

(xii) unemployment insurance benefits;

(xiii) disability insurance benefits;

(xiv) for the obligor, any third party payment paid to or for a minor child as a result of the obligor’s disability, retirement, or other compensable claim;

(xv) alimony or maintenance received; and

(xvi) expense reimbursements or in–kind payments received by a parent in the course of employment, self–employment, or operation of a business to the

extent the reimbursements or payments reduce the parent's personal living expenses.

(4) Based on the circumstances of the case, the court may consider the following items as actual income:

- (i) severance pay;
- (ii) capital gains;
- (iii) gifts; or
- (iv) prizes.

(5) "Actual income" does not include benefits received from means-tested public assistance programs, including temporary cash assistance, Supplemental Security Income, food stamps, and transitional emergency, medical, and housing assistance.

(c) "Adjusted actual income" means actual income minus:

- (1) preexisting reasonable child support obligations actually paid; and
- (2) except as provided in § 12-204(a)(2) of this subtitle, alimony or maintenance obligations actually paid.

(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] **CALCULATED USING** the combined adjusted actual incomes of both parents **AS ADJUSTED BY THE SELF-SUPPORT RESERVE**.

(f) "Combined adjusted actual income" means the combined monthly adjusted actual incomes of both parents.

(g) (1) "Extraordinary medical expenses" means uninsured costs for medical treatment in excess of \$250 in any calendar year.

(2) "Extraordinary medical expenses" includes uninsured, reasonable, and necessary costs for orthodontia, dental treatment, vision care, asthma treatment, physical therapy, treatment for any chronic health problem, and professional counseling or psychiatric therapy for diagnosed mental disorders.

(h) "Health insurance" includes medical insurance, dental insurance, prescription drug coverage, and vision insurance.

(i) "Income" means:

- (1) actual income of a parent, if the parent is employed to full capacity; or
- (2) potential income of a parent, if the parent is voluntarily impoverished.

(j) “Obligee” means any person who is entitled to receive child support.

(k) “Obligor” means an individual who is required to pay child support under a court order.

(l) “Ordinary and necessary expenses” does not include amounts allowable by the Internal Revenue Service for the accelerated component of depreciation expenses or investment tax credits or any other business expenses determined by the court to be inappropriate for determining actual income for purposes of calculating child support.

(m) “Potential income” means income attributed to a parent determined by:

**(1)** the parent’s employment potential and probable earnings level based on, but not limited to[, recent work history, occupational qualifications, prevailing job opportunities, and earnings levels in the community]:

**(I) THE PARENT’S:**

- 1. AGE;**
- 2. PHYSICAL AND BEHAVIORAL CONDITION;**
- 3. EDUCATIONAL ATTAINMENT;**
- 4. SPECIAL TRAINING OR SKILLS;**
- 5. LITERACY;**
- 6. RESIDENCE;**
- 7. OCCUPATIONAL QUALIFICATIONS AND JOB SKILLS;**
- 8. EMPLOYMENT AND EARNINGS HISTORY;**
- 9. RECORD OF EFFORTS TO OBTAIN AND RETAIN  
EMPLOYMENT; AND**
- 10. CRIMINAL RECORD AND OTHER EMPLOYMENT  
BARRIERS; AND**

**(II) EMPLOYMENT OPPORTUNITIES IN THE COMMUNITY WHERE THE PARENT LIVES, INCLUDING:**

1. THE STATUS OF THE JOB MARKET;

2. PREVAILING EARNINGS LEVELS; AND

3. THE AVAILABILITY OF EMPLOYERS WILLING TO HIRE THE PARENT;

**(2) THE PARENT'S ASSETS;**

**(3) THE PARENT'S ACTUAL INCOME FROM ALL SOURCES; AND**

**(4) ANY OTHER FACTOR BEARING ON THE PARENT'S ABILITY TO OBTAIN FUNDS FOR CHILD SUPPORT.**

**(N) "SELF-SUPPORT RESERVE" MEANS THE ADJUSTMENT TO A BASIC CHILD SUPPORT OBLIGATION ENSURING THAT A CHILD SUPPORT OBLIGOR MAINTAINS A MINIMUM AMOUNT OF MONTHLY INCOME, AFTER PAYMENT OF CHILD SUPPORT, FEDERAL AND STATE INCOME TAXES, AND FEDERAL INSURANCE CONTRIBUTION ACT TAXES, OF AT LEAST 110% OF THE 2019 FEDERAL POVERTY LEVEL FOR AN INDIVIDUAL.**

**[(n)] (O) (1)** "Shared physical custody" means that each parent keeps the child or children overnight for more than 35% 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.

**(P) "VOLUNTARILY IMPOVERISHED" MEANS THAT A PARENT HAS MADE THE FREE AND CONSCIOUS CHOICE, NOT COMPELLED BY FACTORS BEYOND THE PARENT'S CONTROL, TO RENDER THE PARENT WITHOUT ADEQUATE RESOURCES.**

12-202.

(a) (1) Subject to the provisions of paragraph (2) of this subsection **AND SUBSECTION (B) OF THIS SECTION**, in any proceeding to establish or modify child support, whether pendente lite or permanent, the court shall use the child support

guidelines set forth in this subtitle.

(2) (i) There is a rebuttable presumption that the amount of child support which would result from the application of the child support guidelines set forth in this subtitle is the correct amount of child support to be awarded.

(ii) The presumption may be rebutted by evidence that the application of the guidelines would be unjust or inappropriate in a particular case.

(iii) In determining whether the application of the guidelines would be unjust or inappropriate in a particular case, the court may consider:

1. the terms of any existing separation or property settlement agreement or court order, including any provisions for payment of mortgages or marital debts, payment of college education expenses, the terms of any use and possession order or right to occupy the family home under an agreement, any direct payments made for the benefit of the children required by agreement or order, or any other financial considerations set out in an existing separation or property settlement agreement or court order; [and]

2. the presence in the household of either parent of other children to whom that parent owes a duty of support and the expenses for whom that parent is directly contributing; AND

**3. WHETHER AN OBLIGOR'S MONTHLY CHILD SUPPORT OBLIGATION WOULD LEAVE THE OBLIGOR WITH A MONTHLY ACTUAL INCOME BELOW 110% OF THE 2019 FEDERAL POVERTY LEVEL FOR AN INDIVIDUAL.**

(iv) The presumption may not be rebutted solely on the basis of evidence of the presence in the household of either parent of other children to whom that parent owes a duty of support and the expenses for whom that parent is directly contributing.

(v) 1. If the court determines that the application of the guidelines would be unjust or inappropriate in a particular case, the court shall make a written finding or specific finding on the record stating the reasons for departing from the guidelines.

2. The court's finding shall state:

A. the amount of child support that would have been required under the guidelines;

B. how the order varies from the guidelines;

C. how the finding serves the best interests of the child; and

D. in cases in which items of value are conveyed instead of a portion of the support presumed under the guidelines, the estimated value of the items conveyed.

**(B) (1) THE COURT MAY DECLINE TO ESTABLISH A CHILD SUPPORT ORDER IF THE PARENT WHO WOULD HAVE THE OBLIGATION TO PAY CHILD SUPPORT:**

**(I) LIVES WITH THE CHILD WHO WOULD BE THE SUBJECT OF THE CHILD SUPPORT ORDER AND IS CONTRIBUTING TO THE SUPPORT OF THE CHILD; OR**

**(II) 1. IS UNEMPLOYED;**

**2. HAS NO FINANCIAL RESOURCES FROM WHICH TO PAY CHILD SUPPORT; AND**

**3. A. IS INCARCERATED AND IS EXPECTED TO REMAIN INCARCERATED FOR THE REMAINDER OF THE TIME THAT THE PARENT WOULD HAVE A LEGAL DUTY TO SUPPORT THE CHILD;**

**B. IS INSTITUTIONALIZED IN A PSYCHIATRIC CARE FACILITY AND IS EXPECTED TO REMAIN INSTITUTIONALIZED FOR THE REMAINDER OF THE TIME THAT THE PARENT WOULD HAVE A LEGAL DUTY TO SUPPORT THE CHILD;**

**C. IS TOTALLY AND PERMANENTLY DISABLED, IS UNABLE TO OBTAIN OR MAINTAIN EMPLOYMENT, AND HAS NO INCOME OTHER THAN SUPPLEMENTAL SECURITY INCOME OR SOCIAL SECURITY DISABILITY INSURANCE BENEFITS; OR**

**D. IS UNABLE TO OBTAIN OR MAINTAIN EMPLOYMENT IN THE FORESEEABLE FUTURE DUE TO COMPLIANCE WITH CRIMINAL DETAINMENT, HOSPITALIZATION, OR A REHABILITATION TREATMENT PLAN.**

**(2) THE FACT THAT A PARENT MEETS OR CEASES TO MEET THE CRITERIA DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL CONSTITUTE A MATERIAL CHANGE OF CIRCUMSTANCE FOR THE PURPOSE OF A MODIFICATION OF A CHILD SUPPORT AWARD.**

**[(b)] (C)** The adoption or revision of the guidelines set forth in this subtitle is not a material change of circumstance for the purpose of a modification of a child support award.

**[(c)] (D)** On or before January 1, 1993, and at least every 4 years after that date, the Child Support Administration of the Department of Human Services shall:

(1) review the guidelines set forth in this subtitle to ensure that the application of the guidelines results in the determination of appropriate child support award amounts; and

(2) report its findings and recommendations to the General Assembly, subject to § 2–1246 of the State Government Article.

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.

(2) (i) If one or both parents have made a request for alimony or maintenance in the proceeding in which a child support award is sought, the court shall decide the issue and amount of alimony or maintenance before determining the child support obligation under these guidelines.

(ii) If the court awards alimony or maintenance, the amount of alimony or maintenance awarded shall be considered actual income for the recipient of the alimony or maintenance and shall be subtracted from the income of the payor of the alimony or maintenance under § 12–201(c)(2) of this subtitle before the court determines the amount of a child support award.

(b) (1) Except as provided in paragraph **[(2)] (3)** of this subsection, if a parent is voluntarily impoverished, child support may be calculated based on a determination of potential income.

**(2) IF THERE IS A DISPUTE AS TO WHETHER A PARENT IS VOLUNTARILY IMPOVERISHED, THE COURT SHALL:**

**(I) MAKE A FINDING AS TO WHETHER, BASED ON THE TOTALITY OF THE CIRCUMSTANCES, THE PARENT IS VOLUNTARILY IMPOVERISHED; AND**

**(II) IF THE COURT FINDS THAT THE PARENT IS VOLUNTARILY IMPOVERISHED, CONSIDER THE FACTORS SPECIFIED IN § 12–201(M) OF THIS SUBTITLE IN DETERMINING THE AMOUNT OF POTENTIAL INCOME THAT SHOULD BE IMPUTED TO THE PARENT.**

**[(2)] (3)** A determination of potential income may not be made for a parent who:



- (i) is unable to work because of a physical or mental disability; or
- (ii) is caring for a child under the age of 2 years for whom the parents are jointly and severally responsible.

(e) Schedule of basic child support obligations[:]. AN ASTERISK (\*) INDICATES A CHILD SUPPORT OBLIGATION ADJUSTED BY THE SELF-SUPPORT RESERVE.

Combined Adjusted Actual Income	1 Child	2 Children	3 Children	4 Children	5 Children	6 or More Children	
[100-1200							
			\$20 – \$150 Per Month, Based On Resources And Living Expenses Of Obligor And Number Of Children Due Support				
1250	162	163	165	167	169	170	
1300	195	197	199	202	204	206	
1350	229	231	234	236	239	241	
1400	262	265	268	271	274	277	
1450	295	299	302	305	308	312	
1500	310	330	334	338	341	345	
1550	319	362	366	370	374	378	
1600	327	394	398	402	407	411	
1650	336	425	430	435	439	444	
1700	344	457	462	467	472	477	
1750	353	488	494	499	505	510	
1800	361	520	526	532	537	543	
1850	370	537	558	564	570	576	
1900	378	550	590	596	603	609	
1950	387	562	622	629	635	642	
2000	395	574	654	661	668	675	
2050	403	586	686	693	701	708	
2100	412	598	706	726	733	741	
2150	420	610	720	758	766	774	
2200	428	622	734	790	799	807	
2250	437	634	748	823	831	840	
2300	445	646	761	851	864	873	
2350	453	657	775	866	897	906	
2400	462	669	789	882	930	939	
2450	470	681	803	897	962	972	
2500	478	693	817	913	995	1005	
2550	486	705	831	928	1021	1039	
2600	495	717	845	944	1038	1072	
2650	503	729	859	959	1055	1105	

2700	511	741	873	975	1072	1138
2750	520	753	886	990	1089	1171
2800	528	764	900	1006	1106	1202
2850	536	776	914	1021	1123	1221
2900	544	788	928	1037	1140	1240
2950	553	800	942	1052	1157	1258
3000	561	812	956	1068	1175	1277
3050	570	825	971	1084	1193	1297
3100	578	837	985	1101	1211	1316
3150	587	849	1000	1117	1229	1335
3200	595	861	1014	1133	1246	1355
3250	603	874	1029	1149	1264	1374
3300	612	886	1044	1166	1282	1394
3350	620	898	1058	1182	1300	1413
3400	629	911	1073	1198	1318	1433
3450	636	922	1086	1213	1334	1450
3500	644	932	1098	1227	1349	1467
3550	651	943	1111	1241	1365	1483
3600	658	953	1123	1255	1380	1500
3650	665	964	1136	1268	1395	1517
3700	673	974	1148	1282	1411	1533
3750	680	985	1160	1296	1426	1550
3800	687	995	1173	1310	1441	1567
3850	694	1006	1185	1324	1457	1583
3900	702	1016	1198	1338	1472	1600
3950	709	1027	1210	1352	1487	1617
4000	716	1037	1223	1366	1502	1633
4050	723	1048	1235	1379	1517	1649
4100	730	1057	1245	1391	1530	1663
4150	737	1067	1256	1403	1544	1678
4200	744	1076	1267	1416	1557	1693
4250	750	1086	1278	1428	1571	1707
4300	757	1095	1289	1440	1584	1722
4350	764	1105	1300	1452	1597	1736
4400	771	1114	1311	1464	1611	1751
4450	777	1124	1322	1477	1624	1766
4500	784	1133	1333	1489	1638	1780
4550	791	1143	1344	1501	1651	1795
4600	798	1152	1355	1513	1664	1809
4650	804	1162	1366	1525	1678	1824
4700	811	1172	1376	1538	1691	1838
4750	818	1181	1387	1550	1705	1853
4800	825	1191	1398	1562	1718	1868
4850	832	1200	1409	1574	1732	1882
4900	838	1210	1420	1586	1745	1897
4950	845	1219	1431	1599	1758	1911
5000	852	1229	1442	1611	1772	1926

5050	859	1238	1453	1623	1785	1940
5100	865	1248	1464	1635	1799	1955
5150	872	1257	1475	1647	1812	1970
5200	878	1266	1485	1659	1825	1983
5250	885	1275	1495	1670	1837	1997
5300	891	1284	1505	1681	1850	2011
5350	897	1292	1515	1693	1862	2024
5400	903	1301	1526	1704	1875	2038
5450	909	1310	1536	1715	1887	2051
5500	915	1319	1546	1727	1899	2065
5550	921	1327	1556	1738	1912	2078
5600	927	1336	1566	1749	1924	2092
5650	934	1345	1576	1761	1937	2105
5700	940	1354	1586	1772	1949	2119
5750	946	1362	1597	1783	1962	2132
5800	952	1371	1607	1795	1974	2146
5850	958	1380	1617	1806	1987	2160
5900	964	1388	1627	1817	1999	2173
5950	970	1397	1637	1829	2012	2187
6000	976	1406	1647	1840	2024	2200
6050	983	1415	1658	1851	2037	2214
6100	989	1423	1668	1863	2049	2227
6150	995	1432	1678	1874	2062	2241
6200	1001	1441	1688	1885	2074	2254
6250	1007	1450	1698	1897	2086	2268
6300	1013	1458	1708	1907	2098	2281
6350	1016	1462	1713	1913	2104	2287
6400	1020	1467	1717	1918	2110	2294
6450	1023	1471	1722	1924	2116	2300
6500	1026	1476	1727	1929	2122	2307
6550	1030	1480	1732	1935	2128	2313
6600	1033	1485	1737	1940	2134	2320
6650	1037	1489	1742	1945	2140	2326
6700	1040	1494	1747	1951	2146	2333
6750	1043	1498	1751	1956	2152	2339
6800	1047	1503	1756	1962	2158	2346
6850	1050	1507	1761	1967	2164	2352
6900	1053	1512	1766	1973	2170	2359
6950	1057	1517	1771	1978	2176	2365
7000	1060	1521	1776	1983	2182	2372
7050	1064	1526	1781	1989	2188	2378
7100	1067	1530	1785	1994	2194	2385
7150	1070	1535	1790	2000	2200	2391
7200	1074	1539	1795	2005	2206	2397
7250	1077	1544	1800	2010	2211	2404
7300	1080	1548	1804	2016	2217	2410
7350	1084	1552	1809	2021	2223	2416

7400	1087	1556	1814	2026	2228	2422
7450	1090	1560	1818	2031	2234	2428
7500	1092	1563	1820	2033	2237	2431
7550	1094	1565	1823	2036	2240	2435
7600	1096	1568	1826	2039	2243	2438
7650	1097	1570	1828	2042	2247	2442
7700	1099	1573	1831	2045	2250	2445
7750	1101	1575	1834	2048	2253	2449
7800	1103	1578	1836	2051	2256	2453
7850	1105	1580	1839	2054	2259	2456
7900	1107	1583	1842	2057	2263	2460
7950	1109	1586	1844	2060	2266	2463
8000	1111	1588	1847	2063	2269	2467
8050	1113	1591	1849	2066	2272	2470
8100	1115	1593	1852	2069	2276	2474
8150	1117	1596	1855	2072	2279	2477
8200	1119	1598	1857	2075	2282	2481
8250	1121	1601	1860	2078	2285	2484
8300	1123	1603	1863	2081	2289	2488
8350	1125	1606	1865	2084	2292	2491
8400	1127	1609	1868	2087	2296	2495
8450	1129	1612	1871	2090	2299	2499
8500	1132	1614	1874	2093	2303	2503
8550	1134	1617	1877	2097	2306	2507
8600	1136	1620	1880	2100	2310	2511
8650	1141	1628	1889	2110	2321	2523
8700	1147	1636	1898	2120	2332	2535
8750	1153	1644	1908	2131	2344	2548
8800	1159	1652	1917	2141	2355	2560
8850	1164	1660	1926	2151	2367	2572
8900	1170	1668	1935	2162	2378	2585
8950	1176	1676	1945	2172	2389	2597
9000	1181	1684	1954	2182	2401	2609
9050	1187	1692	1963	2193	2412	2622
9100	1193	1700	1972	2203	2423	2634
9150	1199	1708	1982	2213	2435	2647
9200	1204	1716	1991	2224	2446	2659
9250	1210	1724	2000	2234	2457	2671
9300	1216	1732	2009	2244	2469	2684
9350	1220	1739	2017	2253	2478	2694
9400	1224	1744	2023	2260	2486	2702
9450	1228	1750	2030	2267	2494	2711
9500	1232	1756	2036	2275	2502	2720
9550	1236	1761	2043	2282	2510	2728
9600	1240	1767	2049	2289	2518	2737
9650	1244	1772	2056	2296	2526	2746
9700	1248	1778	2062	2304	2534	2754

9750	1252	1784	2069	2311	2542	2763
9800	1255	1789	2075	2318	2550	2772
9850	1259	1795	2082	2325	2558	2780
9900	1263	1800	2088	2333	2566	2789
9950	1267	1806	2095	2340	2574	2798
10000	1271	1811	2101	2347	2582	2806
10050	1301	1836	2126	2372	2607	2831
10100	1308	1861	2151	2397	2632	2856
10150	1314	1886	2176	2422	2657	2881
10200	1321	1911	2201	2447	2682	2906
10250	1327	1936	2226	2472	2707	2931
10300	1334	1955	2251	2497	2732	2956
10350	1340	1965	2276	2522	2757	2981
10400	1347	1974	2301	2547	2782	3006
10450	1353	1984	2326	2572	2807	3031
10500	1359	1993	2351	2597	2832	3056
10550	1366	2003	2376	2622	2857	3081
10600	1372	2012	2388	2647	2882	3106
10650	1379	2022	2399	2672	2907	3131
10700	1385	2031	2410	2697	2932	3156
10750	1392	2041	2422	2712	2957	3181
10800	1398	2050	2433	2725	2982	3206
10850	1405	2060	2444	2737	3007	3231
10900	1411	2069	2455	2750	3032	3256
10950	1418	2079	2467	2762	3056	3281
11000	1424	2088	2478	2775	3070	3306
11050	1431	2097	2489	2788	3083	3331
11100	1437	2107	2501	2800	3097	3356
11150	1444	2116	2512	2813	3111	3381
11200	1450	2126	2523	2825	3125	3406
11250	1457	2135	2534	2838	3139	3427
11300	1463	2145	2546	2851	3153	3442
11350	1470	2154	2557	2863	3167	3457
11400	1476	2164	2568	2876	3181	3472
11450	1482	2173	2579	2889	3195	3488
11500	1489	2183	2591	2901	3209	3503
11550	1495	2192	2602	2914	3223	3518
11600	1502	2202	2613	2926	3237	3533
11650	1508	2211	2624	2939	3251	3548
11700	1515	2221	2636	2952	3265	3564
11750	1521	2230	2647	2964	3279	3579
11800	1528	2240	2658	2977	3293	3594
11850	1534	2249	2669	2989	3307	3609
11900	1541	2259	2681	3002	3321	3625
11950	1547	2268	2692	3015	3335	3640
12000	1554	2278	2703	3027	3349	3655
12050	1560	2287	2715	3040	3363	3670

12100	1567	2297	2726	3053	3376	3685
12150	1573	2306	2737	3065	3390	3701
12200	1580	2316	2748	3078	3404	3716
12250	1586	2325	2760	3090	3418	3731
12300	1593	2335	2771	3103	3432	3746
12350	1599	2344	2782	3116	3446	3762
12400	1605	2354	2793	3128	3460	3777
12450	1612	2363	2805	3141	3474	3792
12500	1618	2373	2816	3153	3488	3807
12550	1625	2382	2827	3166	3502	3823
12600	1631	2392	2838	3179	3516	3838
12650	1638	2401	2850	3191	3530	3853
12700	1644	2411	2861	3204	3544	3868
12750	1651	2420	2872	3217	3558	3883
12800	1657	2430	2883	3229	3572	3899
12850	1664	2439	2895	3242	3586	3914
12900	1670	2449	2906	3254	3600	3929
12950	1677	2458	2917	3267	3614	3944
13000	1683	2468	2929	3280	3628	3960
13050	1690	2477	2940	3292	3642	3975
13100	1696	2487	2951	3305	3655	3990
13150	1703	2496	2962	3317	3669	4005
13200	1709	2506	2974	3330	3683	4021
13250	1716	2515	2985	3343	3697	4036
13300	1722	2525	2996	3355	3711	4051
13350	1728	2534	3007	3368	3725	4066
13400	1735	2544	3019	3380	3739	4081
13450	1741	2553	3030	3393	3753	4097
13500	1748	2563	3041	3406	3767	4112
13550	1754	2572	3052	3418	3781	4127
13600	1761	2582	3064	3431	3795	4142
13650	1767	2591	3075	3444	3809	4158
13700	1774	2601	3086	3456	3823	4173
13750	1780	2610	3098	3469	3837	4188
13800	1787	2619	3109	3481	3851	4203
13850	1793	2629	3120	3494	3865	4219
13900	1800	2638	3131	3507	3879	4234
13950	1806	2648	3143	3519	3893	4249
14000	1813	2657	3154	3532	3907	4264
14050	1819	2667	3165	3544	3921	4279
14100	1826	2676	3176	3557	3935	4295
14150	1832	2686	3188	3570	3948	4310
14200	1839	2695	3199	3582	3962	4325
14250	1845	2705	3210	3595	3976	4340
14300	1851	2714	3221	3608	3990	4356
14350	1858	2724	3233	3620	4004	4371
14400	1864	2733	3244	3633	4018	4386

14450	1871	2743	3255	3645	4032	4401
14500	1877	2752	3266	3658	4046	4416
14550	1884	2762	3278	3671	4060	4432
14600	1890	2771	3289	3683	4074	4447
14650	1897	2781	3300	3696	4088	4462
14700	1903	2790	3312	3708	4102	4477
14750	1910	2800	3323	3721	4116	4493
14800	1916	2809	3334	3734	4130	4508
14850	1923	2819	3345	3746	4144	4523
14900	1929	2828	3357	3759	4158	4538
14950	1936	2838	3368	3772	4172	4554
15000	1942	2847	3379	3784	4186	4569]
<b>0-1200</b>	<b>*50</b>	<b>*55</b>	<b>*57</b>	<b>*58</b>	<b>*59</b>	<b>*60</b>
<b>1250</b>	<b>*74</b>	<b>*79</b>	<b>*81</b>	<b>*82</b>	<b>*83</b>	<b>*84</b>
<b>1300</b>	<b>*109</b>	<b>*116</b>	<b>*119</b>	<b>*121</b>	<b>*122</b>	<b>*124</b>
<b>1350</b>	<b>*144</b>	<b>*154</b>	<b>*158</b>	<b>*160</b>	<b>*162</b>	<b>*164</b>
<b>1400</b>	<b>*179</b>	<b>*191</b>	<b>*196</b>	<b>*199</b>	<b>*201</b>	<b>*204</b>
<b>1450</b>	<b>*214</b>	<b>*229</b>	<b>*235</b>	<b>*238</b>	<b>*241</b>	<b>*244</b>
<b>1500</b>	<b>*249</b>	<b>*266</b>	<b>*273</b>	<b>*277</b>	<b>*280</b>	<b>*284</b>
<b>1550</b>	<b>*284</b>	<b>*304</b>	<b>*312</b>	<b>*316</b>	<b>*320</b>	<b>*324</b>
<b>1600</b>	<b>*319</b>	<b>*341</b>	<b>*350</b>	<b>*355</b>	<b>*359</b>	<b>*364</b>
<b>1650</b>	<b>339</b>	<b>*379</b>	<b>*389</b>	<b>*394</b>	<b>*399</b>	<b>*404</b>
<b>1700</b>	<b>348</b>	<b>*416</b>	<b>*427</b>	<b>*433</b>	<b>*438</b>	<b>*444</b>
<b>1750</b>	<b>357</b>	<b>*454</b>	<b>*466</b>	<b>*472</b>	<b>*478</b>	<b>*484</b>
<b>1800</b>	<b>367</b>	<b>*491</b>	<b>*504</b>	<b>*511</b>	<b>*517</b>	<b>*524</b>
<b>1850</b>	<b>376</b>	<b>*529</b>	<b>*543</b>	<b>*550</b>	<b>*557</b>	<b>*564</b>
<b>1900</b>	<b>385</b>	<b>565</b>	<b>*581</b>	<b>*589</b>	<b>*596</b>	<b>*604</b>
<b>1950</b>	<b>394</b>	<b>578</b>	<b>*620</b>	<b>*628</b>	<b>*636</b>	<b>*644</b>
<b>2000</b>	<b>403</b>	<b>591</b>	<b>*658</b>	<b>*667</b>	<b>*675</b>	<b>*684</b>
<b>2050</b>	<b>412</b>	<b>604</b>	<b>*697</b>	<b>*706</b>	<b>*715</b>	<b>*724</b>
<b>2100</b>	<b>421</b>	<b>617</b>	<b>*735</b>	<b>*745</b>	<b>*754</b>	<b>*764</b>
<b>2150</b>	<b>430</b>	<b>631</b>	<b>762</b>	<b>*784</b>	<b>*794</b>	<b>*804</b>
<b>2200</b>	<b>439</b>	<b>644</b>	<b>778</b>	<b>*823</b>	<b>*833</b>	<b>*844</b>
<b>2250</b>	<b>448</b>	<b>657</b>	<b>794</b>	<b>*862</b>	<b>*873</b>	<b>*884</b>
<b>2300</b>	<b>457</b>	<b>670</b>	<b>810</b>	<b>*901</b>	<b>*912</b>	<b>*924</b>
<b>2350</b>	<b>466</b>	<b>684</b>	<b>826</b>	<b>923</b>	<b>*952</b>	<b>*964</b>
<b>2400</b>	<b>475</b>	<b>697</b>	<b>842</b>	<b>941</b>	<b>*991</b>	<b>*1004</b>
<b>2450</b>	<b>484</b>	<b>710</b>	<b>858</b>	<b>958</b>	<b>*1031</b>	<b>*1044</b>
<b>2500</b>	<b>493</b>	<b>723</b>	<b>874</b>	<b>976</b>	<b>*1070</b>	<b>*1084</b>
<b>2550</b>	<b>502</b>	<b>736</b>	<b>890</b>	<b>994</b>	<b>1094</b>	<b>*1124</b>
<b>2600</b>	<b>511</b>	<b>750</b>	<b>906</b>	<b>1012</b>	<b>1113</b>	<b>*1164</b>
<b>2650</b>	<b>520</b>	<b>763</b>	<b>922</b>	<b>1030</b>	<b>1133</b>	<b>*1204</b>
<b>2700</b>	<b>529</b>	<b>776</b>	<b>938</b>	<b>1048</b>	<b>1152</b>	<b>*1244</b>

2750	538	789	954	1066	1172	1274
2800	547	803	970	1083	1192	1295
2850	556	816	986	1101	1211	1317
2900	565	829	1002	1119	1231	1338
2950	574	842	1018	1137	1251	1359
3000	583	856	1034	1155	1270	1381
3050	592	869	1050	1173	1290	1402
3100	601	882	1066	1190	1310	1423
3150	610	895	1082	1208	1329	1445
3200	619	908	1098	1226	1349	1466
3250	628	922	1114	1244	1368	1487
3300	637	935	1130	1262	1388	1509
3350	646	948	1146	1280	1408	1530
3400	655	961	1162	1298	1427	1552
3450	664	975	1178	1315	1447	1573
3500	673	988	1194	1333	1467	1594
3550	682	1001	1210	1351	1486	1616
3600	691	1014	1226	1369	1506	1637
3650	700	1027	1242	1387	1526	1658
3700	709	1041	1258	1405	1545	1680
3750	718	1054	1274	1423	1565	1701
3800	727	1067	1290	1440	1584	1722
3850	736	1080	1306	1458	1604	1744
3900	745	1094	1321	1476	1624	1765
3950	754	1107	1337	1494	1643	1786
4000	763	1120	1353	1512	1663	1808
4050	772	1133	1369	1530	1683	1829
4100	781	1146	1385	1548	1702	1850
4150	790	1160	1401	1565	1722	1872
4200	799	1173	1417	1583	1742	1893
4250	808	1185	1432	1600	1760	1913
4300	815	1197	1446	1615	1777	1931
4350	823	1208	1460	1631	1794	1950
4400	831	1219	1474	1646	1811	1968
4450	839	1231	1487	1661	1828	1987
4500	846	1242	1501	1677	1844	2005
4550	854	1254	1515	1692	1861	2023
4600	862	1265	1529	1708	1878	2042
4650	870	1276	1542	1723	1895	2060
4700	877	1288	1556	1738	1912	2079
4750	885	1299	1570	1754	1929	2097
4800	893	1311	1584	1769	1946	2115
4850	901	1322	1598	1785	1963	2134



4900	909	1334	1611	1800	1980	2152
4950	916	1345	1625	1815	1997	2171
5000	924	1356	1639	1831	2014	2189
5050	932	1368	1653	1846	2031	2207
5100	940	1379	1667	1862	2048	2226
5150	947	1391	1680	1877	2065	2244
5200	955	1402	1694	1892	2082	2263
5250	963	1413	1708	1908	2098	2281
5300	971	1425	1722	1923	2115	2299
5350	978	1436	1735	1938	2132	2318
5400	984	1444	1744	1948	2143	2329
5450	987	1446	1746	1950	2145	2332
5500	990	1449	1748	1953	2148	2335
5550	993	1452	1751	1956	2151	2338
5600	996	1455	1753	1958	2154	2341
5650	999	1457	1755	1961	2157	2344
5700	1002	1460	1758	1963	2160	2347
5750	1006	1463	1760	1966	2162	2351
5800	1009	1466	1762	1968	2165	2354
5850	1012	1468	1765	1971	2168	2357
5900	1015	1471	1767	1974	2171	2360
5950	1018	1474	1769	1976	2174	2363
6000	1021	1477	1771	1979	2176	2366
6050	1024	1480	1774	1982	2180	2370
6100	1028	1485	1780	1988	2187	2378
6150	1032	1490	1786	1995	2195	2386
6200	1036	1495	1792	2002	2202	2394
6250	1040	1500	1798	2008	2209	2401
6300	1045	1505	1804	2015	2217	2409
6350	1049	1510	1810	2022	2224	2417
6400	1053	1515	1816	2028	2231	2425
6450	1057	1521	1822	2035	2238	2433
6500	1061	1526	1828	2042	2246	2441
6550	1065	1531	1834	2048	2253	2449
6600	1069	1536	1840	2055	2260	2457
6650	1073	1541	1846	2062	2268	2465
6700	1077	1546	1852	2068	2275	2473
6750	1083	1554	1861	2079	2287	2486
6800	1090	1563	1872	2091	2300	2500
6850	1096	1571	1882	2102	2312	2513
6900	1103	1580	1892	2114	2325	2527
6950	1110	1588	1903	2125	2338	2541
7000	1116	1597	1913	2137	2350	2555

7050	1123	1605	1923	2148	2363	2569
7100	1129	1614	1934	2160	2376	2582
7150	1136	1622	1944	2171	2388	2596
7200	1142	1631	1954	2183	2401	2610
7250	1149	1639	1965	2194	2414	2624
7300	1156	1648	1975	2206	2427	2638
7350	1162	1656	1985	2217	2439	2651
7400	1168	1664	1994	2228	2450	2664
7450	1172	1671	2002	2237	2460	2674
7500	1177	1678	2010	2246	2470	2685
7550	1181	1685	2018	2255	2480	2696
7600	1186	1692	2027	2264	2490	2707
7650	1190	1699	2035	2273	2500	2717
7700	1195	1706	2043	2282	2510	2728
7750	1199	1714	2051	2291	2520	2739
7800	1204	1721	2059	2300	2530	2750
7850	1208	1728	2067	2309	2539	2760
7900	1213	1735	2075	2317	2549	2771
7950	1217	1742	2082	2326	2559	2781
8000	1221	1748	2090	2335	2568	2792
8050	1226	1755	2098	2343	2577	2801
8100	1228	1757	2100	2346	2581	2805
8150	1230	1759	2103	2349	2584	2809
8200	1233	1762	2106	2352	2587	2812
8250	1235	1764	2108	2355	2591	2816
8300	1237	1766	2111	2358	2594	2820
8350	1240	1768	2114	2361	2597	2823
8400	1242	1771	2117	2364	2601	2827
8450	1244	1773	2119	2367	2604	2831
8500	1247	1775	2122	2370	2607	2834
8550	1249	1777	2125	2373	2611	2838
8600	1251	1780	2127	2376	2614	2841
8650	1254	1782	2130	2379	2617	2845
8700	1256	1784	2133	2382	2621	2849
8750	1259	1787	2137	2386	2625	2854
8800	1263	1792	2142	2392	2632	2860
8850	1267	1797	2147	2398	2638	2867
8900	1270	1801	2152	2404	2644	2874
8950	1274	1806	2157	2410	2651	2881
9000	1278	1811	2162	2415	2657	2888
9050	1282	1816	2168	2421	2663	2895
9100	1286	1820	2173	2427	2670	2902
9150	1290	1825	2178	2433	2676	2909

9200	1294	1830	2183	2439	2682	2916
9250	1298	1834	2188	2444	2689	2923
9300	1301	1839	2194	2450	2695	2930
9350	1305	1844	2199	2456	2702	2937
9400	1309	1848	2204	2462	2708	2944
9450	1312	1852	2209	2467	2714	2950
9500	1315	1855	2213	2472	2719	2956
9550	1318	1857	2217	2477	2725	2962
9600	1321	1860	2222	2482	2730	2967
9650	1324	1862	2226	2487	2735	2973
9700	1327	1865	2231	2492	2741	2979
9750	1330	1868	2235	2496	2746	2985
9800	1333	1870	2239	2501	2752	2991
9850	1336	1873	2244	2506	2757	2997
9900	1339	1875	2248	2511	2762	3003
9950	1342	1878	2253	2516	2768	3008
10000	1345	1881	2257	2521	2773	3014
10050	1353	1892	2269	2534	2788	3030
10100	1361	1903	2281	2548	2802	3046
10150	1369	1915	2293	2561	2817	3062
10200	1377	1926	2305	2574	2832	3078
10250	1385	1937	2317	2588	2847	3094
10300	1393	1949	2329	2601	2861	3110
10350	1402	1960	2341	2615	2876	3126
10400	1410	1971	2353	2628	2891	3142
10450	1418	1983	2365	2641	2905	3158
10500	1426	1994	2377	2655	2920	3174
10550	1434	2005	2389	2668	2935	3190
10600	1442	2017	2401	2681	2950	3206
10650	1451	2028	2413	2695	2964	3222
10700	1459	2040	2424	2708	2979	3238
10750	1467	2051	2436	2722	2994	3254
10800	1475	2062	2448	2735	3008	3270
10850	1483	2074	2460	2748	3023	3286
10900	1491	2085	2472	2762	3038	3302
10950	1499	2096	2484	2775	3053	3318
11000	1508	2108	2496	2788	3067	3334
11050	1516	2119	2508	2802	3082	3350
11100	1524	2130	2520	2815	3097	3366
11150	1532	2142	2532	2828	3111	3382
11200	1540	2153	2544	2842	3126	3398
11250	1548	2164	2556	2855	3141	3414
11300	1556	2176	2568	2869	3155	3430

11350	1565	2187	2580	2882	3170	3446
11400	1573	2198	2592	2895	3185	3462
11450	1581	2210	2604	2909	3200	3478
11500	1589	2221	2616	2922	3214	3494
11550	1597	2232	2628	2935	3229	3510
11600	1605	2244	2640	2949	3244	3526
11650	1614	2255	2652	2962	3258	3542
11700	1622	2266	2664	2976	3273	3558
11750	1630	2278	2676	2989	3288	3574
11800	1638	2289	2688	3002	3303	3590
11850	1646	2300	2700	3016	3317	3606
11900	1654	2312	2712	3029	3332	3622
11950	1662	2323	2724	3042	3347	3638
12000	1671	2335	2736	3056	3361	3654
12050	1679	2346	2748	3069	3376	3670
12100	1687	2357	2760	3083	3391	3686
12150	1695	2369	2772	3096	3405	3702
12200	1703	2380	2784	3109	3420	3718
12250	1711	2391	2796	3123	3435	3734
12300	1719	2403	2808	3136	3450	3750
12350	1728	2414	2819	3149	3464	3766
12400	1736	2425	2831	3163	3479	3782
12450	1744	2437	2843	3176	3494	3798
12500	1752	2448	2855	3189	3508	3814
12550	1760	2459	2867	3203	3523	3830
12600	1768	2471	2879	3216	3538	3846
12650	1777	2482	2891	3230	3553	3862
12700	1785	2493	2903	3243	3567	3878
12750	1793	2505	2915	3256	3582	3894
12800	1801	2516	2927	3270	3597	3910
12850	1809	2527	2939	3283	3611	3926
12900	1817	2539	2951	3296	3626	3942
12950	1825	2550	2963	3310	3641	3958
13000	1834	2561	2975	3323	3656	3974
13050	1842	2573	2987	3337	3670	3990
13100	1850	2584	2999	3350	3685	4006
13150	1858	2596	3011	3363	3700	4022
13200	1866	2607	3023	3377	3714	4037
13250	1874	2618	3035	3390	3729	4053
13300	1882	2630	3047	3403	3744	4069
13350	1891	2641	3059	3417	3758	4085
13400	1899	2652	3071	3430	3773	4101
13450	1907	2664	3083	3444	3788	4117

13500	1915	2675	3095	3457	3803	4133
13550	1923	2686	3107	3470	3817	4149
13600	1931	2698	3119	3484	3832	4165
13650	1939	2709	3131	3497	3847	4181
13700	1948	2720	3143	3510	3861	4197
13750	1956	2732	3155	3524	3876	4213
13800	1964	2743	3167	3537	3891	4229
13850	1972	2754	3179	3550	3906	4245
13900	1980	2766	3191	3564	3920	4261
13950	1988	2777	3203	3577	3935	4277
14000	1997	2788	3215	3591	3950	4293
14050	2005	2800	3226	3604	3964	4309
14100	2013	2811	3238	3617	3979	4325
14150	2021	2822	3250	3631	3994	4341
14200	2029	2834	3262	3644	4009	4357
14250	2037	2845	3274	3657	4023	4373
14300	2045	2856	3286	3671	4038	4389
14350	2054	2868	3298	3684	4053	4405
14400	2062	2879	3310	3698	4067	4421
14450	2070	2891	3322	3711	4082	4437
14500	2078	2902	3334	3724	4097	4453
14550	2086	2913	3346	3738	4111	4469
14600	2094	2925	3358	3751	4126	4485
14650	2102	2936	3370	3764	4141	4501
14700	2111	2947	3382	3778	4156	4517
14750	2119	2959	3394	3791	4170	4533
14800	2127	2970	3406	3805	4185	4549
14850	2135	2981	3418	3818	4200	4565
14900	2143	2993	3430	3831	4214	4581
14950	2151	3004	3442	3845	4229	4597
15000	2160	3015	3454	3858	4244	4613
15050	2163	3021	3460	3865	4251	4621
15100	2166	3026	3466	3871	4259	4629
15150	2170	3031	3472	3878	4266	4637
15200	2173	3036	3478	3885	4273	4645
15250	2176	3042	3484	3892	4281	4653
15300	2180	3047	3490	3898	4288	4661
15350	2183	3052	3496	3905	4295	4669
15400	2186	3057	3502	3912	4303	4677
15450	2190	3063	3508	3918	4310	4685
15500	2193	3068	3514	3925	4318	4693
15550	2196	3073	3520	3932	4325	4701
15600	2200	3079	3526	3939	4332	4709

15650	2203	3084	3532	3945	4340	4717
15700	2206	3089	3538	3952	4347	4725
15750	2210	3094	3544	3959	4355	4733
15800	2213	3100	3550	3965	4362	4741
15850	2216	3105	3556	3972	4369	4749
15900	2220	3110	3562	3979	4377	4757
15950	2223	3115	3568	3986	4384	4765
16000	2226	3121	3574	3992	4391	4773
16050	2230	3126	3580	3999	4399	4782
16100	2233	3131	3586	4006	4406	4790
16150	2236	3137	3592	4012	4414	4798
16200	2240	3142	3598	4019	4421	4806
16250	2243	3147	3604	4026	4428	4814
16300	2247	3152	3610	4032	4436	4822
16350	2250	3158	3616	4039	4443	4830
16400	2253	3163	3622	4046	4450	4838
16450	2257	3168	3628	4053	4458	4846
16500	2260	3173	3634	4059	4465	4854
16550	2263	3179	3640	4066	4473	4862
16600	2267	3184	3646	4073	4480	4870
16650	2270	3189	3652	4079	4487	4878
16700	2273	3194	3658	4086	4495	4886
16750	2277	3200	3664	4093	4502	4894
16800	2280	3205	3670	4100	4510	4902
16850	2283	3210	3676	4106	4517	4910
16900	2287	3216	3682	4113	4524	4918
16950	2290	3221	3688	4120	4532	4926
17000	2293	3226	3694	4126	4539	4934
17050	2297	3231	3700	4133	4546	4942
17100	2300	3237	3706	4140	4554	4950
17150	2303	3242	3712	4147	4561	4958
17200	2307	3247	3718	4153	4569	4966
17250	2310	3252	3724	4160	4576	4974
17300	2313	3258	3730	4167	4583	4982
17350	2317	3263	3736	4173	4591	4990
17400	2320	3268	3742	4180	4598	4998
17450	2323	3274	3748	4187	4605	5006
17500	2327	3279	3754	4193	4613	5014
17550	2330	3284	3760	4200	4620	5022
17600	2334	3289	3766	4207	4628	5030
17650	2337	3295	3772	4214	4635	5038
17700	2340	3300	3778	4220	4642	5046
17750	2344	3305	3784	4227	4650	5054

17800	2347	3310	3790	4234	4657	5062
17850	2350	3316	3796	4240	4665	5070
17900	2354	3321	3802	4247	4672	5078
17950	2357	3326	3808	4254	4679	5086
18000	2360	3331	3814	4261	4687	5094
18050	2364	3337	3820	4267	4694	5102
18100	2367	3342	3826	4274	4701	5110
18150	2370	3347	3832	4281	4709	5118
18200	2374	3353	3838	4287	4716	5126
18250	2377	3358	3844	4294	4724	5135
18300	2380	3363	3850	4301	4731	5143
18350	2384	3368	3856	4308	4738	5151
18400	2387	3374	3862	4314	4746	5159
18450	2390	3379	3868	4321	4753	5167
18500	2394	3384	3874	4328	4760	5175
18550	2397	3389	3880	4334	4768	5183
18600	2400	3395	3886	4341	4775	5191
18650	2404	3400	3892	4348	4783	5199
18700	2407	3405	3898	4355	4790	5207
18750	2410	3411	3904	4361	4797	5215
18800	2414	3416	3910	4368	4805	5223
18850	2417	3421	3916	4375	4812	5231
18900	2420	3426	3922	4381	4820	5239
18950	2424	3432	3928	4388	4827	5247
19000	2427	3437	3934	4395	4834	5255
19050	2431	3442	3940	4401	4842	5263
19100	2434	3447	3946	4408	4849	5271
19150	2437	3453	3952	4415	4856	5279
19200	2441	3458	3958	4422	4864	5287
19250	2444	3463	3964	4428	4871	5295
19300	2447	3468	3970	4435	4879	5303
19350	2451	3474	3977	4442	4886	5311
19400	2454	3479	3983	4448	4893	5319
19450	2457	3484	3989	4455	4901	5327
19500	2461	3490	3995	4462	4908	5335
19550	2464	3495	4001	4469	4915	5343
19600	2467	3500	4007	4475	4923	5351
19650	2471	3505	4013	4482	4930	5359
19700	2474	3511	4019	4489	4938	5367
19750	2477	3516	4025	4495	4945	5375
19800	2481	3521	4031	4502	4952	5383
19850	2484	3526	4037	4509	4960	5391
19900	2487	3532	4043	4516	4967	5399

19950	2491	3537	4049	4522	4974	5407
20000	2494	3542	4055	4529	4982	5415
20050	2497	3548	4061	4536	4989	5423
20100	2501	3553	4067	4542	4997	5431
20150	2504	3558	4073	4549	5004	5439
20200	2507	3563	4079	4556	5011	5447
20250	2511	3569	4085	4563	5019	5455
20300	2514	3574	4091	4569	5026	5463
20350	2518	3579	4097	4576	5034	5471
20400	2521	3584	4103	4583	5041	5479
20450	2524	3590	4109	4589	5048	5488
20500	2528	3595	4115	4596	5056	5496
20550	2531	3600	4121	4603	5063	5504
20600	2534	3605	4127	4609	5070	5512
20650	2538	3611	4133	4616	5078	5520
20700	2541	3616	4139	4623	5085	5528
20750	2544	3621	4145	4630	5093	5536
20800	2548	3627	4151	4636	5100	5544
20850	2551	3632	4157	4643	5107	5552
20900	2554	3637	4163	4650	5115	5560
20950	2558	3642	4169	4656	5122	5568
21000	2561	3648	4175	4663	5129	5576
21050	2564	3653	4181	4670	5137	5584
21100	2568	3658	4187	4677	5144	5592
21150	2571	3663	4193	4683	5152	5600
21200	2574	3669	4199	4690	5159	5608
21250	2578	3674	4205	4697	5166	5616
21300	2581	3679	4211	4703	5174	5624
21350	2584	3685	4217	4710	5181	5632
21400	2588	3690	4223	4717	5189	5640
21450	2591	3695	4229	4724	5196	5648
21500	2594	3700	4235	4730	5203	5656
21550	2598	3706	4241	4737	5211	5664
21600	2601	3711	4247	4744	5218	5672
21650	2605	3716	4253	4750	5225	5680
21700	2608	3721	4259	4757	5233	5688
21750	2611	3727	4265	4764	5240	5696
21800	2615	3732	4271	4771	5248	5704
21850	2618	3737	4277	4777	5255	5712
21900	2621	3742	4283	4784	5262	5720
21950	2625	3748	4289	4791	5270	5728
22000	2628	3753	4295	4797	5277	5736
22050	2631	3758	4301	4804	5284	5744



22100	2635	3764	4307	4811	5292	5752
22150	2638	3769	4313	4817	5299	5760
22200	2641	3774	4319	4824	5307	5768
22250	2645	3779	4325	4831	5314	5776
22300	2648	3785	4331	4838	5321	5784
22350	2651	3790	4337	4844	5329	5792
22400	2655	3795	4343	4851	5336	5800
22450	2658	3800	4349	4858	5344	5808
22500	2661	3806	4355	4864	5351	5816
22550	2665	3811	4361	4871	5358	5824
22600	2668	3816	4367	4878	5366	5832
22650	2671	3822	4373	4885	5373	5840
22700	2675	3827	4379	4891	5380	5849
22750	2678	3832	4385	4898	5388	5857
22800	2681	3837	4391	4905	5395	5865
22850	2685	3843	4397	4911	5403	5873
22900	2688	3848	4403	4918	5410	5881
22950	2692	3853	4409	4925	5417	5889
23000	2695	3858	4415	4932	5425	5897
23050	2698	3864	4421	4938	5432	5905
23100	2702	3869	4427	4945	5439	5913
23150	2705	3874	4433	4952	5447	5921
23200	2708	3879	4439	4958	5454	5929
23250	2712	3885	4445	4965	5462	5937
23300	2715	3890	4451	4972	5469	5945
23350	2718	3895	4457	4979	5476	5953
23400	2722	3901	4463	4985	5484	5961
23450	2725	3906	4469	4992	5491	5969
23500	2728	3911	4475	4999	5499	5977
23550	2732	3916	4481	5005	5506	5985
23600	2735	3922	4487	5012	5513	5993
23650	2738	3927	4493	5019	5521	6001
23700	2742	3932	4499	5025	5528	6009
23750	2745	3937	4505	5032	5535	6017
23800	2748	3943	4511	5039	5543	6025
23850	2752	3948	4517	5046	5550	6033
23900	2755	3953	4523	5052	5558	6041
23950	2758	3959	4529	5059	5565	6049
24000	2762	3964	4535	5066	5572	6057
24050	2765	3969	4541	5072	5580	6065
24100	2768	3974	4547	5079	5587	6073
24150	2772	3980	4553	5086	5594	6081
24200	2775	3985	4559	5093	5602	6089

24250	2779	3990	4565	5099	5609	6097
24300	2782	3995	4571	5106	5617	6105
24350	2785	4001	4577	5113	5624	6113
24400	2789	4006	4583	5119	5631	6121
24450	2792	4011	4589	5126	5639	6129
24500	2795	4016	4595	5133	5646	6137
24550	2799	4022	4601	5140	5654	6145
24600	2802	4027	4607	5146	5661	6153
24650	2805	4032	4613	5153	5668	6161
24700	2809	4038	4619	5160	5676	6169
24750	2812	4043	4625	5166	5683	6177
24800	2815	4048	4631	5173	5690	6185
24850	2819	4053	4637	5180	5698	6193
24900	2822	4059	4643	5187	5705	6202
24950	2825	4064	4649	5193	5713	6210
25000	2829	4069	4655	5200	5720	6218
25050	2832	4074	4661	5207	5727	6226
25100	2835	4080	4667	5213	5735	6234
25150	2839	4085	4673	5220	5742	6242
25200	2842	4090	4679	5227	5749	6250
25250	2845	4096	4685	5233	5757	6258
25300	2849	4101	4691	5240	5764	6266
25350	2852	4106	4697	5247	5772	6274
25400	2855	4111	4703	5254	5779	6282
25450	2859	4117	4709	5260	5786	6290
25500	2862	4122	4715	5267	5794	6298
25550	2865	4127	4721	5274	5801	6306
25600	2869	4132	4727	5280	5808	6314
25650	2872	4138	4733	5287	5816	6322
25700	2876	4143	4739	5294	5823	6330
25750	2879	4148	4745	5301	5831	6338
25800	2882	4153	4751	5307	5838	6346
25850	2886	4159	4757	5314	5845	6354
25900	2889	4164	4763	5321	5853	6362
25950	2892	4169	4769	5327	5860	6370
26000	2896	4175	4775	5334	5868	6378
26050	2899	4180	4781	5341	5875	6386
26100	2902	4185	4787	5348	5882	6394
26150	2906	4190	4793	5354	5890	6402
26200	2909	4196	4799	5361	5897	6410
26250	2912	4201	4805	5368	5904	6418
26300	2916	4206	4811	5374	5912	6426
26350	2919	4211	4817	5381	5919	6434

26400	2922	4217	4823	5388	5927	6442
26450	2926	4222	4829	5395	5934	6450
26500	2929	4227	4835	5401	5941	6458
26550	2932	4233	4841	5408	5949	6466
26600	2936	4238	4847	5415	5956	6474
26650	2939	4243	4853	5421	5963	6482
26700	2942	4248	4859	5428	5971	6490
26750	2946	4254	4866	5435	5978	6498
26800	2949	4259	4872	5441	5986	6506
26850	2952	4264	4878	5448	5993	6514
26900	2956	4269	4884	5455	6000	6522
26950	2959	4275	4890	5462	6008	6530
27000	2963	4280	4896	5468	6015	6538
27050	2966	4285	4902	5475	6023	6546
27100	2969	4290	4908	5482	6030	6555
27150	2973	4296	4914	5488	6037	6563
27200	2976	4301	4920	5495	6045	6571
27250	2979	4306	4926	5502	6052	6579
27300	2983	4312	4932	5509	6059	6587
27350	2986	4317	4938	5515	6067	6595
27400	2989	4322	4944	5522	6074	6603
27450	2993	4327	4950	5529	6082	6611
27500	2996	4333	4956	5535	6089	6619
27550	2999	4338	4962	5542	6096	6627
27600	3003	4343	4968	5549	6104	6635
27650	3006	4348	4974	5556	6111	6643
27700	3009	4354	4980	5562	6118	6651
27750	3013	4359	4986	5569	6126	6659
27800	3016	4364	4992	5576	6133	6667
27850	3019	4369	4998	5582	6141	6675
27900	3023	4375	5004	5589	6148	6683
27950	3026	4380	5010	5596	6155	6691
28000	3029	4385	5016	5603	6163	6699
28050	3033	4391	5022	5609	6170	6707
28100	3036	4396	5028	5616	6178	6715
28150	3039	4401	5034	5623	6185	6723
28200	3043	4406	5040	5629	6192	6731
28250	3046	4412	5046	5636	6200	6739
28300	3050	4417	5052	5643	6207	6747
28350	3053	4422	5058	5649	6214	6755
28400	3056	4427	5064	5656	6222	6763
28450	3060	4433	5070	5663	6229	6771
28500	3063	4438	5076	5670	6237	6779

28550	3066	4443	5082	5676	6244	6787
28600	3070	4449	5088	5683	6251	6795
28650	3073	4454	5094	5690	6259	6803
28700	3076	4459	5100	5696	6266	6811
28750	3080	4464	5106	5703	6273	6819
28800	3083	4470	5112	5710	6281	6827
28850	3086	4475	5118	5717	6288	6835
28900	3090	4480	5124	5723	6296	6843
28950	3093	4485	5130	5730	6303	6851
29000	3096	4491	5136	5737	6310	6859
29050	3100	4496	5142	5743	6318	6867
29100	3103	4501	5148	5750	6325	6875
29150	3106	4506	5154	5757	6333	6883
29200	3110	4512	5160	5764	6340	6891
29250	3113	4517	5166	5770	6347	6899
29300	3116	4522	5172	5777	6355	6908
29350	3120	4528	5178	5784	6362	6916
29400	3123	4533	5184	5790	6369	6924
29450	3126	4538	5190	5797	6377	6932
29500	3130	4543	5196	5804	6384	6940
29550	3133	4549	5202	5811	6392	6948
29600	3137	4554	5208	5817	6399	6956
29650	3140	4559	5214	5824	6406	6964
29700	3143	4564	5220	5831	6414	6972
29750	3147	4570	5226	5837	6421	6980
29800	3150	4575	5232	5844	6428	6988
29850	3153	4580	5238	5851	6436	6996
29900	3157	4586	5244	5857	6443	7004
29950	3160	4591	5250	5864	6451	7012
30000	3163	4596	5256	5871	6458	7020

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, 2021.

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

---

## Chapter 384

(Senate Bill 847)

AN ACT concerning

### Child Support – Guidelines

FOR the purpose of authorizing a court, in determining whether the application of the child support guidelines would be unjust or inappropriate in a particular case, to consider whether an obligor's monthly obligation would leave the obligor with a monthly actual income below a certain percentage of the 2019 federal poverty level for an individual; authorizing the court to decline to establish a child support order under certain circumstances; specifying that the fact that a parent meets or ceases to meet certain criteria shall constitute a material change of circumstance for the purpose of a modification of a child support award; requiring the court to take certain actions if there is a dispute as to whether a parent is voluntarily impoverished; revising the schedule of basic child support obligations used to calculate the amount of a child support award under the child support guidelines; altering certain definitions; defining certain terms; providing for the application of this Act; providing for a delayed effective date; and generally relating to child support.

BY repealing and reenacting, with amendments,  
Article – Family Law  
Section 12–201, 12–202, and 12–204(b) and (e)  
Annotated Code of Maryland  
(2019 Replacement Volume)

BY repealing and reenacting, without amendments,  
Article – Family Law  
Section 12–204(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

12–201.

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

(b) (1) “Actual income” means income from any source.

(2) For income from self–employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or closely held corporation, “actual income” means gross receipts minus ordinary and necessary expenses required to produce income.

(3) “Actual income” includes:

- (i) salaries;
- (ii) wages;
- (iii) commissions;
- (iv) bonuses;
- (v) dividend income;
- (vi) pension income;
- (vii) interest income;
- (viii) trust income;
- (ix) annuity income;
- (x) Social Security benefits;
- (xi) workers' compensation benefits;
- (xii) unemployment insurance benefits;
- (xiii) disability insurance benefits;
- (xiv) for the obligor, any third party payment paid to or for a minor child as a result of the obligor's disability, retirement, or other compensable claim;
- (xv) alimony or maintenance received; and
- (xvi) expense reimbursements or in-kind payments received by a parent in the course of employment, self-employment, or operation of a business to the extent the reimbursements or payments reduce the parent's personal living expenses.

(4) Based on the circumstances of the case, the court may consider the following items as actual income:

- (i) severance pay;
- (ii) capital gains;
- (iii) gifts; or
- (iv) prizes.

(5) “Actual income” does not include benefits received from means–tested public assistance programs, including temporary cash assistance, Supplemental Security Income, food stamps, and transitional emergency, medical, and housing assistance.

(c) “Adjusted actual income” means actual income minus:

(1) preexisting reasonable child support obligations actually paid; and

(2) except as provided in § 12–204(a)(2) of this subtitle, alimony or maintenance obligations actually paid.

(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] **CALCULATED USING** the combined adjusted actual incomes of both parents **AS ADJUSTED BY THE SELF–SUPPORT RESERVE**.

(f) “Combined adjusted actual income” means the combined monthly adjusted actual incomes of both parents.

(g) (1) “Extraordinary medical expenses” means uninsured costs for medical treatment in excess of \$250 in any calendar year.

(2) “Extraordinary medical expenses” includes uninsured, reasonable, and necessary costs for orthodontia, dental treatment, vision care, asthma treatment, physical therapy, treatment for any chronic health problem, and professional counseling or psychiatric therapy for diagnosed mental disorders.

(h) “Health insurance” includes medical insurance, dental insurance, prescription drug coverage, and vision insurance.

(i) “Income” means:

(1) actual income of a parent, if the parent is employed to full capacity; or

(2) potential income of a parent, if the parent is voluntarily impoverished.

(j) “Obligee” means any person who is entitled to receive child support.

(k) “Obligor” means an individual who is required to pay child support under a court order.

(l) “Ordinary and necessary expenses” does not include amounts allowable by the Internal Revenue Service for the accelerated component of depreciation expenses or investment tax credits or any other business expenses determined by the court to be inappropriate for determining actual income for purposes of calculating child support.

(m) “Potential income” means income attributed to a parent determined by:

(1) the parent’s employment potential and probable earnings level based on, but not limited to[, recent work history, occupational qualifications, prevailing job opportunities, and earnings levels in the community]:

**(I) THE PARENT’S:**

1. AGE;
2. PHYSICAL AND BEHAVIORAL CONDITION;
3. EDUCATIONAL ATTAINMENT;
4. SPECIAL TRAINING OR SKILLS;
5. LITERACY;
6. RESIDENCE;
7. OCCUPATIONAL QUALIFICATIONS AND JOB SKILLS;
8. EMPLOYMENT AND EARNINGS HISTORY;
9. RECORD OF EFFORTS TO OBTAIN AND RETAIN  
EMPLOYMENT; AND
10. CRIMINAL RECORD AND OTHER EMPLOYMENT  
BARRIERS; AND

**(II) EMPLOYMENT OPPORTUNITIES IN THE COMMUNITY WHERE THE PARENT LIVES, INCLUDING:**

1. THE STATUS OF THE JOB MARKET;
2. PREVAILING EARNINGS LEVELS; AND
3. THE AVAILABILITY OF EMPLOYERS WILLING TO HIRE  
THE PARENT;

**(2) THE PARENT’S ASSETS;**



**(3) THE PARENT’S ACTUAL INCOME FROM ALL SOURCES; AND**

**(4) ANY OTHER FACTOR BEARING ON THE PARENT’S ABILITY TO OBTAIN FUNDS FOR CHILD SUPPORT.**

**(N) “SELF–SUPPORT RESERVE” MEANS THE ADJUSTMENT TO A BASIC CHILD SUPPORT OBLIGATION ENSURING THAT A CHILD SUPPORT OBLIGOR MAINTAINS A MINIMUM AMOUNT OF MONTHLY INCOME, AFTER PAYMENT OF CHILD SUPPORT, FEDERAL AND STATE INCOME TAXES, AND FEDERAL INSURANCE CONTRIBUTION ACT TAXES, OF AT LEAST 110% OF THE 2019 FEDERAL POVERTY LEVEL FOR AN INDIVIDUAL.**

**[(n)] (O) (1) “Shared physical custody” means that each parent keeps the child or children overnight for more than 35% 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.**

**(P) “VOLUNTARILY IMPOVERISHED” MEANS THAT A PARENT HAS MADE THE FREE AND CONSCIOUS CHOICE, NOT COMPELLED BY FACTORS BEYOND THE PARENT’S CONTROL, TO RENDER THE PARENT WITHOUT ADEQUATE RESOURCES.**

12–202.

**(a) (1) Subject to the provisions of paragraph (2) of this subsection AND SUBSECTION (B) OF THIS SECTION, in any proceeding to establish or modify child support, whether pendente lite or permanent, the court shall use the child support guidelines set forth in this subtitle.**

**(2) (i) There is a rebuttable presumption that the amount of child support which would result from the application of the child support guidelines set forth in this subtitle is the correct amount of child support to be awarded.**

**(ii) The presumption may be rebutted by evidence that the application of the guidelines would be unjust or inappropriate in a particular case.**

**(iii) In determining whether the application of the guidelines would be unjust or inappropriate in a particular case, the court may consider:**

- 1. the terms of any existing separation or property**

settlement agreement or court order, including any provisions for payment of mortgages or marital debts, payment of college education expenses, the terms of any use and possession order or right to occupy the family home under an agreement, any direct payments made for the benefit of the children required by agreement or order, or any other financial considerations set out in an existing separation or property settlement agreement or court order; [and]

2. the presence in the household of either parent of other children to whom that parent owes a duty of support and the expenses for whom that parent is directly contributing; **AND**

**3. WHETHER AN OBLIGOR’S MONTHLY CHILD SUPPORT OBLIGATION WOULD LEAVE THE OBLIGOR WITH A MONTHLY ACTUAL INCOME BELOW 110% OF THE 2019 FEDERAL POVERTY LEVEL FOR AN INDIVIDUAL.**

(iv) The presumption may not be rebutted solely on the basis of evidence of the presence in the household of either parent of other children to whom that parent owes a duty of support and the expenses for whom that parent is directly contributing.

(v) 1. If the court determines that the application of the guidelines would be unjust or inappropriate in a particular case, the court shall make a written finding or specific finding on the record stating the reasons for departing from the guidelines.

2. The court’s finding shall state:

A. the amount of child support that would have been required under the guidelines;

B. how the order varies from the guidelines;

C. how the finding serves the best interests of the child; and

D. in cases in which items of value are conveyed instead of a portion of the support presumed under the guidelines, the estimated value of the items conveyed.

**(B) (1) THE COURT MAY DECLINE TO ESTABLISH A CHILD SUPPORT ORDER IF THE PARENT WHO WOULD HAVE THE OBLIGATION TO PAY CHILD SUPPORT:**

**(I) LIVES WITH THE CHILD WHO WOULD BE THE SUBJECT OF THE CHILD SUPPORT ORDER AND IS CONTRIBUTING TO THE SUPPORT OF THE CHILD; OR**

**(II) 1. IS UNEMPLOYED;**

2. HAS NO FINANCIAL RESOURCES FROM WHICH TO PAY CHILD SUPPORT; AND

3. A. IS INCARCERATED AND IS EXPECTED TO REMAIN INCARCERATED FOR THE REMAINDER OF THE TIME THAT THE PARENT WOULD HAVE A LEGAL DUTY TO SUPPORT THE CHILD;

B. IS INSTITUTIONALIZED IN A PSYCHIATRIC CARE FACILITY AND IS EXPECTED TO REMAIN INSTITUTIONALIZED FOR THE REMAINDER OF THE TIME THAT THE PARENT WOULD HAVE A LEGAL DUTY TO SUPPORT THE CHILD;

C. IS TOTALLY AND PERMANENTLY DISABLED, IS UNABLE TO OBTAIN OR MAINTAIN EMPLOYMENT, AND HAS NO INCOME OTHER THAN SUPPLEMENTAL SECURITY INCOME OR SOCIAL SECURITY DISABILITY INSURANCE BENEFITS; OR

D. IS UNABLE TO OBTAIN OR MAINTAIN EMPLOYMENT IN THE FORESEEABLE FUTURE DUE TO COMPLIANCE WITH CRIMINAL DETAINMENT, HOSPITALIZATION, OR A REHABILITATION TREATMENT PLAN.

(2) THE FACT THAT A PARENT MEETS OR CEASES TO MEET THE CRITERIA DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL CONSTITUTE A MATERIAL CHANGE OF CIRCUMSTANCE FOR THE PURPOSE OF A MODIFICATION OF A CHILD SUPPORT AWARD.

[(b)] (C) The adoption or revision of the guidelines set forth in this subtitle is not a material change of circumstance for the purpose of a modification of a child support award.

[(c)] (D) On or before January 1, 1993, and at least every 4 years after that date, the Child Support Administration of the Department of Human Services shall:

(1) review the guidelines set forth in this subtitle to ensure that the application of the guidelines results in the determination of appropriate child support award amounts; and

(2) report its findings and recommendations to the General Assembly, subject to § 2-1257 of the State Government Article.

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.

(2) (i) If one or both parents have made a request for alimony or maintenance in the proceeding in which a child support award is sought, the court shall decide the issue and amount of alimony or maintenance before determining the child support obligation under these guidelines.

(ii) If the court awards alimony or maintenance, the amount of alimony or maintenance awarded shall be considered actual income for the recipient of the alimony or maintenance and shall be subtracted from the income of the payor of the alimony or maintenance under § 12–201(c)(2) of this subtitle before the court determines the amount of a child support award.

(b) (1) Except as provided in paragraph [(2)] (3) of this subsection, if a parent is voluntarily impoverished, child support may be calculated based on a determination of potential income.

**(2) IF THERE IS A DISPUTE AS TO WHETHER A PARENT IS VOLUNTARILY IMPOVERISHED, THE COURT SHALL:**

**(I) MAKE A FINDING AS TO WHETHER, BASED ON THE TOTALITY OF THE CIRCUMSTANCES, THE PARENT IS VOLUNTARILY IMPOVERISHED; AND**

**(II) IF THE COURT FINDS THAT THE PARENT IS VOLUNTARILY IMPOVERISHED, CONSIDER THE FACTORS SPECIFIED IN § 12–201(M) OF THIS SUBTITLE IN DETERMINING THE AMOUNT OF POTENTIAL INCOME THAT SHOULD BE IMPUTED TO THE PARENT.**

[(2)] (3) A determination of potential income may not be made for a parent who:

(i) is unable to work because of a physical or mental disability; or

(ii) is caring for a child under the age of 2 years for whom the parents are jointly and severally responsible.

(e) Schedule of basic child support obligations[:]. AN ASTERISK (\*) INDICATES A CHILD SUPPORT OBLIGATION ADJUSTED BY THE SELF-SUPPORT RESERVE.

Combined Adjusted Actual Income	1 Child	2 Children	3 Children	4 Children	5 Children	6 or More Children
--	------------	---------------	---------------	---------------	---------------	--------------------------

[100–1200

\$20 – \$150 Per Month, Based

On Resources And Living  
Expenses Of Obligor And Number  
Of Children Due Support

1250	162	163	165	167	169	170
1300	195	197	199	202	204	206
1350	229	231	234	236	239	241
1400	262	265	268	271	274	277
1450	295	299	302	305	308	312
1500	310	330	334	338	341	345
1550	319	362	366	370	374	378
1600	327	394	398	402	407	411
1650	336	425	430	435	439	444
1700	344	457	462	467	472	477
1750	353	488	494	499	505	510
1800	361	520	526	532	537	543
1850	370	537	558	564	570	576
1900	378	550	590	596	603	609
1950	387	562	622	629	635	642
2000	395	574	654	661	668	675
2050	403	586	686	693	701	708
2100	412	598	706	726	733	741
2150	420	610	720	758	766	774
2200	428	622	734	790	799	807
2250	437	634	748	823	831	840
2300	445	646	761	851	864	873
2350	453	657	775	866	897	906
2400	462	669	789	882	930	939
2450	470	681	803	897	962	972
2500	478	693	817	913	995	1005
2550	486	705	831	928	1021	1039
2600	495	717	845	944	1038	1072
2650	503	729	859	959	1055	1105
2700	511	741	873	975	1072	1138
2750	520	753	886	990	1089	1171
2800	528	764	900	1006	1106	1202
2850	536	776	914	1021	1123	1221
2900	544	788	928	1037	1140	1240
2950	553	800	942	1052	1157	1258
3000	561	812	956	1068	1175	1277
3050	570	825	971	1084	1193	1297
3100	578	837	985	1101	1211	1316
3150	587	849	1000	1117	1229	1335
3200	595	861	1014	1133	1246	1355
3250	603	874	1029	1149	1264	1374
3300	612	886	1044	1166	1282	1394
3350	620	898	1058	1182	1300	1413

3400	629	911	1073	1198	1318	1433
3450	636	922	1086	1213	1334	1450
3500	644	932	1098	1227	1349	1467
3550	651	943	1111	1241	1365	1483
3600	658	953	1123	1255	1380	1500
3650	665	964	1136	1268	1395	1517
3700	673	974	1148	1282	1411	1533
3750	680	985	1160	1296	1426	1550
3800	687	995	1173	1310	1441	1567
3850	694	1006	1185	1324	1457	1583
3900	702	1016	1198	1338	1472	1600
3950	709	1027	1210	1352	1487	1617
4000	716	1037	1223	1366	1502	1633
4050	723	1048	1235	1379	1517	1649
4100	730	1057	1245	1391	1530	1663
4150	737	1067	1256	1403	1544	1678
4200	744	1076	1267	1416	1557	1693
4250	750	1086	1278	1428	1571	1707
4300	757	1095	1289	1440	1584	1722
4350	764	1105	1300	1452	1597	1736
4400	771	1114	1311	1464	1611	1751
4450	777	1124	1322	1477	1624	1766
4500	784	1133	1333	1489	1638	1780
4550	791	1143	1344	1501	1651	1795
4600	798	1152	1355	1513	1664	1809
4650	804	1162	1366	1525	1678	1824
4700	811	1172	1376	1538	1691	1838
4750	818	1181	1387	1550	1705	1853
4800	825	1191	1398	1562	1718	1868
4850	832	1200	1409	1574	1732	1882
4900	838	1210	1420	1586	1745	1897
4950	845	1219	1431	1599	1758	1911
5000	852	1229	1442	1611	1772	1926
5050	859	1238	1453	1623	1785	1940
5100	865	1248	1464	1635	1799	1955
5150	872	1257	1475	1647	1812	1970
5200	878	1266	1485	1659	1825	1983
5250	885	1275	1495	1670	1837	1997
5300	891	1284	1505	1681	1850	2011
5350	897	1292	1515	1693	1862	2024
5400	903	1301	1526	1704	1875	2038
5450	909	1310	1536	1715	1887	2051
5500	915	1319	1546	1727	1899	2065
5550	921	1327	1556	1738	1912	2078
5600	927	1336	1566	1749	1924	2092
5650	934	1345	1576	1761	1937	2105
5700	940	1354	1586	1772	1949	2119

5750	946	1362	1597	1783	1962	2132
5800	952	1371	1607	1795	1974	2146
5850	958	1380	1617	1806	1987	2160
5900	964	1388	1627	1817	1999	2173
5950	970	1397	1637	1829	2012	2187
6000	976	1406	1647	1840	2024	2200
6050	983	1415	1658	1851	2037	2214
6100	989	1423	1668	1863	2049	2227
6150	995	1432	1678	1874	2062	2241
6200	1001	1441	1688	1885	2074	2254
6250	1007	1450	1698	1897	2086	2268
6300	1013	1458	1708	1907	2098	2281
6350	1016	1462	1713	1913	2104	2287
6400	1020	1467	1717	1918	2110	2294
6450	1023	1471	1722	1924	2116	2300
6500	1026	1476	1727	1929	2122	2307
6550	1030	1480	1732	1935	2128	2313
6600	1033	1485	1737	1940	2134	2320
6650	1037	1489	1742	1945	2140	2326
6700	1040	1494	1747	1951	2146	2333
6750	1043	1498	1751	1956	2152	2339
6800	1047	1503	1756	1962	2158	2346
6850	1050	1507	1761	1967	2164	2352
6900	1053	1512	1766	1973	2170	2359
6950	1057	1517	1771	1978	2176	2365
7000	1060	1521	1776	1983	2182	2372
7050	1064	1526	1781	1989	2188	2378
7100	1067	1530	1785	1994	2194	2385
7150	1070	1535	1790	2000	2200	2391
7200	1074	1539	1795	2005	2206	2397
7250	1077	1544	1800	2010	2211	2404
7300	1080	1548	1804	2016	2217	2410
7350	1084	1552	1809	2021	2223	2416
7400	1087	1556	1814	2026	2228	2422
7450	1090	1560	1818	2031	2234	2428
7500	1092	1563	1820	2033	2237	2431
7550	1094	1565	1823	2036	2240	2435
7600	1096	1568	1826	2039	2243	2438
7650	1097	1570	1828	2042	2247	2442
7700	1099	1573	1831	2045	2250	2445
7750	1101	1575	1834	2048	2253	2449
7800	1103	1578	1836	2051	2256	2453
7850	1105	1580	1839	2054	2259	2456
7900	1107	1583	1842	2057	2263	2460
7950	1109	1586	1844	2060	2266	2463
8000	1111	1588	1847	2063	2269	2467
8050	1113	1591	1849	2066	2272	2470

8100	1115	1593	1852	2069	2276	2474
8150	1117	1596	1855	2072	2279	2477
8200	1119	1598	1857	2075	2282	2481
8250	1121	1601	1860	2078	2285	2484
8300	1123	1603	1863	2081	2289	2488
8350	1125	1606	1865	2084	2292	2491
8400	1127	1609	1868	2087	2296	2495
8450	1129	1612	1871	2090	2299	2499
8500	1132	1614	1874	2093	2303	2503
8550	1134	1617	1877	2097	2306	2507
8600	1136	1620	1880	2100	2310	2511
8650	1141	1628	1889	2110	2321	2523
8700	1147	1636	1898	2120	2332	2535
8750	1153	1644	1908	2131	2344	2548
8800	1159	1652	1917	2141	2355	2560
8850	1164	1660	1926	2151	2367	2572
8900	1170	1668	1935	2162	2378	2585
8950	1176	1676	1945	2172	2389	2597
9000	1181	1684	1954	2182	2401	2609
9050	1187	1692	1963	2193	2412	2622
9100	1193	1700	1972	2203	2423	2634
9150	1199	1708	1982	2213	2435	2647
9200	1204	1716	1991	2224	2446	2659
9250	1210	1724	2000	2234	2457	2671
9300	1216	1732	2009	2244	2469	2684
9350	1220	1739	2017	2253	2478	2694
9400	1224	1744	2023	2260	2486	2702
9450	1228	1750	2030	2267	2494	2711
9500	1232	1756	2036	2275	2502	2720
9550	1236	1761	2043	2282	2510	2728
9600	1240	1767	2049	2289	2518	2737
9650	1244	1772	2056	2296	2526	2746
9700	1248	1778	2062	2304	2534	2754
9750	1252	1784	2069	2311	2542	2763
9800	1255	1789	2075	2318	2550	2772
9850	1259	1795	2082	2325	2558	2780
9900	1263	1800	2088	2333	2566	2789
9950	1267	1806	2095	2340	2574	2798
10000	1271	1811	2101	2347	2582	2806
10050	1301	1836	2126	2372	2607	2831
10100	1308	1861	2151	2397	2632	2856
10150	1314	1886	2176	2422	2657	2881
10200	1321	1911	2201	2447	2682	2906
10250	1327	1936	2226	2472	2707	2931
10300	1334	1955	2251	2497	2732	2956
10350	1340	1965	2276	2522	2757	2981
10400	1347	1974	2301	2547	2782	3006



10450	1353	1984	2326	2572	2807	3031
10500	1359	1993	2351	2597	2832	3056
10550	1366	2003	2376	2622	2857	3081
10600	1372	2012	2388	2647	2882	3106
10650	1379	2022	2399	2672	2907	3131
10700	1385	2031	2410	2697	2932	3156
10750	1392	2041	2422	2712	2957	3181
10800	1398	2050	2433	2725	2982	3206
10850	1405	2060	2444	2737	3007	3231
10900	1411	2069	2455	2750	3032	3256
10950	1418	2079	2467	2762	3056	3281
11000	1424	2088	2478	2775	3070	3306
11050	1431	2097	2489	2788	3083	3331
11100	1437	2107	2501	2800	3097	3356
11150	1444	2116	2512	2813	3111	3381
11200	1450	2126	2523	2825	3125	3406
11250	1457	2135	2534	2838	3139	3427
11300	1463	2145	2546	2851	3153	3442
11350	1470	2154	2557	2863	3167	3457
11400	1476	2164	2568	2876	3181	3472
11450	1482	2173	2579	2889	3195	3488
11500	1489	2183	2591	2901	3209	3503
11550	1495	2192	2602	2914	3223	3518
11600	1502	2202	2613	2926	3237	3533
11650	1508	2211	2624	2939	3251	3548
11700	1515	2221	2636	2952	3265	3564
11750	1521	2230	2647	2964	3279	3579
11800	1528	2240	2658	2977	3293	3594
11850	1534	2249	2669	2989	3307	3609
11900	1541	2259	2681	3002	3321	3625
11950	1547	2268	2692	3015	3335	3640
12000	1554	2278	2703	3027	3349	3655
12050	1560	2287	2715	3040	3363	3670
12100	1567	2297	2726	3053	3376	3685
12150	1573	2306	2737	3065	3390	3701
12200	1580	2316	2748	3078	3404	3716
12250	1586	2325	2760	3090	3418	3731
12300	1593	2335	2771	3103	3432	3746
12350	1599	2344	2782	3116	3446	3762
12400	1605	2354	2793	3128	3460	3777
12450	1612	2363	2805	3141	3474	3792
12500	1618	2373	2816	3153	3488	3807
12550	1625	2382	2827	3166	3502	3823
12600	1631	2392	2838	3179	3516	3838
12650	1638	2401	2850	3191	3530	3853
12700	1644	2411	2861	3204	3544	3868
12750	1651	2420	2872	3217	3558	3883

12800	1657	2430	2883	3229	3572	3899
12850	1664	2439	2895	3242	3586	3914
12900	1670	2449	2906	3254	3600	3929
12950	1677	2458	2917	3267	3614	3944
13000	1683	2468	2929	3280	3628	3960
13050	1690	2477	2940	3292	3642	3975
13100	1696	2487	2951	3305	3655	3990
13150	1703	2496	2962	3317	3669	4005
13200	1709	2506	2974	3330	3683	4021
13250	1716	2515	2985	3343	3697	4036
13300	1722	2525	2996	3355	3711	4051
13350	1728	2534	3007	3368	3725	4066
13400	1735	2544	3019	3380	3739	4081
13450	1741	2553	3030	3393	3753	4097
13500	1748	2563	3041	3406	3767	4112
13550	1754	2572	3052	3418	3781	4127
13600	1761	2582	3064	3431	3795	4142
13650	1767	2591	3075	3444	3809	4158
13700	1774	2601	3086	3456	3823	4173
13750	1780	2610	3098	3469	3837	4188
13800	1787	2619	3109	3481	3851	4203
13850	1793	2629	3120	3494	3865	4219
13900	1800	2638	3131	3507	3879	4234
13950	1806	2648	3143	3519	3893	4249
14000	1813	2657	3154	3532	3907	4264
14050	1819	2667	3165	3544	3921	4279
14100	1826	2676	3176	3557	3935	4295
14150	1832	2686	3188	3570	3948	4310
14200	1839	2695	3199	3582	3962	4325
14250	1845	2705	3210	3595	3976	4340
14300	1851	2714	3221	3608	3990	4356
14350	1858	2724	3233	3620	4004	4371
14400	1864	2733	3244	3633	4018	4386
14450	1871	2743	3255	3645	4032	4401
14500	1877	2752	3266	3658	4046	4416
14550	1884	2762	3278	3671	4060	4432
14600	1890	2771	3289	3683	4074	4447
14650	1897	2781	3300	3696	4088	4462
14700	1903	2790	3312	3708	4102	4477
14750	1910	2800	3323	3721	4116	4493
14800	1916	2809	3334	3734	4130	4508
14850	1923	2819	3345	3746	4144	4523
14900	1929	2828	3357	3759	4158	4538
14950	1936	2838	3368	3772	4172	4554
15000	1942	2847	3379	3784	4186	4569]

**0–1200****\*50****\*55****\*57****\*58****\*59****\*60**

1250	*74	*79	*81	*82	*83	*84
1300	*109	*116	*119	*121	*122	*124
1350	*144	*154	*158	*160	*162	*164
1400	*179	*191	*196	*199	*201	*204
1450	*214	*229	*235	*238	*241	*244
1500	*249	*266	*273	*277	*280	*284
1550	*284	*304	*312	*316	*320	*324
1600	*319	*341	*350	*355	*359	*364
1650	339	*379	*389	*394	*399	*404
1700	348	*416	*427	*433	*438	*444
1750	357	*454	*466	*472	*478	*484
1800	367	*491	*504	*511	*517	*524
1850	376	*529	*543	*550	*557	*564
1900	385	565	*581	*589	*596	*604
1950	394	578	*620	*628	*636	*644
2000	403	591	*658	*667	*675	*684
2050	412	604	*697	*706	*715	*724
2100	421	617	*735	*745	*754	*764
2150	430	631	762	*784	*794	*804
2200	439	644	778	*823	*833	*844
2250	448	657	794	*862	*873	*884
2300	457	670	810	*901	*912	*924
2350	466	684	826	923	*952	*964
2400	475	697	842	941	*991	*1004
2450	484	710	858	958	*1031	*1044
2500	493	723	874	976	*1070	*1084
2550	502	736	890	994	1094	*1124
2600	511	750	906	1012	1113	*1164
2650	520	763	922	1030	1133	*1204
2700	529	776	938	1048	1152	*1244
2750	538	789	954	1066	1172	1274
2800	547	803	970	1083	1192	1295
2850	556	816	986	1101	1211	1317
2900	565	829	1002	1119	1231	1338
2950	574	842	1018	1137	1251	1359
3000	583	856	1034	1155	1270	1381
3050	592	869	1050	1173	1290	1402
3100	601	882	1066	1190	1310	1423
3150	610	895	1082	1208	1329	1445
3200	619	908	1098	1226	1349	1466
3250	628	922	1114	1244	1368	1487
3300	637	935	1130	1262	1388	1509
3350	646	948	1146	1280	1408	1530

3400	655	961	1162	1298	1427	1552
3450	664	975	1178	1315	1447	1573
3500	673	988	1194	1333	1467	1594
3550	682	1001	1210	1351	1486	1616
3600	691	1014	1226	1369	1506	1637
3650	700	1027	1242	1387	1526	1658
3700	709	1041	1258	1405	1545	1680
3750	718	1054	1274	1423	1565	1701
3800	727	1067	1290	1440	1584	1722
3850	736	1080	1306	1458	1604	1744
3900	745	1094	1321	1476	1624	1765
3950	754	1107	1337	1494	1643	1786
4000	763	1120	1353	1512	1663	1808
4050	772	1133	1369	1530	1683	1829
4100	781	1146	1385	1548	1702	1850
4150	790	1160	1401	1565	1722	1872
4200	799	1173	1417	1583	1742	1893
4250	808	1185	1432	1600	1760	1913
4300	815	1197	1446	1615	1777	1931
4350	823	1208	1460	1631	1794	1950
4400	831	1219	1474	1646	1811	1968
4450	839	1231	1487	1661	1828	1987
4500	846	1242	1501	1677	1844	2005
4550	854	1254	1515	1692	1861	2023
4600	862	1265	1529	1708	1878	2042
4650	870	1276	1542	1723	1895	2060
4700	877	1288	1556	1738	1912	2079
4750	885	1299	1570	1754	1929	2097
4800	893	1311	1584	1769	1946	2115
4850	901	1322	1598	1785	1963	2134
4900	909	1334	1611	1800	1980	2152
4950	916	1345	1625	1815	1997	2171
5000	924	1356	1639	1831	2014	2189
5050	932	1368	1653	1846	2031	2207
5100	940	1379	1667	1862	2048	2226
5150	947	1391	1680	1877	2065	2244
5200	955	1402	1694	1892	2082	2263
5250	963	1413	1708	1908	2098	2281
5300	971	1425	1722	1923	2115	2299
5350	978	1436	1735	1938	2132	2318
5400	984	1444	1744	1948	2143	2329
5450	987	1446	1746	1950	2145	2332
5500	990	1449	1748	1953	2148	2335

5550	993	1452	1751	1956	2151	2338
5600	996	1455	1753	1958	2154	2341
5650	999	1457	1755	1961	2157	2344
5700	1002	1460	1758	1963	2160	2347
5750	1006	1463	1760	1966	2162	2351
5800	1009	1466	1762	1968	2165	2354
5850	1012	1468	1765	1971	2168	2357
5900	1015	1471	1767	1974	2171	2360
5950	1018	1474	1769	1976	2174	2363
6000	1021	1477	1771	1979	2176	2366
6050	1024	1480	1774	1982	2180	2370
6100	1028	1485	1780	1988	2187	2378
6150	1032	1490	1786	1995	2195	2386
6200	1036	1495	1792	2002	2202	2394
6250	1040	1500	1798	2008	2209	2401
6300	1045	1505	1804	2015	2217	2409
6350	1049	1510	1810	2022	2224	2417
6400	1053	1515	1816	2028	2231	2425
6450	1057	1521	1822	2035	2238	2433
6500	1061	1526	1828	2042	2246	2441
6550	1065	1531	1834	2048	2253	2449
6600	1069	1536	1840	2055	2260	2457
6650	1073	1541	1846	2062	2268	2465
6700	1077	1546	1852	2068	2275	2473
6750	1083	1554	1861	2079	2287	2486
6800	1090	1563	1872	2091	2300	2500
6850	1096	1571	1882	2102	2312	2513
6900	1103	1580	1892	2114	2325	2527
6950	1110	1588	1903	2125	2338	2541
7000	1116	1597	1913	2137	2350	2555
7050	1123	1605	1923	2148	2363	2569
7100	1129	1614	1934	2160	2376	2582
7150	1136	1622	1944	2171	2388	2596
7200	1142	1631	1954	2183	2401	2610
7250	1149	1639	1965	2194	2414	2624
7300	1156	1648	1975	2206	2427	2638
7350	1162	1656	1985	2217	2439	2651
7400	1168	1664	1994	2228	2450	2664
7450	1172	1671	2002	2237	2460	2674
7500	1177	1678	2010	2246	2470	2685
7550	1181	1685	2018	2255	2480	2696
7600	1186	1692	2027	2264	2490	2707
7650	1190	1699	2035	2273	2500	2717

7700	1195	1706	2043	2282	2510	2728
7750	1199	1714	2051	2291	2520	2739
7800	1204	1721	2059	2300	2530	2750
7850	1208	1728	2067	2309	2539	2760
7900	1213	1735	2075	2317	2549	2771
7950	1217	1742	2082	2326	2559	2781
8000	1221	1748	2090	2335	2568	2792
8050	1226	1755	2098	2343	2577	2801
8100	1228	1757	2100	2346	2581	2805
8150	1230	1759	2103	2349	2584	2809
8200	1233	1762	2106	2352	2587	2812
8250	1235	1764	2108	2355	2591	2816
8300	1237	1766	2111	2358	2594	2820
8350	1240	1768	2114	2361	2597	2823
8400	1242	1771	2117	2364	2601	2827
8450	1244	1773	2119	2367	2604	2831
8500	1247	1775	2122	2370	2607	2834
8550	1249	1777	2125	2373	2611	2838
8600	1251	1780	2127	2376	2614	2841
8650	1254	1782	2130	2379	2617	2845
8700	1256	1784	2133	2382	2621	2849
8750	1259	1787	2137	2386	2625	2854
8800	1263	1792	2142	2392	2632	2860
8850	1267	1797	2147	2398	2638	2867
8900	1270	1801	2152	2404	2644	2874
8950	1274	1806	2157	2410	2651	2881
9000	1278	1811	2162	2415	2657	2888
9050	1282	1816	2168	2421	2663	2895
9100	1286	1820	2173	2427	2670	2902
9150	1290	1825	2178	2433	2676	2909
9200	1294	1830	2183	2439	2682	2916
9250	1298	1834	2188	2444	2689	2923
9300	1301	1839	2194	2450	2695	2930
9350	1305	1844	2199	2456	2702	2937
9400	1309	1848	2204	2462	2708	2944
9450	1312	1852	2209	2467	2714	2950
9500	1315	1855	2213	2472	2719	2956
9550	1318	1857	2217	2477	2725	2962
9600	1321	1860	2222	2482	2730	2967
9650	1324	1862	2226	2487	2735	2973
9700	1327	1865	2231	2492	2741	2979
9750	1330	1868	2235	2496	2746	2985
9800	1333	1870	2239	2501	2752	2991

9850	1336	1873	2244	2506	2757	2997
9900	1339	1875	2248	2511	2762	3003
9950	1342	1878	2253	2516	2768	3008
10000	1345	1881	2257	2521	2773	3014
10050	1353	1892	2269	2534	2788	3030
10100	1361	1903	2281	2548	2802	3046
10150	1369	1915	2293	2561	2817	3062
10200	1377	1926	2305	2574	2832	3078
10250	1385	1937	2317	2588	2847	3094
10300	1393	1949	2329	2601	2861	3110
10350	1402	1960	2341	2615	2876	3126
10400	1410	1971	2353	2628	2891	3142
10450	1418	1983	2365	2641	2905	3158
10500	1426	1994	2377	2655	2920	3174
10550	1434	2005	2389	2668	2935	3190
10600	1442	2017	2401	2681	2950	3206
10650	1451	2028	2413	2695	2964	3222
10700	1459	2040	2424	2708	2979	3238
10750	1467	2051	2436	2722	2994	3254
10800	1475	2062	2448	2735	3008	3270
10850	1483	2074	2460	2748	3023	3286
10900	1491	2085	2472	2762	3038	3302
10950	1499	2096	2484	2775	3053	3318
11000	1508	2108	2496	2788	3067	3334
11050	1516	2119	2508	2802	3082	3350
11100	1524	2130	2520	2815	3097	3366
11150	1532	2142	2532	2828	3111	3382
11200	1540	2153	2544	2842	3126	3398
11250	1548	2164	2556	2855	3141	3414
11300	1556	2176	2568	2869	3155	3430
11350	1565	2187	2580	2882	3170	3446
11400	1573	2198	2592	2895	3185	3462
11450	1581	2210	2604	2909	3200	3478
11500	1589	2221	2616	2922	3214	3494
11550	1597	2232	2628	2935	3229	3510
11600	1605	2244	2640	2949	3244	3526
11650	1614	2255	2652	2962	3258	3542
11700	1622	2266	2664	2976	3273	3558
11750	1630	2278	2676	2989	3288	3574
11800	1638	2289	2688	3002	3303	3590
11850	1646	2300	2700	3016	3317	3606
11900	1654	2312	2712	3029	3332	3622
11950	1662	2323	2724	3042	3347	3638

12000	1671	2335	2736	3056	3361	3654
12050	1679	2346	2748	3069	3376	3670
12100	1687	2357	2760	3083	3391	3686
12150	1695	2369	2772	3096	3405	3702
12200	1703	2380	2784	3109	3420	3718
12250	1711	2391	2796	3123	3435	3734
12300	1719	2403	2808	3136	3450	3750
12350	1728	2414	2819	3149	3464	3766
12400	1736	2425	2831	3163	3479	3782
12450	1744	2437	2843	3176	3494	3798
12500	1752	2448	2855	3189	3508	3814
12550	1760	2459	2867	3203	3523	3830
12600	1768	2471	2879	3216	3538	3846
12650	1777	2482	2891	3230	3553	3862
12700	1785	2493	2903	3243	3567	3878
12750	1793	2505	2915	3256	3582	3894
12800	1801	2516	2927	3270	3597	3910
12850	1809	2527	2939	3283	3611	3926
12900	1817	2539	2951	3296	3626	3942
12950	1825	2550	2963	3310	3641	3958
13000	1834	2561	2975	3323	3656	3974
13050	1842	2573	2987	3337	3670	3990
13100	1850	2584	2999	3350	3685	4006
13150	1858	2596	3011	3363	3700	4022
13200	1866	2607	3023	3377	3714	4037
13250	1874	2618	3035	3390	3729	4053
13300	1882	2630	3047	3403	3744	4069
13350	1891	2641	3059	3417	3758	4085
13400	1899	2652	3071	3430	3773	4101
13450	1907	2664	3083	3444	3788	4117
13500	1915	2675	3095	3457	3803	4133
13550	1923	2686	3107	3470	3817	4149
13600	1931	2698	3119	3484	3832	4165
13650	1939	2709	3131	3497	3847	4181
13700	1948	2720	3143	3510	3861	4197
13750	1956	2732	3155	3524	3876	4213
13800	1964	2743	3167	3537	3891	4229
13850	1972	2754	3179	3550	3906	4245
13900	1980	2766	3191	3564	3920	4261
13950	1988	2777	3203	3577	3935	4277
14000	1997	2788	3215	3591	3950	4293
14050	2005	2800	3226	3604	3964	4309
14100	2013	2811	3238	3617	3979	4325



14150	2021	2822	3250	3631	3994	4341
14200	2029	2834	3262	3644	4009	4357
14250	2037	2845	3274	3657	4023	4373
14300	2045	2856	3286	3671	4038	4389
14350	2054	2868	3298	3684	4053	4405
14400	2062	2879	3310	3698	4067	4421
14450	2070	2891	3322	3711	4082	4437
14500	2078	2902	3334	3724	4097	4453
14550	2086	2913	3346	3738	4111	4469
14600	2094	2925	3358	3751	4126	4485
14650	2102	2936	3370	3764	4141	4501
14700	2111	2947	3382	3778	4156	4517
14750	2119	2959	3394	3791	4170	4533
14800	2127	2970	3406	3805	4185	4549
14850	2135	2981	3418	3818	4200	4565
14900	2143	2993	3430	3831	4214	4581
14950	2151	3004	3442	3845	4229	4597
15000	2160	3015	3454	3858	4244	4613
15050	2163	3021	3460	3865	4251	4621
15100	2166	3026	3466	3871	4259	4629
15150	2170	3031	3472	3878	4266	4637
15200	2173	3036	3478	3885	4273	4645
15250	2176	3042	3484	3892	4281	4653
15300	2180	3047	3490	3898	4288	4661
15350	2183	3052	3496	3905	4295	4669
15400	2186	3057	3502	3912	4303	4677
15450	2190	3063	3508	3918	4310	4685
15500	2193	3068	3514	3925	4318	4693
15550	2196	3073	3520	3932	4325	4701
15600	2200	3079	3526	3939	4332	4709
15650	2203	3084	3532	3945	4340	4717
15700	2206	3089	3538	3952	4347	4725
15750	2210	3094	3544	3959	4355	4733
15800	2213	3100	3550	3965	4362	4741
15850	2216	3105	3556	3972	4369	4749
15900	2220	3110	3562	3979	4377	4757
15950	2223	3115	3568	3986	4384	4765
16000	2226	3121	3574	3992	4391	4773
16050	2230	3126	3580	3999	4399	4782
16100	2233	3131	3586	4006	4406	4790
16150	2236	3137	3592	4012	4414	4798
16200	2240	3142	3598	4019	4421	4806
16250	2243	3147	3604	4026	4428	4814

16300	2247	3152	3610	4032	4436	4822
16350	2250	3158	3616	4039	4443	4830
16400	2253	3163	3622	4046	4450	4838
16450	2257	3168	3628	4053	4458	4846
16500	2260	3173	3634	4059	4465	4854
16550	2263	3179	3640	4066	4473	4862
16600	2267	3184	3646	4073	4480	4870
16650	2270	3189	3652	4079	4487	4878
16700	2273	3194	3658	4086	4495	4886
16750	2277	3200	3664	4093	4502	4894
16800	2280	3205	3670	4100	4510	4902
16850	2283	3210	3676	4106	4517	4910
16900	2287	3216	3682	4113	4524	4918
16950	2290	3221	3688	4120	4532	4926
17000	2293	3226	3694	4126	4539	4934
17050	2297	3231	3700	4133	4546	4942
17100	2300	3237	3706	4140	4554	4950
17150	2303	3242	3712	4147	4561	4958
17200	2307	3247	3718	4153	4569	4966
17250	2310	3252	3724	4160	4576	4974
17300	2313	3258	3730	4167	4583	4982
17350	2317	3263	3736	4173	4591	4990
17400	2320	3268	3742	4180	4598	4998
17450	2323	3274	3748	4187	4605	5006
17500	2327	3279	3754	4193	4613	5014
17550	2330	3284	3760	4200	4620	5022
17600	2334	3289	3766	4207	4628	5030
17650	2337	3295	3772	4214	4635	5038
17700	2340	3300	3778	4220	4642	5046
17750	2344	3305	3784	4227	4650	5054
17800	2347	3310	3790	4234	4657	5062
17850	2350	3316	3796	4240	4665	5070
17900	2354	3321	3802	4247	4672	5078
17950	2357	3326	3808	4254	4679	5086
18000	2360	3331	3814	4261	4687	5094
18050	2364	3337	3820	4267	4694	5102
18100	2367	3342	3826	4274	4701	5110
18150	2370	3347	3832	4281	4709	5118
18200	2374	3353	3838	4287	4716	5126
18250	2377	3358	3844	4294	4724	5135
18300	2380	3363	3850	4301	4731	5143
18350	2384	3368	3856	4308	4738	5151
18400	2387	3374	3862	4314	4746	5159

18450	2390	3379	3868	4321	4753	5167
18500	2394	3384	3874	4328	4760	5175
18550	2397	3389	3880	4334	4768	5183
18600	2400	3395	3886	4341	4775	5191
18650	2404	3400	3892	4348	4783	5199
18700	2407	3405	3898	4355	4790	5207
18750	2410	3411	3904	4361	4797	5215
18800	2414	3416	3910	4368	4805	5223
18850	2417	3421	3916	4375	4812	5231
18900	2420	3426	3922	4381	4820	5239
18950	2424	3432	3928	4388	4827	5247
19000	2427	3437	3934	4395	4834	5255
19050	2431	3442	3940	4401	4842	5263
19100	2434	3447	3946	4408	4849	5271
19150	2437	3453	3952	4415	4856	5279
19200	2441	3458	3958	4422	4864	5287
19250	2444	3463	3964	4428	4871	5295
19300	2447	3468	3970	4435	4879	5303
19350	2451	3474	3977	4442	4886	5311
19400	2454	3479	3983	4448	4893	5319
19450	2457	3484	3989	4455	4901	5327
19500	2461	3490	3995	4462	4908	5335
19550	2464	3495	4001	4469	4915	5343
19600	2467	3500	4007	4475	4923	5351
19650	2471	3505	4013	4482	4930	5359
19700	2474	3511	4019	4489	4938	5367
19750	2477	3516	4025	4495	4945	5375
19800	2481	3521	4031	4502	4952	5383
19850	2484	3526	4037	4509	4960	5391
19900	2487	3532	4043	4516	4967	5399
19950	2491	3537	4049	4522	4974	5407
20000	2494	3542	4055	4529	4982	5415
20050	2497	3548	4061	4536	4989	5423
20100	2501	3553	4067	4542	4997	5431
20150	2504	3558	4073	4549	5004	5439
20200	2507	3563	4079	4556	5011	5447
20250	2511	3569	4085	4563	5019	5455
20300	2514	3574	4091	4569	5026	5463
20350	2518	3579	4097	4576	5034	5471
20400	2521	3584	4103	4583	5041	5479
20450	2524	3590	4109	4589	5048	5488
20500	2528	3595	4115	4596	5056	5496
20550	2531	3600	4121	4603	5063	5504

20600	2534	3605	4127	4609	5070	5512
20650	2538	3611	4133	4616	5078	5520
20700	2541	3616	4139	4623	5085	5528
20750	2544	3621	4145	4630	5093	5536
20800	2548	3627	4151	4636	5100	5544
20850	2551	3632	4157	4643	5107	5552
20900	2554	3637	4163	4650	5115	5560
20950	2558	3642	4169	4656	5122	5568
21000	2561	3648	4175	4663	5129	5576
21050	2564	3653	4181	4670	5137	5584
21100	2568	3658	4187	4677	5144	5592
21150	2571	3663	4193	4683	5152	5600
21200	2574	3669	4199	4690	5159	5608
21250	2578	3674	4205	4697	5166	5616
21300	2581	3679	4211	4703	5174	5624
21350	2584	3685	4217	4710	5181	5632
21400	2588	3690	4223	4717	5189	5640
21450	2591	3695	4229	4724	5196	5648
21500	2594	3700	4235	4730	5203	5656
21550	2598	3706	4241	4737	5211	5664
21600	2601	3711	4247	4744	5218	5672
21650	2605	3716	4253	4750	5225	5680
21700	2608	3721	4259	4757	5233	5688
21750	2611	3727	4265	4764	5240	5696
21800	2615	3732	4271	4771	5248	5704
21850	2618	3737	4277	4777	5255	5712
21900	2621	3742	4283	4784	5262	5720
21950	2625	3748	4289	4791	5270	5728
22000	2628	3753	4295	4797	5277	5736
22050	2631	3758	4301	4804	5284	5744
22100	2635	3764	4307	4811	5292	5752
22150	2638	3769	4313	4817	5299	5760
22200	2641	3774	4319	4824	5307	5768
22250	2645	3779	4325	4831	5314	5776
22300	2648	3785	4331	4838	5321	5784
22350	2651	3790	4337	4844	5329	5792
22400	2655	3795	4343	4851	5336	5800
22450	2658	3800	4349	4858	5344	5808
22500	2661	3806	4355	4864	5351	5816
22550	2665	3811	4361	4871	5358	5824
22600	2668	3816	4367	4878	5366	5832
22650	2671	3822	4373	4885	5373	5840
22700	2675	3827	4379	4891	5380	5849

22750	2678	3832	4385	4898	5388	5857
22800	2681	3837	4391	4905	5395	5865
22850	2685	3843	4397	4911	5403	5873
22900	2688	3848	4403	4918	5410	5881
22950	2692	3853	4409	4925	5417	5889
23000	2695	3858	4415	4932	5425	5897
23050	2698	3864	4421	4938	5432	5905
23100	2702	3869	4427	4945	5439	5913
23150	2705	3874	4433	4952	5447	5921
23200	2708	3879	4439	4958	5454	5929
23250	2712	3885	4445	4965	5462	5937
23300	2715	3890	4451	4972	5469	5945
23350	2718	3895	4457	4979	5476	5953
23400	2722	3901	4463	4985	5484	5961
23450	2725	3906	4469	4992	5491	5969
23500	2728	3911	4475	4999	5499	5977
23550	2732	3916	4481	5005	5506	5985
23600	2735	3922	4487	5012	5513	5993
23650	2738	3927	4493	5019	5521	6001
23700	2742	3932	4499	5025	5528	6009
23750	2745	3937	4505	5032	5535	6017
23800	2748	3943	4511	5039	5543	6025
23850	2752	3948	4517	5046	5550	6033
23900	2755	3953	4523	5052	5558	6041
23950	2758	3959	4529	5059	5565	6049
24000	2762	3964	4535	5066	5572	6057
24050	2765	3969	4541	5072	5580	6065
24100	2768	3974	4547	5079	5587	6073
24150	2772	3980	4553	5086	5594	6081
24200	2775	3985	4559	5093	5602	6089
24250	2779	3990	4565	5099	5609	6097
24300	2782	3995	4571	5106	5617	6105
24350	2785	4001	4577	5113	5624	6113
24400	2789	4006	4583	5119	5631	6121
24450	2792	4011	4589	5126	5639	6129
24500	2795	4016	4595	5133	5646	6137
24550	2799	4022	4601	5140	5654	6145
24600	2802	4027	4607	5146	5661	6153
24650	2805	4032	4613	5153	5668	6161
24700	2809	4038	4619	5160	5676	6169
24750	2812	4043	4625	5166	5683	6177
24800	2815	4048	4631	5173	5690	6185
24850	2819	4053	4637	5180	5698	6193

24900	2822	4059	4643	5187	5705	6202
24950	2825	4064	4649	5193	5713	6210
25000	2829	4069	4655	5200	5720	6218
25050	2832	4074	4661	5207	5727	6226
25100	2835	4080	4667	5213	5735	6234
25150	2839	4085	4673	5220	5742	6242
25200	2842	4090	4679	5227	5749	6250
25250	2845	4096	4685	5233	5757	6258
25300	2849	4101	4691	5240	5764	6266
25350	2852	4106	4697	5247	5772	6274
25400	2855	4111	4703	5254	5779	6282
25450	2859	4117	4709	5260	5786	6290
25500	2862	4122	4715	5267	5794	6298
25550	2865	4127	4721	5274	5801	6306
25600	2869	4132	4727	5280	5808	6314
25650	2872	4138	4733	5287	5816	6322
25700	2876	4143	4739	5294	5823	6330
25750	2879	4148	4745	5301	5831	6338
25800	2882	4153	4751	5307	5838	6346
25850	2886	4159	4757	5314	5845	6354
25900	2889	4164	4763	5321	5853	6362
25950	2892	4169	4769	5327	5860	6370
26000	2896	4175	4775	5334	5868	6378
26050	2899	4180	4781	5341	5875	6386
26100	2902	4185	4787	5348	5882	6394
26150	2906	4190	4793	5354	5890	6402
26200	2909	4196	4799	5361	5897	6410
26250	2912	4201	4805	5368	5904	6418
26300	2916	4206	4811	5374	5912	6426
26350	2919	4211	4817	5381	5919	6434
26400	2922	4217	4823	5388	5927	6442
26450	2926	4222	4829	5395	5934	6450
26500	2929	4227	4835	5401	5941	6458
26550	2932	4233	4841	5408	5949	6466
26600	2936	4238	4847	5415	5956	6474
26650	2939	4243	4853	5421	5963	6482
26700	2942	4248	4859	5428	5971	6490
26750	2946	4254	4866	5435	5978	6498
26800	2949	4259	4872	5441	5986	6506
26850	2952	4264	4878	5448	5993	6514
26900	2956	4269	4884	5455	6000	6522
26950	2959	4275	4890	5462	6008	6530
27000	2963	4280	4896	5468	6015	6538

27050	2966	4285	4902	5475	6023	6546
27100	2969	4290	4908	5482	6030	6555
27150	2973	4296	4914	5488	6037	6563
27200	2976	4301	4920	5495	6045	6571
27250	2979	4306	4926	5502	6052	6579
27300	2983	4312	4932	5509	6059	6587
27350	2986	4317	4938	5515	6067	6595
27400	2989	4322	4944	5522	6074	6603
27450	2993	4327	4950	5529	6082	6611
27500	2996	4333	4956	5535	6089	6619
27550	2999	4338	4962	5542	6096	6627
27600	3003	4343	4968	5549	6104	6635
27650	3006	4348	4974	5556	6111	6643
27700	3009	4354	4980	5562	6118	6651
27750	3013	4359	4986	5569	6126	6659
27800	3016	4364	4992	5576	6133	6667
27850	3019	4369	4998	5582	6141	6675
27900	3023	4375	5004	5589	6148	6683
27950	3026	4380	5010	5596	6155	6691
28000	3029	4385	5016	5603	6163	6699
28050	3033	4391	5022	5609	6170	6707
28100	3036	4396	5028	5616	6178	6715
28150	3039	4401	5034	5623	6185	6723
28200	3043	4406	5040	5629	6192	6731
28250	3046	4412	5046	5636	6200	6739
28300	3050	4417	5052	5643	6207	6747
28350	3053	4422	5058	5649	6214	6755
28400	3056	4427	5064	5656	6222	6763
28450	3060	4433	5070	5663	6229	6771
28500	3063	4438	5076	5670	6237	6779
28550	3066	4443	5082	5676	6244	6787
28600	3070	4449	5088	5683	6251	6795
28650	3073	4454	5094	5690	6259	6803
28700	3076	4459	5100	5696	6266	6811
28750	3080	4464	5106	5703	6273	6819
28800	3083	4470	5112	5710	6281	6827
28850	3086	4475	5118	5717	6288	6835
28900	3090	4480	5124	5723	6296	6843
28950	3093	4485	5130	5730	6303	6851
29000	3096	4491	5136	5737	6310	6859
29050	3100	4496	5142	5743	6318	6867
29100	3103	4501	5148	5750	6325	6875
29150	3106	4506	5154	5757	6333	6883

29200	3110	4512	5160	5764	6340	6891
29250	3113	4517	5166	5770	6347	6899
29300	3116	4522	5172	5777	6355	6908
29350	3120	4528	5178	5784	6362	6916
29400	3123	4533	5184	5790	6369	6924
29450	3126	4538	5190	5797	6377	6932
29500	3130	4543	5196	5804	6384	6940
29550	3133	4549	5202	5811	6392	6948
29600	3137	4554	5208	5817	6399	6956
29650	3140	4559	5214	5824	6406	6964
29700	3143	4564	5220	5831	6414	6972
29750	3147	4570	5226	5837	6421	6980
29800	3150	4575	5232	5844	6428	6988
29850	3153	4580	5238	5851	6436	6996
29900	3157	4586	5244	5857	6443	7004
29950	3160	4591	5250	5864	6451	7012
30000	3163	4596	5256	5871	6458	7020

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, 2021.

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

---

## Chapter 385

(House Bill 947)

AN ACT concerning

### Health Occupations – Violations of the Maryland Dentistry Act – Penalties and Cease and Desist Orders

FOR the purpose of authorizing the State Board of Dental Examiners to issue a cease and desist order for certain violations; altering certain penalties for certain acts related to the unauthorized practice of dentistry or dental hygiene; ~~authorizing the Board to levy certain civil fines for certain violations under certain circumstances;~~ altering certain penalties for violating certain provisions of law related to dental laboratory work or advertising a dental appliance; providing for the application of certain provisions of this Act; repealing certain provisions of law that specify certain places



of imprisonment; ~~providing for a delayed effective date~~; and generally relating to cease and desist orders and penalties for violations of the Maryland Dentistry Act.

BY adding to

Article – Health Occupations  
Section 4–321  
Annotated Code of Maryland  
(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations  
Section 4–606  
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

#### 4–321.

IN ADDITION TO ANY OTHER PENALTIES OR DISCIPLINARY ACTIONS AUTHORIZED UNDER THIS TITLE, THE BOARD MAY ISSUE A CEASE AND DESIST ORDER FOR CONDUCT THAT:

(1) IS IN VIOLATION OF § 4–601 OR § 4–602 OF THIS TITLE; OR

(2) VIOLATES ANY PROHIBITION IN SUBTITLE 4 OF THIS TITLE THAT RELATES TO DENTAL LABORATORY WORK.

#### 4–606.

(a) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A person who practices or attempts to practice dentistry without a license in violation of § 4–601(a) of this subtitle or represents to the public in violation of § 4–602 of this subtitle that the person is authorized to practice dentistry is ~~guilty~~

~~(1)~~ ~~GUILTY~~ of a [misdemeanor] FELONY and on conviction is subject to:

[(1)] ~~(1)~~ For a first offense, a fine not exceeding [\$2,000] \$5,000 or imprisonment [in jail] not exceeding [6 months] 1 YEAR; or

[(2)] ~~2~~ **(II)** For a subsequent offense, a fine not exceeding [\$6,000] **\$20,000 PER DAY** or imprisonment [in the State penitentiary] not exceeding [1 year] **5 YEARS**; ~~AND~~

~~(H) ON CONVICTION OR A PLEA OF NOLO CONTENDERE, SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$50,000 TO BE LEVIED BY THE BOARD.~~

**(2) THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO PRACTICES OR ATTEMPTS TO PRACTICE DENTISTRY WITHOUT A LICENSE IF THE PERSON'S LICENSE HAS BEEN EXPIRED FOR A PERIOD OF NOT MORE THAN 6 MONTHS.**

(b) **(1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,** A person who practices or attempts to practice dental hygiene without a license in violation of § 4–601(a) of this subtitle, aids or abets unauthorized practice of dental hygiene in violation of § 4–601(b) of this subtitle, or represents to the public in violation of § 4–602 of this subtitle that the person is authorized to practice dental hygiene is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

**(2) THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO PRACTICES OR ATTEMPTS TO PRACTICE DENTAL HYGIENE WITHOUT A LICENSE IF THE PERSON'S LICENSE HAS BEEN EXPIRED FOR A PERIOD OF NOT MORE THAN 6 MONTHS.**

(c) A person who violates any provision of Subtitle 4 of this title, which relates to dental laboratory work, or who advertises a dental appliance in violation of § 4–503(c) of this title is guilty of a [misdemeanor] **FELONY** and on conviction is subject to a fine not exceeding \$2,000 **PER DAY** or imprisonment [in jail] not exceeding [6 months] **2 YEARS**.

SECTION 2. 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 386

(Senate Bill 169)

AN ACT concerning

**Health Occupations – Violations of the Maryland Dentistry Act – Penalties and Cease and Desist Orders**

FOR the purpose of authorizing the State Board of Dental Examiners to issue a cease and desist order for certain violations; altering certain penalties for certain acts related to the unauthorized practice of dentistry or dental hygiene; ~~authorizing the Board to levy certain civil fines for certain violations under certain circumstances;~~ altering certain penalties for violating certain provisions of law related to dental laboratory work or advertising a dental appliance; providing for the application of certain provisions of this Act; repealing certain provisions of law that specify certain places of imprisonment; ~~providing for a delayed effective date;~~ and generally relating to cease and desist orders and penalties for violations of the Maryland Dentistry Act.

BY adding to

Article – Health Occupations

Section 4–321

Annotated Code of Maryland

(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 4–606

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

#### 4–321.

**IN ADDITION TO ANY OTHER PENALTIES OR DISCIPLINARY ACTIONS AUTHORIZED UNDER THIS TITLE, THE BOARD MAY ISSUE A CEASE AND DESIST ORDER FOR CONDUCT THAT:**

**(1) IS IN VIOLATION OF § 4–601 OR § 4–602 OF THIS TITLE; OR**

**(2) VIOLATES ANY PROHIBITION IN SUBTITLE 4 OF THIS TITLE THAT RELATES TO DENTAL LABORATORY WORK.**

#### 4–606.

**(a) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A person who practices or attempts to practice dentistry without a license in violation of § 4–601(a) of this subtitle or represents to the public in violation of § 4–602 of this subtitle that the person is authorized to practice dentistry is ~~guilty~~**

~~(H)~~ ~~GUilty~~ of a [misdemeanor] **FELONY** and on conviction is subject to:

[(1)] ~~1. (I)~~ For a first offense, a fine not exceeding [\$2,000] **\$5,000** or imprisonment [in jail] not exceeding [6 months] **1 YEAR**; or

[(2)] ~~2. (II)~~ For a subsequent offense, a fine not exceeding [\$6,000] **\$20,000 PER DAY** or imprisonment [in the State penitentiary] not exceeding [1 year] **5 YEARS**; ~~AND~~

~~(H) ON CONVICTION OR A PLEA OF NOLO CONTENDERE, SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$50,000 TO BE LEVIED BY THE BOARD.~~

**(2) THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO PRACTICES OR ATTEMPTS TO PRACTICE DENTISTRY WITHOUT A LICENSE IF THE PERSON'S LICENSE HAS BEEN EXPIRED FOR A PERIOD OF NOT MORE THAN 6 MONTHS.**

(b) **(1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,** A person who practices or attempts to practice dental hygiene without a license in violation of § 4–601(a) of this subtitle, aids or abets unauthorized practice of dental hygiene in violation of § 4–601(b) of this subtitle, or represents to the public in violation of § 4–602 of this subtitle that the person is authorized to practice dental hygiene is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

**(2) THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO PRACTICES OR ATTEMPTS TO PRACTICE DENTAL HYGIENE WITHOUT A LICENSE IF THE PERSON'S LICENSE HAS BEEN EXPIRED FOR A PERIOD OF NOT MORE THAN 6 MONTHS.**

(c) A person who violates any provision of Subtitle 4 of this title, which relates to dental laboratory work, or who advertises a dental appliance in violation of § 4–503(c) of this title is guilty of a [misdemeanor] **FELONY** and on conviction is subject to a fine not exceeding \$2,000 **PER DAY** or imprisonment [in jail] not exceeding [6 months] **2 YEARS**.

SECTION 2. 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.**

AN ACT concerning

**State Retirement and Pension System – Pension Benefits – Calculation**

FOR the purpose of providing that, under certain retirement and pension systems, a member's normal service retirement allowance shall equal the member's annuity under certain circumstances; providing that, under certain pension systems, a former member's vested allowance shall equal the former member's annuity under certain circumstances; ~~altering a certain definition;~~ providing for the application of this Act; and generally relating to the calculation of benefits in the State Retirement and Pension System.

BY repealing and reenacting, without amendments,

Article – State Personnel and Pensions

Section ~~20–101(a)~~, 22–102, 23–101, 24–101, 25–101, and 26–101

Annotated Code of Maryland

(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section ~~20–101(e)~~, 22–401, 23–401, 24–401, 25–401, 26–401, and 29–303

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**

~~20–101.~~

~~(a) In this Division II the following words have the meanings indicated.~~

~~(c) “Annuity” means the part of an allowance that is derived IN WHOLE OR IN PART from the accumulated contributions of a member.~~

22–102.

This title applies to:

- (1) the Employees' Retirement System; and
- (2) the Teachers' Retirement System.

22–401.

(a) A member may retire with a normal service retirement allowance if:

(1) on or before the date of retirement, the member:

- (i) has at least 30 years of eligibility service; or
- (ii) is at least 60 years old; and

(2) the member completes and submits a written application to the Board of Trustees stating the date when the member desires to retire.

(b) **(1) [On] 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 one fifty-fifth of the member's average final compensation multiplied by the number of years of creditable service.

**(2) ON RETIREMENT UNDER THIS SECTION, IF A MEMBER'S ANNUITY IS GREATER THAN THE MEMBER'S NORMAL SERVICE RETIREMENT ALLOWANCE CALCULATED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE MEMBER'S NORMAL SERVICE RETIREMENT ALLOWANCE SHALL EQUAL THE MEMBER'S ANNUITY.**

23–101.

This title applies only to:

- (1) the Employees' Pension System; and
- (2) the Teachers' Pension System.

23–401.

(a) Except as provided in subsection (f) of this section, a member may retire with a normal service retirement allowance if:

(1) the member completes and submits a written application to the Board of Trustees stating the date when the member desires to retire; and

(2) on or before the date of retirement, the member:

(i) has at least 30 years of eligibility service;

(ii) has a combined total of at least 30 years of eligibility service from the Employees' Pension System, the Teachers' Pension System, the Employees' Retirement System, or the Teachers' Retirement System; or

(iii) has attained the age and the years of eligibility service as follows:

Age		Years of Eligibility Service
62	with	5
63	with	4
64	with	3
65	or more with	2

(b) Except as provided in subsections (c), (d), (e), [and] (f), **AND (G)** of this section, 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:

(1) 0.8% of the member's average final compensation that is not in excess of the Social Security integration level; and

(2) 1.5% of the member's average final compensation that exceeds the Social Security integration level.

(c) Except as provided in [subsection (e)] **SUBSECTIONS (E) AND (G)** of this section, on retirement under this section, a member who is subject to the contributory pension benefit under Subtitle 2, Part II of this title is entitled to receive a normal service retirement allowance that equals the sum of:

(1) the number of years of the member's creditable service on or after July 1, 1998 multiplied by 1.4% of the member's average final compensation; and

(2) the greater of:

(i) the number of years of the member's creditable service on or before June 30, 1998 multiplied by 1.2% of the member's average final compensation; or

(ii) the number of years of the member's creditable service on or before June 30, 1998 multiplied by:

1. 0.8% of the member's average final compensation that is not in excess of the Social Security integration level; and

2. 1.5% of the member's average final compensation that exceeds the Social Security integration level.

(d) Except as provided in [subsection (e)] **SUBSECTIONS (E) AND (G)** of this section, a member who is subject to the Alternate Contributory Pension Selection under Subtitle 2, Part III of this title is entitled to receive a normal service retirement allowance that equals the sum of:

(1) the greater of:

(i) the number of years of the member's creditable service on or before June 30, 1998 multiplied by 1.2% of the member's average final compensation; or

(ii) the number of years of the member's creditable service on or before June 30, 1998 multiplied by:

1. 0.8% of the member's average final compensation that is not in excess of the Social Security integration level; and

2. 1.5% of the member's average final compensation that exceeds the Social Security integration level; and

(2) the number of years of the member's creditable service on or after July 1, 1998 multiplied by 1.8% of the member's average final compensation.

(e) (1) This subsection applies only to a member who has a combined total of 30 years of eligibility service as provided in subsection (a)(2)(ii) of this section.

(2) A member is entitled to receive a normal service retirement allowance that equals:

(i) an allowance based on the creditable service the member earned in the Employees' Pension System;

(ii) an allowance based on the creditable service the member earned in the Employees' Retirement System;

(iii) an allowance based on the creditable service the member earned in the Teachers' Pension System; plus

(iv) an allowance based on the creditable service the member earned in the Teachers' Retirement System.

(f) (1) A member who begins membership on or after July 1, 2011, may retire with a normal service retirement allowance if:

(i) the member completes and submits a written application to the Board of Trustees stating the date when the member desires to retire; and

(ii) on or before the date of retirement, the member:

1. has at least 90 years of combined age and years of eligibility service; or



2. is at least 65 years old and has at least 10 years of eligibility service.

(2) [A] **EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION, A member who is subject to the reformed contributory pension benefit under Subtitle 2, Part IV of this title is entitled to receive a normal service retirement that equals the number of years of the member's creditable service multiplied by 1.5% of the member's average final compensation.**

**(G) ON RETIREMENT UNDER THIS SECTION, IF A MEMBER'S ANNUITY IS GREATER THAN THE MEMBER'S NORMAL SERVICE RETIREMENT ALLOWANCE CALCULATED UNDER THIS SECTION, THE MEMBER'S NORMAL SERVICE RETIREMENT ALLOWANCE SHALL EQUAL THE MEMBER'S ANNUITY.**

24-101.

This title applies to the State Police Retirement System.

24-401.

(a) (1) (i) This paragraph applies to an individual who is a member on or before June 30, 2011.

(ii) A member may retire with a normal service retirement allowance if:

1. on or before the date of retirement, the member:

A. has at least 22 years of eligibility service; or

B. is at least 50 years old; and

2. the member completes and submits a written application to the Board of Trustees, on the form that the Board of Trustees provides, stating the date when the member desires to retire.

(2) (i) This paragraph applies to an individual who becomes a member on or after July 1, 2011.

(ii) A member may retire with a normal service retirement allowance if:

1. on or before the date of retirement, the member:

A. has at least 25 years of eligibility service; or

B. is at least 50 years old; and

2. the member completes and submits a written application to the Board of Trustees, on the form that the Board of Trustees provides, stating the date when the member desires to retire.

(b) (1) Subject to the approval of the Board of Trustees, the Secretary of State Police may order a member who is at least 50 years old to retire on the first day of the month after the member is notified of the Secretary's order.

(2) Before approving the Secretary's order, the Board of Trustees shall give the member at least 30 days' notice and an opportunity to be heard.

(c) Except for the Secretary of State Police, a member shall retire with a normal service retirement allowance not later than the first day of the month after the member becomes 60 years old.

(d) (1) Except as provided in [paragraph (2)] **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 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.

**(3) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON RETIREMENT UNDER THIS SECTION, IF A MEMBER'S ANNUITY IS GREATER THAN THE MEMBER'S NORMAL SERVICE RETIREMENT ALLOWANCE CALCULATED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE MEMBER'S NORMAL SERVICE RETIREMENT ALLOWANCE SHALL EQUAL THE MEMBER'S ANNUITY.**

(e) Subject to §§ 29–401, 29–402, and 29–403 of this article, a retiree, or a beneficiary of a retiree, who retires on or before June 30, 1999, with a service retirement allowance, shall receive an annual retirement allowance adjustment as of July 1, 1999, as follows:

(1) for a retiree who has been retired not more than 5 years, \$1,200;

(2) for a retiree who has been retired more than 5 years but not more than 10 years, \$1,500;

(3) for a retiree who has been retired more than 10 years but not more than 15 years, \$1,800; and

(4) for a retiree who has been retired more than 15 years, \$2,100.

25–101.

This title applies to the Correctional Officers' Retirement System.

25–401.

(a) A member may retire with a normal service retirement allowance if:

(1) on or before the date of retirement, the member:

(i) has at least 20 years of eligibility service;

(ii) 1. is a correctional case management specialist, supervisor, or manager on or before June 30, 2016;

and 2. is vested in the Correctional Officers' Retirement System;

and

3. has a combined total of at least 20 years of eligibility service from:

A. the Correctional Officers' Retirement System and the Employees' Retirement System; or

B. the Correctional Officers' Retirement System and the Employees' Pension System;

(iii) 1. is serving in a position specified in:

A. § 25–201(a)(8) or (9) of this title on or before June 30, 2017;

or

B. § 25–201(a)(10) or (11) of this title on or before June 30, 2018;

and 2. is vested in the Correctional Officers' Retirement System;

and

3. has a combined total of at least 20 years of eligibility service from:

A. the Correctional Officers' Retirement System and the Employees' Retirement System; or

B. the Correctional Officers' Retirement System and the Employees' Pension System; or

(iv) is at least 55 years old and has:

1. at least 5 years of eligibility service credit, if the member is a member on or before June 30, 2011; or

2. at least 10 years of eligibility service credit, if the member becomes a member on or after July 1, 2011; and

(2) the member completes and submits a written application to the Board of Trustees stating the date when the member desires to retire.

**(b) (1) [On] 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 one fifty-fifth of the member's average final compensation multiplied by the number of years of creditable service.**

**(2) ON RETIREMENT UNDER THIS SECTION, IF A MEMBER'S ANNUITY IS GREATER THAN THE MEMBER'S NORMAL SERVICE RETIREMENT ALLOWANCE CALCULATED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE MEMBER'S NORMAL SERVICE RETIREMENT ALLOWANCE SHALL EQUAL THE MEMBER'S ANNUITY.**

(c) (1) This subsection applies only to:

(i) a correctional case management specialist, supervisor, or manager who has a combined total of 20 years of eligibility service as provided in subsection (a)(1)(ii) of this section; or

(ii) a member serving in a position specified in § 25–201(a)(8), (9), (10), or (11) of this title who has a combined total of 20 years of eligibility service as provided in subsection (a)(1)(iii) of this section.

(2) A member is entitled to receive a normal service retirement allowance that equals an allowance based on the creditable service the member has in the Correctional Officers' Retirement System.

26–101.

This title applies to the Law Enforcement Officers' Pension System.

26–401.

(a) (1) Subject to paragraph (2) of this subsection, a member may retire with a normal service retirement allowance if:

(i) on or before the date of retirement, the member:

1. has at least 25 years of eligibility service; or
2. is at least 50 years old; and

(ii) the member completes and submits a written application to the Board of Trustees on the form that the Board of Trustees provides stating the date when the member desires to retire.

(2) A member may not retire before the first day of the month after employment ends.

(b) (1) Except as provided in [paragraphs (2) and (3)] **PARAGRAPHS (2), (3), AND (4)** 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] EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, 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.

**(4) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON RETIREMENT UNDER THIS SECTION, IF A MEMBER'S ANNUITY IS GREATER THAN THE MEMBER'S NORMAL SERVICE RETIREMENT ALLOWANCE CALCULATED UNDER PARAGRAPH (1) OR (3) OF THIS SUBSECTION, THE MEMBER'S NORMAL SERVICE RETIREMENT ALLOWANCE SHALL EQUAL THE MEMBER'S ANNUITY.**

29-303.

(a) This section applies only to members of:

- (1) the Employees' Pension System;

- (2) the Local Fire and Police System;
- (3) the Law Enforcement Officers' Pension System; or
- (4) the Teachers' Pension System.

(b) (1) This subsection applies to an individual who is a member on or before June 30, 2011.

- (2) A member is eligible to receive a vested allowance if:
- (i) the member separated from employment other than by death or retirement; and
  - (ii) the member has at least 5 years of eligibility service.

(b-1) (1) This subsection applies to an individual who becomes a member on or after July 1, 2011.

- (2) A member is eligible to receive a vested allowance if:
- (i) the member separated from employment other than by death or retirement; and
  - (ii) the member has at least 10 years of eligibility service.

(c) (1) Except as provided in subsections [(e), (f), and (g)] **(E) THROUGH (I)** of this section, a vested allowance:

[(1)] **(I)** is a deferred allowance that begins at normal retirement age;

[(2)] **(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION**, is computed as a normal service retirement allowance on the basis of the member's average final compensation and eligibility service at separation from employment; and

[(3)] **(III)** may be paid in one of the optional forms of allowances under § 21-403 of this article.

**(2) ON RETIREMENT UNDER THIS SUBSECTION, IF A FORMER MEMBER'S ANNUITY IS GREATER THAN THE FORMER MEMBER'S NORMAL SERVICE RETIREMENT ALLOWANCE CALCULATED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE FORMER MEMBER'S NORMAL SERVICE RETIREMENT ALLOWANCE SHALL EQUAL THE FORMER MEMBER'S ANNUITY.**

(d) If a member of the Employees' Pension System or the Teachers' Pension System separated from employment on or before June 30, 1990, unused sick leave reported by the member's employer at the time of separation from employment is creditable service for computing the vested allowance.

(e) Except as provided in subsection (f) of this section, a former member of the Employees' Pension System or the Teachers' Pension System who has separated from employment before the age of 55 with at least 15 years of eligibility service is eligible to receive a vested allowance that:

(1) begins on the first day of the month following the member's 55th birthday; and

(2) equals the reduced allowance computed under § 23-402 of this article.

(f) (1) The vested allowance of a former member of the Employees' Pension System or the Teachers' Pension System who separates from employment on or before June 30, 1998:

(i) is a deferred allowance that begins at normal retirement age;

AND

(ii) **EXCEPT AS PROVIDED IN PARAGRAPH (2)(II) OF THIS SUBSECTION**, is computed on the basis of the member's average final compensation and eligibility service at separation from employment[;].

**[(iii)] (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE VESTED ALLOWANCE DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION** shall equal the number of years of the member's creditable service multiplied by:

1. 0.8% of the member's average final compensation that is not in excess of the Social Security integration level; and

2. 1.5% of the member's average final compensation that exceeds the Social Security integration level[; and].

**[(iv)] (II) IF THE FORMER MEMBER'S ANNUITY IS GREATER THAN THE FORMER MEMBER'S VESTED ALLOWANCE CALCULATED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE FORMER MEMBER'S VESTED ALLOWANCE SHALL EQUAL THE FORMER MEMBER'S ANNUITY.**

**(III) THE FORMER MEMBER'S VESTED ALLOWANCE** may be paid in one of the optional forms of allowances under § 21-403 of this article.

**[(2)] (3)** A former member of the Employees' Pension System or the Teachers' Pension System who has separated from employment on or before June 30, 1998 and before the age of 55 with at least 15 years of eligibility service is eligible to receive a vested allowance that:

(i) begins on the first day of the month following the member's 55th birthday; and

(ii) equals the allowance under paragraph **[(1)] (2)** of this subsection, reduced by 0.5% for each month that the member's early retirement date precedes the date the member will be 62 years old.

(g) (1) Except as provided in [paragraph (2) of this] subsection **(H) OF THIS SECTION** and subject to [paragraph (3) of this] subsection **(I) OF THIS SECTION**, the vested allowance of a former member of the Law Enforcement Officers' Pension System who separates from employment on or before June 30, 2000:

(i) is a deferred allowance that begins at normal retirement age;  
**AND**

(ii) **EXCEPT AS PROVIDED IN PARAGRAPH (2)(II) OF THIS SUBSECTION**, is computed on the basis of the member's average final compensation and eligibility service at separation from employment[; and].

**[(iii)] (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE VESTED ALLOWANCE DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION** shall equal the number of years of the member's creditable service multiplied by:

1. 1% of the member's average final compensation that is not in excess of the Social Security integration level; and

2. 1.7% of the member's average final compensation that exceeds the Social Security integration level.

**(II) IF THE FORMER MEMBER'S ANNUITY IS GREATER THAN THE FORMER MEMBER'S VESTED ALLOWANCE CALCULATED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE FORMER MEMBER'S VESTED ALLOWANCE SHALL EQUAL THE FORMER MEMBER'S ANNUITY.**

**[(2) (i)] (H) (1)** This [paragraph] **SUBSECTION** applies only to a former member of the Law Enforcement Officers' Pension System who:

**[1.] (I)** transferred to the Law Enforcement Officers' Pension System from the Employees' Retirement System; and



2000. [2.] (II) separates from employment on or before June 30,

[(ii)] (2) The vested allowance of a former member:

[1.] (I) is a deferred allowance that begins at normal retirement age; AND

[2.] (II) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, is computed on the basis of the member's average final compensation and eligibility service at separation from employment[; and].

[3.] (3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, THE VESTED ALLOWANCE DESCRIBED UNDER PARAGRAPH (2) OF THIS SUBSECTION shall equal:

[A.] (I) 2% of the member's average final compensation multiplied by each year of the member's first 30 years of creditable service; and

[B.] (II) 1% of the member's average final compensation multiplied by each year of creditable service in excess of 30 years.

(4) IF THE FORMER MEMBER'S ANNUITY IS GREATER THAN THE FORMER MEMBER'S VESTED ALLOWANCE CALCULATED UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE FORMER MEMBER'S VESTED ALLOWANCE SHALL EQUAL THE FORMER MEMBER'S ANNUITY.

[(3) (i)] (I) (1) This paragraph applies only to a former member who is:

[1.] (I) receiving a deferred allowance under [paragraph (1) of this] subsection (G) OF THIS SECTION; and

[2.] (II) under the age of 62 years.

[(ii)] (2) On receipt of a vested allowance, a former member shall receive a supplemental deferred allowance that equals the difference between:

[1.] (I) the former member's vested allowance; and

[2.] (II) 1.7% of the member's average final compensation for each year of creditable service.

[(iii)] (3) Payment of the supplemental deferred allowance ends when the former member:

[1.] (I) attains the age of 62 years; or

[2.] (II) dies.

[h] (J) (1) If a former member who elected a vested allowance requests the return of accumulated contributions before payment of the vested allowance begins, the Board of Trustees shall return the accumulated contributions to the former member.

(2) When accumulated contributions are returned to a former member, the former member is not entitled to further benefits on account of the former member's previous membership.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any individual who on or after October 1, 2013, had a retirement account created or adjusted in one of the following systems of the State Retirement and Pension System:

- (1) the Employees' Retirement System;
- (2) the Employees' Pension System;
- (3) the Teachers' Retirement System; or
- (4) the Teachers' Pension System.

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 388

(Senate Bill 764)

AN ACT concerning

### **State Retirement and Pension System – Pension Benefits – Calculation**

FOR the purpose of providing that, under certain retirement and pension systems, a member's normal service retirement allowance shall equal the member's annuity under certain circumstances; providing that, under certain pension systems, a former member's vested allowance shall equal the former member's annuity under certain circumstances; ~~altering a certain definition~~; providing for the application of

this Act; and generally relating to the calculation of benefits in the State Retirement and Pension System.

BY repealing and reenacting, without amendments,  
 Article – State Personnel and Pensions  
 Section ~~20–101(a)~~, 22–102, 23–101, 24–101, 25–101, and 26–101  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
 Article – State Personnel and Pensions  
 Section ~~20–101(e)~~, 22–401, 23–401, 24–401, 25–401, 26–401, and 29–303  
 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

~~20–101.~~

~~(a) In this Division II the following words have the meanings indicated.~~

~~(e) “Annuity” means the part of an allowance that is derived IN WHOLE OR IN PART from the accumulated contributions of a member.~~

22–102.

This title applies to:

- (1) the Employees’ Retirement System; and
- (2) the Teachers’ Retirement System.

22–401.

(a) A member may retire with a normal service retirement allowance if:

- (1) on or before the date of retirement, the member:
  - (i) has at least 30 years of eligibility service; or
  - (ii) is at least 60 years old; and

(2) the member completes and submits a written application to the Board of Trustees stating the date when the member desires to retire.

(b) (1) [On] 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 one fifty-fifth of the member's average final compensation multiplied by the number of years of creditable service.

(2) ON RETIREMENT UNDER THIS SECTION, IF A MEMBER'S ANNUITY IS GREATER THAN THE MEMBER'S NORMAL SERVICE RETIREMENT ALLOWANCE CALCULATED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE MEMBER'S NORMAL SERVICE RETIREMENT ALLOWANCE SHALL EQUAL THE MEMBER'S ANNUITY.

23-101.

This title applies only to:

- (1) the Employees' Pension System; and
- (2) the Teachers' Pension System.

23-401.

(a) Except as provided in subsection (f) of this section, a member may retire with a normal service retirement allowance if:

- (1) the member completes and submits a written application to the Board of Trustees stating the date when the member desires to retire; and
- (2) on or before the date of retirement, the member:
  - (i) has at least 30 years of eligibility service;
  - (ii) has a combined total of at least 30 years of eligibility service from the Employees' Pension System, the Teachers' Pension System, the Employees' Retirement System, or the Teachers' Retirement System; or
  - (iii) has attained the age and the years of eligibility service as follows:

Age		Years of Eligibility Service
62	with	5
63	with	4
64	with	3
65	or more with	2

(b) Except as provided in subsections (c), (d), (e), [and] (f), **AND (G)** of this section, 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:

(1) 0.8% of the member's average final compensation that is not in excess of the Social Security integration level; and

(2) 1.5% of the member's average final compensation that exceeds the Social Security integration level.

(c) Except as provided in [subsection (e)] **SUBSECTIONS (E) AND (G)** of this section, on retirement under this section, a member who is subject to the contributory pension benefit under Subtitle 2, Part II of this title is entitled to receive a normal service retirement allowance that equals the sum of:

(1) the number of years of the member's creditable service on or after July 1, 1998 multiplied by 1.4% of the member's average final compensation; and

(2) the greater of:

(i) the number of years of the member's creditable service on or before June 30, 1998 multiplied by 1.2% of the member's average final compensation; or

(ii) the number of years of the member's creditable service on or before June 30, 1998 multiplied by:

1. 0.8% of the member's average final compensation that is not in excess of the Social Security integration level; and

2. 1.5% of the member's average final compensation that exceeds the Social Security integration level.

(d) Except as provided in [subsection (e)] **SUBSECTIONS (E) AND (G)** of this section, a member who is subject to the Alternate Contributory Pension Selection under Subtitle 2, Part III of this title is entitled to receive a normal service retirement allowance that equals the sum of:

(1) the greater of:

(i) the number of years of the member's creditable service on or before June 30, 1998 multiplied by 1.2% of the member's average final compensation; or

(ii) the number of years of the member's creditable service on or before June 30, 1998 multiplied by:

1. 0.8% of the member's average final compensation that is not in excess of the Social Security integration level; and

2. 1.5% of the member's average final compensation that exceeds the Social Security integration level; and

(2) the number of years of the member's creditable service on or after July 1, 1998 multiplied by 1.8% of the member's average final compensation.

(e) (1) This subsection applies only to a member who has a combined total of 30 years of eligibility service as provided in subsection (a)(2)(ii) of this section.

(2) A member is entitled to receive a normal service retirement allowance that equals:

(i) an allowance based on the creditable service the member earned in the Employees' Pension System;

(ii) an allowance based on the creditable service the member earned in the Employees' Retirement System;

(iii) an allowance based on the creditable service the member earned in the Teachers' Pension System; plus

(iv) an allowance based on the creditable service the member earned in the Teachers' Retirement System.

(f) (1) A member who begins membership on or after July 1, 2011, may retire with a normal service retirement allowance if:

(i) the member completes and submits a written application to the Board of Trustees stating the date when the member desires to retire; and

(ii) on or before the date of retirement, the member:

1. has at least 90 years of combined age and years of eligibility service; or

2. is at least 65 years old and has at least 10 years of eligibility service.

(2) **[A] EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION, A** member who is subject to the reformed contributory pension benefit under Subtitle 2, Part IV of this title is entitled to receive a normal service retirement that equals the number of years of the member's creditable service multiplied by 1.5% of the member's average final compensation.

**(G) ON RETIREMENT UNDER THIS SECTION, IF A MEMBER'S ANNUITY IS GREATER THAN THE MEMBER'S NORMAL SERVICE RETIREMENT ALLOWANCE CALCULATED UNDER THIS SECTION, THE MEMBER'S NORMAL SERVICE RETIREMENT ALLOWANCE SHALL EQUAL THE MEMBER'S ANNUITY.**

24-101.

This title applies to the State Police Retirement System.

24-401.

(a) (1) (i) This paragraph applies to an individual who is a member on or before June 30, 2011.

if: (ii) A member may retire with a normal service retirement allowance

1. on or before the date of retirement, the member:

A. has at least 22 years of eligibility service; or

B. is at least 50 years old; and

2. the member completes and submits a written application to the Board of Trustees, on the form that the Board of Trustees provides, stating the date when the member desires to retire.

(2) (i) This paragraph applies to an individual who becomes a member on or after July 1, 2011.

if: (ii) A member may retire with a normal service retirement allowance

1. on or before the date of retirement, the member:

A. has at least 25 years of eligibility service; or

B. is at least 50 years old; and

2. the member completes and submits a written application to the Board of Trustees, on the form that the Board of Trustees provides, stating the date when the member desires to retire.

(b) (1) Subject to the approval of the Board of Trustees, the Secretary of State Police may order a member who is at least 50 years old to retire on the first day of the month after the member is notified of the Secretary's order.

(2) Before approving the Secretary's order, the Board of Trustees shall give the member at least 30 days' notice and an opportunity to be heard.

(c) Except for the Secretary of State Police, a member shall retire with a normal service retirement allowance not later than the first day of the month after the member becomes 60 years old.

(d) (1) Except as provided in [paragraph (2)] **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 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.

**(3) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON RETIREMENT UNDER THIS SECTION, IF A MEMBER'S ANNUITY IS GREATER THAN THE MEMBER'S NORMAL SERVICE RETIREMENT ALLOWANCE CALCULATED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE MEMBER'S NORMAL SERVICE RETIREMENT ALLOWANCE SHALL EQUAL THE MEMBER'S ANNUITY.**

(e) Subject to §§ 29–401, 29–402, and 29–403 of this article, a retiree, or a beneficiary of a retiree, who retires on or before June 30, 1999 with a service retirement allowance, shall receive an annual retirement allowance adjustment as of July 1, 1999, as follows:

(1) for a retiree who has been retired not more than 5 years, \$1,200;

(2) for a retiree who has been retired more than 5 years but not more than 10 years, \$1,500;

(3) for a retiree who has been retired more than 10 years but not more than 15 years, \$1,800; and

(4) for a retiree who has been retired more than 15 years, \$2,100.

25–101.

This title applies to the Correctional Officers' Retirement System.

25–401.

(a) A member may retire with a normal service retirement allowance if:

(1) on or before the date of retirement, the member:



- (i) has at least 20 years of eligibility service;
  - (ii)
    - 1. is a correctional case management specialist, supervisor, or manager on or before June 30, 2016;
    - 2. is vested in the Correctional Officers' Retirement System;and
    - 3. has a combined total of at least 20 years of eligibility service from:
      - A. the Correctional Officers' Retirement System and the Employees' Retirement System; or
      - B. the Correctional Officers' Retirement System and the Employees' Pension System;
  - (iii)
    - 1. is serving in a position specified in:
      - A. § 25–201(a)(8) or (9) of this title on or before June 30, 2017;
      - B. § 25–201(a)(10) or (11) of this title on or before June 30, 2018;
    - 2. is vested in the Correctional Officers' Retirement System;and
    - 3. has a combined total of at least 20 years of eligibility service from:
      - A. the Correctional Officers' Retirement System and the Employees' Retirement System; or
      - B. the Correctional Officers' Retirement System and the Employees' Pension System; or
  - (iv) is at least 55 years old and has:
    - 1. at least 5 years of eligibility service credit, if the member is a member on or before June 30, 2011; or
    - 2. at least 10 years of eligibility service credit, if the member becomes a member on or after July 1, 2011; and
- (2) the member completes and submits a written application to the Board of Trustees stating the date when the member desires to retire.

(b) (1) [On] 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 one fifty-fifth of the member's average final compensation multiplied by the number of years of creditable service.

(2) ON RETIREMENT UNDER THIS SECTION, IF A MEMBER'S ANNUITY IS GREATER THAN THE MEMBER'S NORMAL SERVICE RETIREMENT ALLOWANCE CALCULATED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE MEMBER'S NORMAL SERVICE RETIREMENT ALLOWANCE SHALL EQUAL THE MEMBER'S ANNUITY.

(c) (1) This subsection applies only to:

(i) a correctional case management specialist, supervisor, or manager who has a combined total of 20 years of eligibility service as provided in subsection (a)(1)(ii) of this section; or

(ii) a member serving in a position specified in § 25–201(a)(8), (9), (10), or (11) of this title who has a combined total of 20 years of eligibility service as provided in subsection (a)(1)(iii) of this section.

(2) A member is entitled to receive a normal service retirement allowance that equals an allowance based on the creditable service the member has in the Correctional Officers' Retirement System.

26–101.

This title applies to the Law Enforcement Officers' Pension System.

26–401.

(a) (1) Subject to paragraph (2) of this subsection, a member may retire with a normal service retirement allowance if:

(i) on or before the date of retirement, the member:

1. has at least 25 years of eligibility service; or
2. is at least 50 years old; and

(ii) the member completes and submits a written application to the Board of Trustees on the form that the Board of Trustees provides stating the date when the member desires to retire.

(2) A member may not retire before the first day of the month after employment ends.

(b) (1) Except as provided in [paragraphs (2) and (3)] **PARAGRAPHS (2), (3), AND (4)** 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] EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, 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.

**(4) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON RETIREMENT UNDER THIS SECTION, IF A MEMBER'S ANNUITY IS GREATER THAN THE MEMBER'S NORMAL SERVICE RETIREMENT ALLOWANCE CALCULATED UNDER PARAGRAPH (1) OR (3) OF THIS SUBSECTION, THE MEMBER'S NORMAL SERVICE RETIREMENT ALLOWANCE SHALL EQUAL THE MEMBER'S ANNUITY.**

29-303.

(a) This section applies only to members of:

- (1) the Employees' Pension System;
- (2) the Local Fire and Police System;
- (3) the Law Enforcement Officers' Pension System; or
- (4) the Teachers' Pension System.

(b) (1) This subsection applies to an individual who is a member on or before June 30, 2011.

- (2) A member is eligible to receive a vested allowance if:
- (i) the member separated from employment other than by death or retirement; and
  - (ii) the member has at least 5 years of eligibility service.
- (b-1) (1) This subsection applies to an individual who becomes a member on or after July 1, 2011.
- (2) A member is eligible to receive a vested allowance if:
- (i) the member separated from employment other than by death or retirement; and
  - (ii) the member has at least 10 years of eligibility service.
- (c) **(1)** Except as provided in subsections [(e), (f), and (g)] **(E) THROUGH (I)** of this section, a vested allowance:
- [(1)] (I)** is a deferred allowance that begins at normal retirement age;
  - [(2)] (II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,** is computed as a normal service retirement allowance on the basis of the member's average final compensation and eligibility service at separation from employment; and
  - [(3)] (III)** may be paid in one of the optional forms of allowances under § 21-403 of this article.
- (2) ON RETIREMENT UNDER THIS SUBSECTION, IF A FORMER MEMBER'S ANNUITY IS GREATER THAN THE FORMER MEMBER'S NORMAL SERVICE RETIREMENT ALLOWANCE CALCULATED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE FORMER MEMBER'S NORMAL SERVICE RETIREMENT ALLOWANCE SHALL EQUAL THE FORMER MEMBER'S ANNUITY.**
- (d) If a member of the Employees' Pension System or the Teachers' Pension System separated from employment on or before June 30, 1990, unused sick leave reported by the member's employer at the time of separation from employment is creditable service for computing the vested allowance.
- (e) Except as provided in subsection (f) of this section, a former member of the Employees' Pension System or the Teachers' Pension System who has separated from employment before the age of 55 with at least 15 years of eligibility service is eligible to receive a vested allowance that:

(1) begins on the first day of the month following the member's 55th birthday; and

(2) equals the reduced allowance computed under § 23–402 of this article.

(f) (1) The vested allowance of a former member of the Employees' Pension System or the Teachers' Pension System who separates from employment on or before June 30, 1998:

(i) is a deferred allowance that begins at normal retirement age;

AND

(ii) **EXCEPT AS PROVIDED IN PARAGRAPH (2)(II) OF THIS SUBSECTION**, is computed on the basis of the member's average final compensation and eligibility service at separation from employment[;].

**[(iii)] (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE VESTED ALLOWANCE DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION** shall equal the number of years of the member's creditable service multiplied by:

1. 0.8% of the member's average final compensation that is not in excess of the Social Security integration level; and

2. 1.5% of the member's average final compensation that exceeds the Social Security integration level[; and].

**[(iv)] (II) IF THE FORMER MEMBER'S ANNUITY IS GREATER THAN THE FORMER MEMBER'S VESTED ALLOWANCE CALCULATED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE FORMER MEMBER'S VESTED ALLOWANCE SHALL EQUAL THE FORMER MEMBER'S ANNUITY.**

**(III) THE FORMER MEMBER'S VESTED ALLOWANCE** may be paid in one of the optional forms of allowances under § 21–403 of this article.

**[(2)] (3)** A former member of the Employees' Pension System or the Teachers' Pension System who has separated from employment on or before June 30, 1998 and before the age of 55 with at least 15 years of eligibility service is eligible to receive a vested allowance that:

(i) begins on the first day of the month following the member's 55th birthday; and

(ii) equals the allowance under paragraph **[(1)](2)** of this subsection, reduced by 0.5% for each month that the member's early retirement date precedes the date the member will be 62 years old.

(g) (1) Except as provided in [paragraph (2) of this] subsection **(H) OF THIS SECTION** and subject to [paragraph (3) of this] subsection **(I) OF THIS SECTION**, the vested allowance of a former member of the Law Enforcement Officers' Pension System who separates from employment on or before June 30, 2000:

(i) is a deferred allowance that begins at normal retirement age;  
**AND**

(ii) **EXCEPT AS PROVIDED IN PARAGRAPH (2)(II) OF THIS SUBSECTION**, is computed on the basis of the member's average final compensation and eligibility service at separation from employment[; and].

**[(iii) (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE VESTED ALLOWANCE DESCRIBED UNDER PARAGRAPH (I) OF THIS SUBSECTION shall equal the number of years of the member's creditable service multiplied by:**

1. 1% of the member's average final compensation that is not in excess of the Social Security integration level; and

2. 1.7% of the member's average final compensation that exceeds the Social Security integration level.

**(II) IF THE FORMER MEMBER'S ANNUITY IS GREATER THAN THE FORMER MEMBER'S VESTED ALLOWANCE CALCULATED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE FORMER MEMBER'S VESTED ALLOWANCE SHALL EQUAL THE FORMER MEMBER'S ANNUITY.**

**[(2) (i) (H) (1) This [paragraph] SUBSECTION applies only to a former member of the Law Enforcement Officers' Pension System who:**

**[1.] (I) transferred to the Law Enforcement Officers' Pension System from the Employees' Retirement System; and**

**[2.] (II) separates from employment on or before June 30, 2000.**

**[(ii) (2) The vested allowance of a former member:**

**[1.] (I) is a deferred allowance that begins at normal retirement age; AND**

**[2.] (II) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION,** is computed on the basis of the member's average final compensation and eligibility service at separation from employment[; and].

**[3.] (3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, THE VESTED ALLOWANCE DESCRIBED UNDER PARAGRAPH (2) OF THIS SUBSECTION** shall equal:

**[A.] (I)** 2% of the member's average final compensation multiplied by each year of the member's first 30 years of creditable service; and

**[B.] (II)** 1% of the member's average final compensation multiplied by each year of creditable service in excess of 30 years.

**(4) IF THE FORMER MEMBER'S ANNUITY IS GREATER THAN THE FORMER MEMBER'S VESTED ALLOWANCE CALCULATED UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE FORMER MEMBER'S VESTED ALLOWANCE SHALL EQUAL THE FORMER MEMBER'S ANNUITY.**

**[(3) (i) (I) (1)]** This paragraph applies only to a former member who is:

**[1.] (I)** receiving a deferred allowance under [paragraph (1) of this] subsection **(G) OF THIS SECTION;** and

**[2.] (II)** under the age of 62 years.

**[(ii) (2)]** On receipt of a vested allowance, a former member shall receive a supplemental deferred allowance that equals the difference between:

**[1.] (I)** the former member's vested allowance; and

**[2.] (II)** 1.7% of the member's average final compensation for each year of creditable service.

**[(iii) (3)]** Payment of the supplemental deferred allowance ends when the former member:

**[1.] (I)** attains the age of 62 years; or

**[2.] (II)** dies.

**[(h) (J) (1)]** If a former member who elected a vested allowance requests the return of accumulated contributions before payment of the vested allowance begins, the Board of Trustees shall return the accumulated contributions to the former member.

(2) When accumulated contributions are returned to a former member, the former member is not entitled to further benefits on account of the former member's previous membership.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any individual who on or after October 1, 2013, had a retirement account created or adjusted in one of the following systems of the State Retirement and Pension System:

- (1) the Employees' Retirement System;
- (2) the Employees' Pension System;
- (3) the Teachers' Retirement System; or
- (4) the Teachers' Pension System.

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 389

(House Bill 954)

AN ACT concerning

**Baltimore City – ~~45th District~~ – Alcoholic Beverages – ~~Exchange of Class B and~~  
Class C Beer, Wine, and Liquor License Licenses**

FOR the purpose of authorizing a Class B beer, wine, and liquor license holder in a certain legislative district to exchange the license for a Class B–D–7 beer, wine, and liquor license if the licensed premises is in an area bounded by certain streets and an applicant executes a memorandum of understanding with a certain community association; providing that a certain license holder is authorized to provide outdoor table service; authorizing the Board of License Commissioners for Baltimore City to make issuance or renewal of a certain license conditional on the substantial compliance of applicants entered into a certain memorandum of understanding; specifying certain hours of sale for a holder of a Class B–D–7 beer, wine, and liquor license in a certain area of Baltimore City; prohibiting the hours of sale for a license holder in a certain area from beginning before or ending after certain times; authorizing the Board to issue a Class C beer, wine, and liquor license to a club in a certain area in Baltimore City under certain circumstances; prohibiting the hours of sale for a Class B–D–7 beer, wine, and liquor license from being extended under



certain conditions; and generally relating to alcoholic beverages licenses in Baltimore City.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 12–102, 12–903(a), (b), and (e), ~~and 12–905(a), (b), and (c) through (d)(1) and (2), (e), and (f), and 12–906~~

Annotated Code of Maryland

(2016 Volume and 2019 Supplement)

BY adding to

Article – Alcoholic Beverages

Section 12–903(f) and 12–905(d)(3)

Annotated Code of Maryland

(2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 12–905(c) ~~and~~, 12–1406, 12–1603(c), and 12–2005(c)

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**

12–102.

This title applies only in Baltimore City.

12–903.

(a) There is a Class B beer, wine, and liquor license.

(b) The license authorizes the license holder to sell beer, wine, and liquor at a hotel or restaurant at the place described in the license, for on– or off–premises consumption.

(e) (1) The annual license fees are:

(i) \$1,320 for a licensed premises with a seating capacity of not more than 200 individuals; and

(ii) \$1,800 for a licensed premises with a seating capacity of more than 200 individuals.

- (2) In addition, the license holder annually shall pay:
- (i) \$500, if the license holder provides live entertainment; and
  - (ii) \$200, if the license holder provides outdoor table service.

**(F) IN THE 45TH LEGISLATIVE DISTRICT, A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY BE EXCHANGED FOR A CLASS B–D–7 BEER, WINE, AND LIQUOR LICENSE IF:**

**(1) THE LICENSED PREMISES IS IN AN AREA BOUNDED BY THE UNIT BLOCK OF WEST PRESTON STREET, THE 1200 BLOCK OF NORTH CHARLES STREET, THE 1200 BLOCK OF MORTON STREET, AND THE UNIT BLOCK OF WEST BIDDLE STREET; AND**

**(2) THE APPLICANT EXECUTES A MEMORANDUM OF UNDERSTANDING WITH THE MOUNT VERNON–BELVEDERE IMPROVEMENT ASSOCIATION.**

12–905.

(a) There is a Class B–D–7 beer, wine, and liquor license.

(b) (1) The Board may issue a Class B–D–7 license if the Board determines that the license is reasonably necessary for the convenience of the public.

(2) In making the determination, the Board shall consider the number of beer, wine, and liquor outlets in a given area and the number of days the outlets are open, rather than the nature of the outlets.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license, for on– and off–premises consumption.

**(2) THE HOLDER OF A LICENSE EXCHANGED IN ACCORDANCE WITH § 12–903 OF THIS SUBTITLE IS AUTHORIZED TO PROVIDE OUTDOOR TABLE SERVICE.**

(d) (1) Except as provided in paragraph (2) of this subsection, the license holder may sell beer, wine, and liquor during the hours and days set out under § 12–2004(c) of this title.

(2) The hours of sale for a license holder in an area bounded by Liberty Heights Avenue, Northern Parkway, Druid Park Drive, and Wabash Avenue are from 9 a.m. to 9 p.m.

**(3) THE HOURS OF SALE ARE FROM 9 A.M. TO 10 P.M. FOR A LICENSE HOLDER IN AN AREA BOUNDED ON THE NORTH BY NORTH AVENUE, ON THE WEST BY CENTRAL AVENUE AND HARFORD AVENUE, ON THE SOUTH BY MONUMENT STREET**

AS IT RUNS FROM NORTH CENTRAL AVENUE TO NORTH WOLFE STREET AND MCELDERRY STREET AS IT RUNS FROM NORTH WOLFE STREET TO LUZERNE AVENUE, AND ON THE EAST BY LUZERNE AVENUE AS IT RUNS FROM MONUMENT STREET TO FEDERAL STREET, THEN BY ROSE STREET AS IT RUNS FROM FEDERAL STREET TO NORTH AVENUE.

(e) The Board shall adopt regulations to determine the manner of operation of a licensed premises.

(f) The annual license fee is \$1,320.

12-906.

(a) There is a Class C beer, wine, and liquor license.

(b) The license authorizes the license holder to sell beer, wine, and liquor at a club at the place described in the license, for on-premises consumption.

(c) The annual license fee is \$550.

12-1406.

(a) In this section, "community association" means:

(1) a nonprofit association, corporation, or other organization that is:

(i) composed of residents of a community within which a nuisance is located;

(ii) operated exclusively for the promotion of social welfare and general neighborhood improvement and enhancement; and

(iii) exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code; or

(2) a nonprofit association, corporation, or other organization that is:

(i) composed of residents of a contiguous community that is defined by specific geographic boundaries, within which a nuisance is located;

(ii) operated for the promotion of the welfare, improvement, and enhancement of that community; and

(iii) in good standing with the State Department of Assessments and Taxation.

(b) If a community association and an applicant for the issuance or renewal of a Class B, **B–D–7**, or D alcoholic beverages license have entered into a memorandum of understanding that expressly acknowledges the authority of the Board under this article, the Board may make the issuance or renewal of the license conditional on the substantial compliance of the applicant with the memorandum of understanding.

(c) The existence of a memorandum of understanding does not affect any requirement of any individuals to file a protest under § 4–406 of this article or a complaint under § 4–603 of this article.

12–1603.

(c) The Board may issue:

(1) in the alcoholic beverages districts specified in subsection (b) of this section:

(i) a 1–day license; or

(ii) a Class B beer, wine, and liquor license to a restaurant that:

1. has a minimum capital investment, not including the cost of land and buildings, of \$200,000 for restaurant facilities; and

2. has a minimum seating capacity of 75 individuals;

(2) a Class C beer, wine, and liquor license in the 45th alcoholic beverages district;

(3) a Class C beer, wine, and liquor license in ward 5, precinct 1 of the 44th alcoholic beverages district;

(4) a Class C beer, wine, and liquor license in the 200 block of West Saratoga Street in ward 4, precinct 3 of the 40th alcoholic beverages district;

**(5) IF THE APPLICANT EXECUTES A MEMORANDUM OF UNDERSTANDING WITH THE CHARLES NORTH COMMUNITY ASSOCIATION, A CLASS C BEER, WINE, AND LIQUOR LICENSE TO A CLUB IN THE AREA BOUNDED BY NORTH CHARLES STREET ON THE WEST, EAST LAFAYETTE AVENUE ON THE NORTH, NORTH LOVEGROVE STREET ON THE EAST, AND EAST LANVALE STREET ON THE SOUTH IN THE 45TH ALCOHOLIC BEVERAGES DISTRICT;**

**(6) a Class B–D–7 license in the unit block of West North Avenue in the 45th alcoholic beverages district;**

[(6)] (7) two Class B-D-7 licenses in the 2100 block of North Charles Street in the 43rd alcoholic beverages district;

[(7)] (8) two Class B-D-7 licenses in the 2100 block of Maryland Avenue in the 43rd alcoholic beverages district; and

[(8)] (9) subject to the requirements under subsection (e) of this section, four Class B-D-7 licenses in the 43rd alcoholic beverages district.

12-2005.

(c) (1) This subsection does not apply to:

(i) a Class B beer and light wine license;

(ii) a Class B beer, wine, and liquor license;

(iii) a Class C beer and light wine license; and

(iv) a Class C beer, wine, and liquor license.

(2) For a license holder in an area bounded by Liberty Heights Avenue, Northern Parkway, Druid Park Drive, and Wabash Avenue, the hours of sale:

(i) may not begin before 9 a.m. or end after 10 p.m.; and

(ii) may not be extended if they begin later than 9 a.m. or end before 10 p.m.

**(3) FOR A LICENSE HOLDER IN AN AREA BOUNDED ON THE NORTH BY NORTH AVENUE, ON THE WEST BY CENTRAL AVENUE AND HARFORD AVENUE, ON THE SOUTH BY MONUMENT STREET AS IT RUNS FROM NORTH CENTRAL AVENUE TO NORTH WOLFE STREET AND MCELDERRY STREET AS IT RUNS FROM NORTH WOLFE STREET TO LUZERNE AVENUE, AND ON THE EAST BY LUZERNE AVENUE AS IT RUNS FROM MONUMENT STREET TO FEDERAL STREET, THEN BY ROSE STREET AS IT RUNS FROM FEDERAL STREET TO NORTH AVENUE, THE HOURS OF SALE:**

**(I) MAY NOT BEGIN BEFORE 9 A.M. OR END AFTER 10 P.M.; AND**

**(II) MAY NOT BE EXTENDED IF THEY BEGIN LATER THAN 9 A.M. OR END BEFORE 10 P.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 390****(Senate Bill 328)**

AN ACT concerning

**Baltimore City – 45th District – Alcoholic Beverages – Exchange of Class B Beer, Wine, and Liquor License**

FOR the purpose of authorizing a Class B beer, wine, and liquor license holder in a certain legislative district to exchange the license for a Class B–D–7 beer, wine, and liquor license if the licensed premises is in an area bounded by certain streets and an applicant executes a memorandum of understanding with a certain community association; providing that a certain license holder is authorized to provide outdoor table service; authorizing the Board of License Commissioners for Baltimore City to make issuance or renewal of a certain license conditional on the substantial compliance of applicants entered into a certain memorandum of understanding; and generally relating to alcoholic beverages licenses in Baltimore City.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 12–102, 12–903(a), (b), and (e), and 12–905(a), (b), and (d) through (f)

Annotated Code of Maryland

(2016 Volume and 2019 Supplement)

BY adding to

Article – Alcoholic Beverages

Section 12–903(f)

Annotated Code of Maryland

(2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 12–905(c) and 12–1406

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**

12–102.

This title applies only in Baltimore City.

12-903.

(a) There is a Class B beer, wine, and liquor license.

(b) The license authorizes the license holder to sell beer, wine, and liquor at a hotel or restaurant at the place described in the license, for on- or off-premises consumption.

(e) (1) The annual license fees are:

(i) \$1,320 for a licensed premises with a seating capacity of not more than 200 individuals; and

(ii) \$1,800 for a licensed premises with a seating capacity of more than 200 individuals.

(2) In addition, the license holder annually shall pay:

(i) \$500, if the license holder provides live entertainment; and

(ii) \$200, if the license holder provides outdoor table service.

**(F) IN THE 45TH LEGISLATIVE DISTRICT, A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY BE EXCHANGED FOR A CLASS B-D-7 BEER, WINE, AND LIQUOR LICENSE IF:**

**(1) THE LICENSED PREMISES IS IN AN AREA BOUNDED BY THE UNIT BLOCK OF WEST PRESTON STREET, THE 1200 BLOCK OF NORTH CHARLES STREET, THE 1200 BLOCK OF MORTON STREET, AND THE UNIT BLOCK OF WEST BIDDLE STREET; AND**

**(2) THE APPLICANT EXECUTES A MEMORANDUM OF UNDERSTANDING WITH THE MOUNT VERNON-BELVEDERE IMPROVEMENT ASSOCIATION.**

12-905.

(a) There is a Class B-D-7 beer, wine, and liquor license.

(b) (1) The Board may issue a Class B-D-7 license if the Board determines that the license is reasonably necessary for the convenience of the public.

(2) In making the determination, the Board shall consider the number of beer, wine, and liquor outlets in a given area and the number of days the outlets are open, rather than the nature of the outlets.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor

at retail at the place described in the license, for on- and off-premises consumption.

**(2) THE HOLDER OF A LICENSE EXCHANGED IN ACCORDANCE WITH § 12-903 OF THIS SUBTITLE IS AUTHORIZED TO PROVIDE OUTDOOR TABLE SERVICE.**

(d) (1) Except as provided in paragraph (2) of this subsection, the license holder may sell beer, wine, and liquor during the hours and days set out under § 12-2004(c) of this title.

(2) The hours of sale for a license holder in an area bounded by Liberty Heights Avenue, Northern Parkway, Druid Park Drive, and Wabash Avenue are from 9 a.m. to 9 p.m.

(e) The Board shall adopt regulations to determine the manner of operation of a licensed premises.

(f) The annual license fee is \$1,320.

12-1406.

(a) In this section, “community association” means:

(1) a nonprofit association, corporation, or other organization that is:

(i) composed of residents of a community within which a nuisance is located;

(ii) operated exclusively for the promotion of social welfare and general neighborhood improvement and enhancement; and

(iii) exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code; or

(2) a nonprofit association, corporation, or other organization that is:

(i) composed of residents of a contiguous community that is defined by specific geographic boundaries, within which a nuisance is located;

(ii) operated for the promotion of the welfare, improvement, and enhancement of that community; and

(iii) in good standing with the State Department of Assessments and Taxation.

(b) If a community association and an applicant for the issuance or renewal of a Class B, **B-D-7**, or D alcoholic beverages license have entered into a memorandum of understanding that expressly acknowledges the authority of the Board under this article,



the Board may make the issuance or renewal of the license conditional on the substantial compliance of the applicant with the memorandum of understanding.

(c) The existence of a memorandum of understanding does not affect any requirement of any individuals to file a protest under § 4–406 of this article or a complaint under § 4–603 of this 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 391

### (House Bill 963)

AN ACT concerning

#### **Harford County – Alcoholic Beverages – On–Sale License Record Keeping and Enforcement**

FOR the purpose of requiring a holder of a license with an on–sale privilege in Harford County to keep certain records at the location designated in the license or another location in the county; requiring a certain license holder, on a certain number of days' notice, to make certain records available for inspection by the Board of License Commissioners for Harford County or a designee of the Board; requiring the Board to impose a certain fine under certain circumstances; authorizing the Board to suspend a certain license under certain circumstances; and generally relating to alcoholic beverages licenses in Harford County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages  
Section 22–102  
Annotated Code of Maryland  
(2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages  
Section 22–1904  
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.

22–1904.

(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:

**(1) keep the records required under subsection (a) of this section [open to] AT THE LOCATION DESIGNATED IN THE LICENSE OR ANOTHER LOCATION IN THE COUNTY; AND**

**(2) ON AT LEAST 5 DAYS’ NOTICE, MAKE THE RECORDS AVAILABLE FOR 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:

**(I) shall IMPOSE A FINE OF NOT LESS THAN \$250 AND NOT MORE THAN \$2,000; AND**

**(II) MAY SUSPEND OR** 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 392****(Senate Bill 496)**

AN ACT concerning

**Harford County – Alcoholic Beverages – On–Sale License Record Keeping and Enforcement**

FOR the purpose of requiring a holder of a license with an on–sale privilege in Harford County to keep certain records at the location designated in the license or another location in the county; requiring a certain license holder, on a certain number of days' notice, to make certain records available for inspection by the Board of License Commissioners for Harford County or a designee of the Board; requiring the Board to impose a certain fine under certain circumstances; authorizing the Board to suspend a certain license under certain circumstances; and generally relating to alcoholic beverages licenses in Harford County.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 22–102  
Annotated Code of Maryland  
(2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages  
Section 22–1904  
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.

22–1904.

(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:

(1) keep the records required under subsection (a) of this section [open to] **AT THE LOCATION DESIGNATED IN THE LICENSE OR ANOTHER LOCATION IN THE COUNTY; AND**

(2) **ON AT LEAST 5 DAYS' NOTICE, MAKE THE RECORDS AVAILABLE FOR** 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:

(I) shall **IMPOSE A FINE OF NOT LESS THAN \$250 AND NOT MORE THAN \$2,000; AND**

(II) **MAY SUSPEND OR** 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 393

### (House Bill 966)

AN ACT concerning

#### **Higher Education – College of Southern Maryland – Budget**

FOR the purpose of altering the information shown in the budget of the College of Southern Maryland; requiring certain county commissioners to review and approve a budget request made by the College of Southern Maryland; and generally relating to the College of Southern Maryland.

BY repealing and reenacting, with amendments,  
Article – Education

Section 16–610  
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**

16–610.

(a) Each year the Board of Trustees and the president of the College shall prepare and submit to the county commissioners:

- (1) An annual report;
- (2) An operating budget;
- (3) A capital budget; and
- (4) If required, a long–term capital improvement program.

(b) The operating budget shall show:

(1) All revenues estimated for the next fiscal year classified by funds and sources of income [for each campus];

(2) All expenditures requested, including the major functions listed under § 16–304(b) of this title [and specification for the direct expenditures for each campus by major function established by the Commission]; **AND**

(3) [All indirect expenditures for institutional support;

(4) All other indirect expenditures; and

(5)] Any other information or supporting data required by the county commissioners.

(c) [(1)] The county commissioners in each county shall review and approve the budget [of the resident campus in] **REQUEST MADE TO** that county and may reduce it.

[(2)] The Board of Trustees of the College may approve transfers of appropriations for direct or indirect costs in order to ensure the mission of the College.]

(d) The operating budget of the College as outlined in this section shall be submitted to the Commission for informational purposes.

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 394**

**(House Bill 971)**

AN ACT concerning

**Harford County – Alcoholic Beverages – Class GCR (Golf Course Restaurant)  
Beer, Wine, and Liquor License**

FOR the purpose of authorizing the Board of License Commissioners for Harford County to issue a Class GCR (golf course restaurant) beer, wine, and liquor license in accordance with certain requirements; providing for the days and hours of sale for the license; establishing an annual license fee; and generally relating to alcoholic beverages licenses in Harford County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages  
Section 22–102  
Annotated Code of Maryland  
(2016 Volume and 2019 Supplement)

BY adding to

Article – Alcoholic Beverages  
Section 22–1003.1  
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**

22–102.

This title applies only in Harford County.

**22–1003.1.**

**(A) THERE IS A CLASS GCR (GOLF COURSE RESTAURANT) BEER, WINE, AND**

**LIQUOR LICENSE.**

**(B) THE BOARD MAY ISSUE A CLASS GCR LICENSE TO THE OWNER OR OPERATOR OF A GOLF COURSE THAT:**

- (1) IS OPEN TO THE PUBLIC;**
- (2) IS OPERATED FOR PROFIT;**
- (3) HAS A MINIMUM OF 18 HOLES; AND**

**(4) HAS A KITCHEN FACILITY THAT HAS BEEN APPROVED BY THE APPROPRIATE LOCAL GOVERNMENTAL UNIT.**

**(C) (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR CONSUMPTION ON THE LAND AND IN THE BUILDINGS, INCLUDING THE CLUBHOUSE, USED FOR GOLFING PURPOSES AND FOR NON-GOLF-RELATED EVENTS.**

**(2) A PATRON NEED NOT BE SEATED TO BE SERVED.**

**(3) THE LICENSE IS LIMITED TO ON-PREMISES SALES ONLY.**

**(D) 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 § 22-2004 OF THIS TITLE.**

**(E) THE ANNUAL LICENSE FEE IS \$3,500.**

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 395**

**(Senate Bill 376)**

AN ACT concerning

**Harford County – Alcoholic Beverages – Class GCR (Golf Course Restaurant)  
Beer, Wine, and Liquor License**

FOR the purpose of authorizing the Board of License Commissioners for Harford County to issue a Class GCR (golf course restaurant) beer, wine, and liquor license in accordance with certain requirements; providing for the days and hours of sale for the license; establishing an annual license fee; and generally relating to alcoholic beverages licenses in Harford County.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 22–102  
Annotated Code of Maryland  
(2016 Volume and 2019 Supplement)

BY adding to  
Article – Alcoholic Beverages  
Section 22–1003.1  
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**

22–102.

This title applies only in Harford County.

**22–1003.1.**

**(A) THERE IS A CLASS GCR (GOLF COURSE RESTAURANT) BEER, WINE, AND LIQUOR LICENSE.**

**(B) THE BOARD MAY ISSUE A CLASS GCR LICENSE TO THE OWNER OR OPERATOR OF A GOLF COURSE THAT:**

- (1) IS OPEN TO THE PUBLIC;**
- (2) IS OPERATED FOR PROFIT;**
- (3) HAS A MINIMUM OF 18 HOLES; AND**

**(4) HAS A KITCHEN FACILITY THAT HAS BEEN APPROVED BY THE APPROPRIATE LOCAL GOVERNMENTAL UNIT.**



(C) (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR CONSUMPTION ON THE LAND AND IN THE BUILDINGS, INCLUDING THE CLUBHOUSE, USED FOR GOLFING PURPOSES AND FOR NON-GOLF-RELATED EVENTS.

(2) A PATRON NEED NOT BE SEATED TO BE SERVED.

(3) THE LICENSE IS LIMITED TO ON-PREMISES SALES ONLY.

(D) 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 § 22-2004 OF THIS TITLE.

(E) THE ANNUAL LICENSE FEE IS \$3,500.

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 396

(House Bill 972)

AN ACT concerning

### Harford County – Alcoholic Beverages – Class C-3 License

FOR the purpose of altering, in Harford County, the membership qualifications for a social organization that may be issued a certain 6-day or 7-day Class C-3 beer, wine, and liquor license by the Board of License Commissioners for Harford County; and generally relating to alcoholic beverages in Harford County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages  
Section 22-102 and 22-909(a)  
Annotated Code of Maryland  
(2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages  
Section 22-909(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**

22–102.

This title applies only in Harford County.

22–909.

(a) There is:

(1) a 6–day Class C–3 (country club, social organization, topiary garden, or yacht or boat club) beer, wine, and liquor license; and

(2) a 7–day Class C–3 (country club, social organization, topiary garden, or yacht or boat club) beer, wine, and liquor license.

(b) The Board may issue the 6–day license or the 7–day license for use by:

(1) a country club that:

(i) may be operated for profit or not for profit;

(ii) has at least 75 members paying dues of at least \$50 per year per member; and

(iii) maintains a regular or championship golf course of at least nine holes or a swimming pool that is at least 20 by 40 feet;

(2) a social organization that:

(i) may be operated for profit or not for profit;

(ii) has at least 100 members paying dues of at least \$200 per year per member;

(iii) has at least 51% of its membership consisting of:

1. active members of the armed forces of the United States;

2. veterans of the armed forces of the United States;

3. active or retired [policemen] **FIRST RESPONDERS**; and

4. the spouses and children of the eligible members under items 1 through 3 of this item;

(iv) is secured by electronic means and is accessible only to members and their guests over the age of 21;

(v) requires each server of alcoholic beverages at the social organization to hold a certificate of completion from an approved alcohol awareness program as described in § 4-505 of this article;

(vi) has parking facilities to accommodate the vehicles of members and their guests;

(vii) is zoned for business or commercial use; and

(viii) maintains a list of all active members available for review by the Board of License Commissioners;

(3) a topiary garden that:

(i) operates a public museum and garden for the members of the topiary garden and the public as guests of the members;

(ii) is open to the public for at least 6 days a week for at least 6 hours a day during at least 5 months each year; and

(iii) has food preparation facilities on the premises for the convenience of guests; or

(4) a yacht or boat club that:

(i) may be operated for profit or not for profit;

(ii) owns real property in the county; and

(iii) has at least 150 dues-paying members, of whom at least 50 own a yacht, boat, or other vessel.

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.**

**(Senate Bill 379)**

AN ACT concerning

**Harford County – Alcoholic Beverages – Class C–3 License**

FOR the purpose of altering, in Harford County, the membership qualifications for a social organization that may be issued a certain 6–day or 7–day Class C–3 beer, wine, and liquor license by the Board of License Commissioners for Harford County; and generally relating to alcoholic beverages in Harford County.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 22–102 and 22–909(a)  
Annotated Code of Maryland  
(2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages  
Section 22–909(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**

22–102.

This title applies only in Harford County.

22–909.

(a) There is:

(1) a 6–day Class C–3 (country club, social organization, topiary garden, or yacht or boat club) beer, wine, and liquor license; and

(2) a 7–day Class C–3 (country club, social organization, topiary garden, or yacht or boat club) beer, wine, and liquor license.

(b) The Board may issue the 6–day license or the 7–day license for use by:

(1) a country club that:

(i) may be operated for profit or not for profit;

(ii) has at least 75 members paying dues of at least \$50 per year per member; and

(iii) maintains a regular or championship golf course of at least nine holes or a swimming pool that is at least 20 by 40 feet;

(2) a social organization that:

(i) may be operated for profit or not for profit;

(ii) has at least 100 members paying dues of at least \$200 per year per member;

(iii) has at least 51% of its membership consisting of:

1. active members of the armed forces of the United States;

2. veterans of the armed forces of the United States;

3. active or retired [policemen] **FIRST RESPONDERS**; and

4. the spouses and children of the eligible members under items 1 through 3 of this item;

(iv) is secured by electronic means and is accessible only to members and their guests over the age of 21;

(v) requires each server of alcoholic beverages at the social organization to hold a certificate of completion from an approved alcohol awareness program as described in § 4-505 of this article;

(vi) has parking facilities to accommodate the vehicles of members and their guests;

(vii) is zoned for business or commercial use; and

(viii) maintains a list of all active members available for review by the Board of License Commissioners;

(3) a topiary garden that:

(i) operates a public museum and garden for the members of the topiary garden and the public as guests of the members;

(ii) is open to the public for at least 6 days a week for at least 6 hours a day during at least 5 months each year; and

(iii) has food preparation facilities on the premises for the convenience of guests; or

(4) a yacht or boat club that:

(i) may be operated for profit or not for profit;

(ii) owns real property in the county; and

(iii) has at least 150 dues-paying members, of whom at least 50 own a yacht, boat, or other vessel.

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 398

### (Senate Bill 915)

AN ACT concerning

#### **Maryland Insurance Administration – Pharmacy Services Administrative Organizations – Regulation**

FOR the purpose of requiring, on or after a certain date, pharmacy services administrative organizations to register with the Maryland Insurance Commissioner before providing certain services in the State; requiring certain applicants to file an application on a certain form and pay a certain fee; providing for the expiration and renewal of a certain registration; prohibiting certain pharmacy services administrative organizations from entering into certain contracts; authorizing the Commissioner to deny, refuse to renew, suspend, or revoke a registration under certain circumstances; requiring a pharmacy services administrative organization to maintain certain books and records in a certain manner and for a certain time period; providing that a certain contract or amendment to a contract is considered to be confidential and proprietary and not subject to disclosure under certain provisions of law; authorizing the Commissioner to examine the affairs, transactions, accounts, and records of a registered pharmacy services administrative organization; requiring that the examination be conducted, the expense of the examination be paid, and the reports be issued in accordance with certain laws; authorizing and requiring the Commissioner to adopt certain regulations; prohibiting certain contracts and amendments to certain contracts from becoming effective except under certain circumstances; providing that a certain notice from the Commissioner constitutes a

certain waiver; requiring a pharmacy services administrative contract to include a certain provision requiring a pharmacy services administrative organization to provide certain documents and information to a certain pharmacy within a certain period of time; *authorizing a pharmacy services administrative contract to prohibit an independent pharmacy from disclosing certain documents to certain competitors;* requiring a pharmacy services administrative organization to disclose certain information concerning certain ownership or control to the Commissioner and notify the Commissioner of certain changes in ownership or control within a certain period of time; requiring a pharmacy services administrative organization to provide certain disclosures before entering into certain contracts with certain entities; requiring a pharmacy services administrative organization to provide notice of certain changes in ownership or control to certain entities within a certain period of time; ~~requiring a certain contract that authorizes a pharmacy benefits manager to conduct a certain audit of a pharmacy services administrative organization to contain certain language that authorizes the pharmacy benefits manager to obtain certain information regarding certain pharmacies for certain purposes;~~ requiring a pharmacy services administrative contract to require certain remittances to be passed from a pharmacy services administrative organization to a certain pharmacy within a certain period of time; ~~requiring a pharmacy services administrative organization to submit a certain annual report to the Commissioner under certain circumstances; requiring the Commissioner to make certain reports available to the public;~~ prohibiting a pharmacy services administrative organization from requiring a certain pharmacy to purchase certain drugs, biologics, or medical devices from a certain entity as a condition for entering into a pharmacy services administrative contract; requiring a pharmacy services administrative organization that owns or is owned by a certain entity to disclose to the Commissioner certain agreements; requiring certain disclosures to comply with certain privacy standards; requiring certain pharmacy services administrative organizations to establish certain policies and procedures; establishing certain prohibited acts; authorizing the Commissioner to issue certain cease and desist orders, take certain action, and impose certain penalties under certain circumstances; providing for the service of a certain order; providing that a request for a certain hearing does not stay a certain portion of a certain order; authorizing the Commissioner to file a certain petition in a certain court and to recover certain fees and costs under certain circumstances; providing that certain provisions of this Act do not limit certain regulatory authority; establishing that a certain contract in effect on a certain date may remain in effect under certain circumstances; prohibiting a pharmacy services administrative organization operating in the State before a certain date from being required to register with the Commissioner before a certain date; requiring a pharmacy services administrative organization operating in the State before a certain date to comply with certain provisions of this Act; providing for the construction of this Act; defining certain terms; and generally relating to pharmacy services administrative organizations.

BY adding to

Article – Insurance

Section 15–2001 through ~~15–2021~~ 15–2019 to be under the new subtitle “Subtitle 20. Pharmacy Services Administrative Organizations”  
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**

**SUBTITLE 20. PHARMACY SERVICES ADMINISTRATIVE ORGANIZATIONS.**

**15–2001.**

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

(B) “INDEPENDENT PHARMACY” MEANS A PHARMACY OPERATING WITHIN THE STATE THAT IS UNDER COMMON OWNERSHIP WITH NOT MORE THAN TWO OTHER PHARMACIES.

(C) “PHARMACY BENEFITS MANAGER” HAS THE MEANING STATED IN § 15–1601 OF THIS TITLE.

(D) “PHARMACY SERVICES ADMINISTRATIVE CONTRACT” MEANS A CONTRACTUAL AGREEMENT BETWEEN A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION AND AN INDEPENDENT PHARMACY UNDER WHICH A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION AGREES TO NEGOTIATE WITH ~~THIRD PARTY PAYERS~~ PURCHASERS OR PHARMACY BENEFITS MANAGERS ON BEHALF OF ONE OR MORE INDEPENDENT PHARMACIES.

(E) (1) “PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION” MEANS AN ENTITY ~~OPERATING WITHIN THE STATE THAT:~~

~~(I) CONTRACTS WITH INDEPENDENT PHARMACIES TO CONDUCT BUSINESS ON THEIR BEHALF WITH THIRD PARTY PAYERS;~~

~~(II) PROVIDES ADMINISTRATIVE SERVICES TO INDEPENDENT PHARMACIES; OR~~

~~(III) NEGOTIATES AND ENTERS INTO CONTRACTS WITH THIRD PARTY PAYERS OR PHARMACY BENEFITS MANAGERS ON BEHALF OF INDEPENDENT PHARMACIES THAT PROVIDES A CONTRACTED PHARMACY WITH CONTRACTING ADMINISTRATIVE SERVICES RELATING TO PRESCRIPTION DRUG BENEFITS.~~



**(2) "PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION" DOES NOT INCLUDE A NONPROFIT HEALTH MAINTENANCE ORGANIZATION THAT:**

**(I) OPERATES AS A GROUP MODEL;**

**(II) PROVIDES SERVICES SOLELY TO A MEMBER OR PATIENT OF THE NONPROFIT HEALTH MAINTENANCE ORGANIZATION; AND**

**(III) FURNISHES SERVICES THROUGH THE INTERNAL PHARMACY OPERATIONS OF THE NONPROFIT HEALTH MAINTENANCE ORGANIZATION.**

**~~(2) "PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION" INCLUDES A PERSON THAT PERFORMS ONE OR MORE OF THE FOLLOWING ADMINISTRATIVE SERVICES FOR AN INDEPENDENT PHARMACY:~~**

**~~(I) CLAIMS ASSISTANCE;~~**

**~~(II) AUDIT ASSISTANCE;~~**

**~~(III) CENTRALIZED PAYMENT;~~**

**~~(IV) SPECIAL CARE PROGRAMS CERTIFICATION;~~**

**~~(V) COMPLIANCE SUPPORT;~~**

**~~(VI) FLAT FEE SETTING FOR GENERIC DRUGS;~~**

**~~(VII) STORE LAYOUT ASSISTANCE;~~**

**~~(VIII) INVENTORY MANAGEMENT;~~**

**~~(IX) MARKETING SUPPORT;~~**

**~~(X) PAYMENT AND DRUG DISPENSING DATA MANAGEMENT AND ANALYSIS; OR~~**

**~~(XI) PROVISION OF RESOURCES FOR RETAIL CASH CARDS.~~**

**~~(F) (1) "THIRD PARTY PAYER" MEANS AN ENTITY OPERATING WITHIN THE STATE THAT PAYS OR INSURES HEALTH, MEDICAL, OR PRESCRIPTION DRUG EXPENSES ON BEHALF OF BENEFICIARIES.~~**

~~(2) “THIRD PARTY PAYER” INCLUDES A PLAN SPONSOR, A NONPROFIT HEALTH SERVICE PLAN, A HEALTH MAINTENANCE ORGANIZATION, AND AN INSURER.~~

~~(3) “THIRD PARTY PAYER” DOES NOT INCLUDE A SELF FUNDED EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 (ERISA) PLAN AS DESCRIBED IN 29 U.S.C. § 1144(B)(2)(B).~~

(F) (1) “PURCHASER” MEANS THE STATE EMPLOYEE AND RETIREE HEALTH AND WELFARE BENEFITS PROGRAM, AN INSURER, A NONPROFIT HEALTH SERVICES PLAN, OR A HEALTH MAINTENANCE ORGANIZATION THAT PROVIDES PRESCRIPTION DRUG COVERAGE OR BENEFITS IN THE STATE.

(2) “PURCHASER” DOES NOT INCLUDE A PERSON THAT PROVIDES PRESCRIPTION DRUG COVERAGE OR BENEFITS THROUGH PLANS SUBJECT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 AND DOES NOT PROVIDE PRESCRIPTION DRUG COVERAGE OR BENEFITS THROUGH INSURANCE, UNLESS THE PERSON IS A MULTIPLE EMPLOYER WELFARE ARRANGEMENT AS DEFINED IN § 514(B)(6)(A)(II) OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

15-2002.

(A) ON OR AFTER JULY 1, 2021, A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION SHALL REGISTER WITH THE COMMISSIONER AS A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION BEFORE PROVIDING SERVICES AS A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION IN THE STATE TO INDEPENDENT PHARMACIES.

(B) AN APPLICANT FOR REGISTRATION SHALL:

(1) FILE WITH THE COMMISSIONER AN APPLICATION ON THE FORM THAT THE COMMISSIONER PROVIDES; AND

(2) PAY TO THE COMMISSIONER A REGISTRATION FEE SET BY THE COMMISSIONER.

15-2003.

(A) A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION REGISTRATION EXPIRES ON THE SECOND SEPTEMBER 30 AFTER ITS EFFECTIVE DATE UNLESS IT IS RENEWED AS PROVIDED UNDER THIS SECTION.

(B) A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION MAY RENEW ITS REGISTRATION FOR AN ADDITIONAL 2-YEAR TERM IF THE PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION:

- (1) OTHERWISE IS ENTITLED TO BE REGISTERED;
- (2) FILES WITH THE COMMISSIONER A RENEWAL APPLICATION ON THE FORM THAT THE COMMISSIONER REQUIRES; AND
- (3) PAYS TO THE COMMISSIONER A RENEWAL FEE SET BY THE COMMISSIONER.

15-2004.

A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION THAT HAS NOT REGISTERED WITH THE COMMISSIONER MAY NOT ENTER INTO AN AGREEMENT OR A CONTRACT WITH AN INDEPENDENT PHARMACY OR A PHARMACY BENEFITS MANAGER.

15-2005.

SUBJECT TO THE APPLICABLE HEARING PROVISIONS OF TITLE 2 OF THIS ARTICLE, THE COMMISSIONER MAY DENY A REGISTRATION TO A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION OR REFUSE TO RENEW, SUSPEND, OR REVOKE THE REGISTRATION OF A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION IF THE PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION, OR AN OFFICER, A DIRECTOR, OR AN EMPLOYEE OF THE PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION:

- (1) MAKES A MATERIAL MISSTATEMENT OR MISREPRESENTATION IN AN APPLICATION FOR REGISTRATION;
- (2) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A REGISTRATION;
- (3) IN CONNECTION WITH THE ADMINISTRATION OF PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION SERVICES, COMMITS FRAUD OR ENGAGES IN ILLEGAL OR DISHONEST ACTIVITIES; OR
- (4) VIOLATES THIS SUBTITLE OR A REGULATION ADOPTED UNDER THIS SUBTITLE.

15-2006.

A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION SHALL MAINTAIN ADEQUATE BOOKS AND RECORDS REGARDING EACH INDEPENDENT PHARMACY FOR WHICH THE PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION PROVIDES SERVICES AS A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION:

(1) IN ACCORDANCE WITH PRUDENT STANDARDS OF RECORD KEEPING;

(2) FOR THE DURATION OF THE AGREEMENT BETWEEN THE PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION AND THE INDEPENDENT PHARMACY; AND

(3) FOR 3 YEARS AFTER THE PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION CEASES TO PROVIDE SERVICES AS A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION FOR THE INDEPENDENT PHARMACY.

15-2007.

(A) WHENEVER THE COMMISSIONER CONSIDERS IT ADVISABLE, THE COMMISSIONER MAY EXAMINE THE AFFAIRS, TRANSACTIONS, ACCOUNTS, AND RECORDS OF A REGISTERED PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION.

(B) THE EXAMINATION SHALL BE CONDUCTED IN ACCORDANCE WITH § 2-207 OF THIS ARTICLE.

(C) THE EXPENSE OF THE EXAMINATION SHALL BE PAID IN ACCORDANCE WITH § 2-208 OF THIS ARTICLE.

(D) THE REPORTS OF THE EXAMINATION AND INVESTIGATION SHALL BE ISSUED IN ACCORDANCE WITH § 2-209 OF THIS ARTICLE.

15-2008.

THE COMMISSIONER MAY ADOPT REGULATIONS TO IMPLEMENT THIS SUBTITLE.

15-2009.

THIS SUBTITLE MAY NOT BE CONSTRUED TO DIMINISH THE AUTHORITY OF THE OFFICE OF THE ATTORNEY GENERAL OR THE COMMISSIONER TO OBTAIN INFORMATION RELATING TO A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION AND USE THE INFORMATION IN ANY PROCEEDING.

15-2010.

(A) A PHARMACY SERVICES ADMINISTRATIVE CONTRACT OR AN AMENDMENT TO A PHARMACY SERVICES ADMINISTRATIVE CONTRACT OR A CONTRACT OR AN AMENDMENT TO A CONTRACT BETWEEN A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION, ON BEHALF OF AN INDEPENDENT PHARMACY, AND A PHARMACY BENEFITS MANAGER OR GROUP PURCHASING ORGANIZATION MAY NOT BECOME EFFECTIVE UNLESS:

(1) AT LEAST ~~30~~ 60 DAYS BEFORE THE CONTRACT OR AMENDMENT IS TO BECOME EFFECTIVE, THE PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION FILES THE CONTRACT OR, IF REQUIRED, AMENDMENT WITH THE COMMISSIONER IN THE FORM REQUIRED BY THE COMMISSIONER; AND

(2) THE COMMISSIONER DOES NOT DISAPPROVE THE FILING WITHIN ~~30~~ 60 DAYS AFTER THE CONTRACT OR AMENDMENT IS FILED.

(B) NOTICE FROM THE COMMISSIONER THAT A FILED CONTRACT OR AMENDMENT TO A CONTRACT MAY BE USED IN THE STATE CONSTITUTES A WAIVER OF ANY UNEXPIRED PART OF THE FILING PERIOD.

~~(B)~~ (C) THE COMMISSIONER SHALL ADOPT REGULATIONS TO:

(1) ESTABLISH THE CIRCUMSTANCES UNDER WHICH THE COMMISSIONER MAY DISAPPROVE A CONTRACT; AND

(2) SPECIFY THE TYPES OF AMENDMENTS TO A CONTRACT REQUIRED TO BE FILED UNDER SUBSECTION (A) OF THIS SECTION.

15-2011.

(A) A PHARMACY SERVICES ADMINISTRATIVE CONTRACT SHALL INCLUDE A PROVISION THAT REQUIRES THE PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION TO PROVIDE TO THE INDEPENDENT PHARMACY A COPY OF ANY CONTRACTS, AMENDMENTS, PAYMENT SCHEDULES, OR REIMBURSEMENT RATES WITHIN ~~3 CALENDAR~~ 5 WORKING DAYS AFTER THE EXECUTION OF A CONTRACT, OR AN AMENDMENT TO A CONTRACT, SIGNED ON BEHALF OF THE INDEPENDENT PHARMACY BY THE PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION.

(B) A PHARMACY SERVICES ADMINISTRATIVE CONTRACT MAY PROHIBIT AN INDEPENDENT PHARMACY FROM DISCLOSING THE DOCUMENTS PROVIDED TO THE INDEPENDENT PHARMACY UNDER SUBSECTION (A) OF THIS SECTION TO ANY COMPETITOR OF THE PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION.

15-2012.

(A) EACH PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION SHALL DISCLOSE TO THE COMMISSIONER THE EXTENT OF ANY OWNERSHIP OR CONTROL OF THE PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION BY ANY PARENT COMPANY, SUBSIDIARY, OR OTHER ORGANIZATION THAT:

- (1) PROVIDES PHARMACY SERVICES;
- (2) PROVIDES PRESCRIPTION DRUG OR DEVICE SERVICES; OR
- (3) MANUFACTURES, SELLS, OR DISTRIBUTES PRESCRIPTION DRUGS, BIOLOGICS, OR MEDICAL DEVICES.

(B) EACH PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION SHALL NOTIFY THE COMMISSIONER IN WRITING WITHIN 5 ~~CALENDAR~~ WORKING DAYS AFTER ANY MATERIAL CHANGE IN ITS OWNERSHIP OR CONTROL RELATING TO ANY COMPANY, SUBSIDIARY, OR OTHER ORGANIZATION DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION.

15-2013.

(A) BEFORE ENTERING INTO A PHARMACY SERVICES ADMINISTRATIVE CONTRACT, A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION SHALL PROVIDE TO AN INDEPENDENT PHARMACY A WRITTEN DISCLOSURE OF OWNERSHIP OR CONTROL.

(B) THE DISCLOSURE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE THE EXTENT OF ANY OWNERSHIP OR CONTROL BY ANY PARENT COMPANY, SUBSIDIARY, OR OTHER ORGANIZATION THAT:

- (1) PROVIDES PHARMACY SERVICES;
- (2) PROVIDES PRESCRIPTION DRUG OR DEVICE SERVICES; OR
- (3) MANUFACTURES, SELLS, OR DISTRIBUTES PRESCRIPTION DRUGS, BIOLOGICS, OR MEDICAL DEVICES.

(C) A PHARMACY SERVICES ADMINISTRATIVE CONTRACT SHALL REQUIRE A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION TO NOTIFY AN INDEPENDENT PHARMACY IN WRITING WITHIN 5 ~~CALENDAR~~ WORKING DAYS AFTER ANY MATERIAL CHANGE IN ITS OWNERSHIP OR CONTROL RELATED TO ANY COMPANY, SUBSIDIARY, OR OTHER ORGANIZATION DESCRIBED UNDER SUBSECTION (B) OF THIS SECTION.

15-2014.

(A) BEFORE ENTERING INTO A CONTRACT WITH A ~~THIRD-PARTY-PAYER PURCHASER~~ OR PHARMACY BENEFITS MANAGER, A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION SHALL PROVIDE TO THE ~~THIRD-PARTY-PAYER PURCHASER~~ OR PHARMACY BENEFITS MANAGER A WRITTEN DISCLOSURE OF OWNERSHIP OR CONTROL.

(B) THE DISCLOSURE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE THE EXTENT OF ANY OWNERSHIP OR CONTROL BY ANY PARENT COMPANY, SUBSIDIARY, OR OTHER ORGANIZATION THAT:

- (1) PROVIDES PHARMACY SERVICES;
- (2) PROVIDES PRESCRIPTION DRUG OR DEVICE SERVICES; OR
- (3) MANUFACTURES, SELLS, OR DISTRIBUTES PRESCRIPTION DRUGS, BIOLOGICS, OR MEDICAL DEVICES.

(C) A CONTRACT WITH A ~~THIRD-PARTY-PAYER PURCHASER~~ OR PHARMACY BENEFITS MANAGER SHALL PROVIDE THAT A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION SHALL NOTIFY THE ~~THIRD-PARTY-PAYER PURCHASER~~ OR PHARMACY BENEFITS MANAGER IN WRITING WITHIN 5 ~~CALENDAR~~ WORKING DAYS AFTER ANY MATERIAL CHANGE IN ITS OWNERSHIP OR CONTROL RELATED TO ANY COMPANY, SUBSIDIARY, OR OTHER ORGANIZATION DESCRIBED IN SUBSECTION (B) OF THIS SECTION.

~~15-2015.~~

~~A CONTRACT BETWEEN A PHARMACY BENEFITS MANAGER AND A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION THAT AUTHORIZES A PHARMACY BENEFITS MANAGER TO CONDUCT AUDITS OF INDEPENDENT PHARMACIES FOR WHICH THE PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION PROVIDES SERVICES AS A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION SHALL CONTAIN SPECIFIC LANGUAGE THAT AUTHORIZES THE PHARMACY BENEFITS MANAGER TO OBTAIN INFORMATION FROM THE PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION REGARDING THE INDEPENDENT PHARMACY FOR PURPOSES OF THE AUDIT.~~

~~15-2016.~~ 15-2015.

A PHARMACY SERVICES ADMINISTRATIVE CONTRACT SHALL:

(1) REQUIRE ALL REMITTANCES FOR CLAIMS SUBMITTED BY A PHARMACY BENEFITS MANAGER OR ~~THIRD-PARTY-PAYER~~ PURCHASER ON BEHALF OF AN INDEPENDENT PHARMACY TO BE PASSED BY THE PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION TO THE INDEPENDENT PHARMACY WITHIN A REASONABLE AMOUNT OF TIME; AND

(2) SPECIFY THE REASONABLE AMOUNT OF TIME IN WHICH THE PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION IS REQUIRED TO PASS THE REMITTANCES RECEIVED FROM THE PHARMACY BENEFITS MANAGER OR ~~THIRD-PARTY-PAYER~~ PURCHASER TO THE INDEPENDENT PHARMACY.

~~15-2017.~~

~~(A) A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION THAT PROVIDES, ACCEPTS, OR PROCESSES A DISCOUNT, CONCESSION, OR PRODUCT VOUCHER TO REDUCE, DIRECTLY OR INDIRECTLY, AN OUT-OF-POCKET EXPENSE FOR THE ORDER, DISPENSING, SUBSTITUTION, SALE, OR PURCHASE OF A PRESCRIPTION DRUG SHALL SUBMIT TO THE COMMISSIONER AN ANNUAL REPORT THAT INCLUDES:~~

~~(1) AN AGGREGATED TOTAL OF THE AMOUNT RECEIVED BY THE INDEPENDENT PHARMACY FOR PRESCRIPTION DRUGS THAT WERE SUBJECT TO A DISCOUNT, CONCESSION, OR PRODUCT VOUCHER AND ORDERED, DISPENSED, SUBSTITUTED, SOLD, OR PURCHASED BY THE INDEPENDENT PHARMACY; AND~~

~~(2) AN AGGREGATED TOTAL OF ANY PAYMENTS RECEIVED BY THE PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION FOR PROVIDING, ACCEPTING, OR PROCESSING DISCOUNTS, CONCESSIONS, OR PRODUCT VOUCHERS ON BEHALF OF AN INDEPENDENT PHARMACY.~~

~~(B) THE COMMISSIONER SHALL MAKE THE REPORTS SUBMITTED UNDER SUBSECTION (A) OF THIS SECTION AVAILABLE TO THE PUBLIC.~~

~~15-2018.~~ 15-2016.

(A) A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION THAT OWNS OR IS OWNED BY, IN WHOLE OR IN PART, AN ENTITY THAT MANUFACTURES, SELLS, OR DISTRIBUTES PRESCRIPTION DRUGS, BIOLOGICS, OR MEDICAL DEVICES MAY NOT REQUIRE, AS A CONDITION OF ENTERING INTO A PHARMACY SERVICES ADMINISTRATIVE CONTRACT, THAT AN INDEPENDENT PHARMACY PURCHASE ANY DRUGS, BIOLOGICS, OR MEDICAL DEVICES FROM THE ENTITY.

(B) A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION THAT OWNS OR IS OWNED BY, IN WHOLE OR IN PART, ANY ENTITY THAT MANUFACTURES, SELLS,



OR DISTRIBUTES PRESCRIPTION DRUGS, BIOLOGICS, OR MEDICAL DEVICES SHALL DISCLOSE TO THE COMMISSIONER ANY AGREEMENT WITH AN INDEPENDENT PHARMACY UNDER WHICH THE INDEPENDENT PHARMACY PURCHASES PRESCRIPTION DRUGS, BIOLOGICS, OR MEDICAL DEVICES FROM THE ENTITY.

~~15-2019.~~ 15-2017.

(A) ALL DISCLOSURES MADE UNDER THIS SUBTITLE SHALL COMPLY WITH THE PRIVACY STANDARDS ESTABLISHED IN FEDERAL AND STATE LAW.

(B) A CONTRACT OR AMENDMENT TO A CONTRACT SUBMITTED TO THE COMMISSIONER AS REQUIRED BY THIS SUBTITLE:

(1) IS CONSIDERED TO BE CONFIDENTIAL AND PROPRIETARY INFORMATION; AND

(2) IS NOT SUBJECT TO DISCLOSURE UNDER THE PUBLIC INFORMATION ACT.

~~15-2020.~~ 15-2018.

A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION SHALL ESTABLISH APPROPRIATE POLICIES AND PROCEDURES TO IMPLEMENT THE REQUIREMENTS OF THIS SUBTITLE.

~~15-2021.~~ 15-2019.

(A) A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION MAY NOT:

(1) MISREPRESENT PERTINENT FACTS OR POLICY PROVISIONS THAT RELATE TO AN ISSUE IN A ~~COMPLAINT~~ DISPUTE OR AN APPEAL OF A DECISION REGARDING A ~~COMPLAINT~~ DISPUTE;

(2) REFUSE TO PAY OR REIMBURSE AN INDEPENDENT PHARMACY OR A PHARMACY BENEFITS MANAGER FOR AN ARBITRARY OR CAPRICIOUS REASON BASED ON ALL AVAILABLE INFORMATION;

(3) FAIL TO SETTLE A DISPUTE PROMPTLY WHENEVER LIABILITY IS REASONABLY CLEAR UNDER ONE PART OF A POLICY OR CONTRACT, IN ORDER TO INFLUENCE SETTLEMENTS UNDER OTHER PARTS OF THE POLICY OR CONTRACT; ~~OR~~

(4) FAIL TO ACT IN GOOD FAITH; OR

**(5) ENGAGE IN ANY ACTIVITY THAT IS A PROHIBITED ACTIVITY FOR A PHARMACY BENEFITS MANAGER UNDER SUBTITLE 16 OF THIS TITLE OR A REGULATION ADOPTED UNDER SUBTITLE 16 OF THIS TITLE.**

**(B) IF THE COMMISSIONER DETERMINES THAT A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION HAS VIOLATED ANY PROVISION OF THIS SUBTITLE OR ANY REGULATION ADOPTED UNDER THIS SUBTITLE, THE COMMISSIONER MAY ISSUE AN ORDER THAT REQUIRES A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION TO:**

**(1) CEASE AND DESIST FROM THE IDENTIFIED VIOLATION AND FURTHER SIMILAR VIOLATIONS;**

**(2) TAKE SPECIFIC AFFIRMATIVE ACTION TO CORRECT THE VIOLATION;**

**(3) MAKE RESTITUTION OF MONEY, PROPERTY, AND OTHER ASSETS TO A PERSON THAT HAS SUFFERED FINANCIAL INJURY BECAUSE OF THE VIOLATION; OR**

**(4) PAY A FINE IN THE AMOUNT DETERMINED BY THE COMMISSIONER.**

**(C) (1) AN ORDER OF THE COMMISSIONER ISSUED UNDER THIS SECTION MAY BE SERVED ON A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION THAT IS REGISTERED UNDER § 15–2002 OF THIS SUBTITLE IN THE MANNER PROVIDED IN § 2–204 OF THIS ARTICLE.**

**(2) AN ORDER OF THE COMMISSIONER ISSUED UNDER THIS SECTION MAY BE SERVED ON A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION THAT IS NOT REGISTERED UNDER § 15–2002 OF THIS SUBTITLE IN THE MANNER PROVIDED IN § 4–206 OR § 4–207 OF THIS ARTICLE FOR SERVICE ON AN UNAUTHORIZED INSURER THAT DOES AN ACT OF INSURANCE BUSINESS IN THE STATE.**

**(3) A REQUEST FOR A HEARING ON ANY ORDER ISSUED UNDER THIS SECTION DOES NOT STAY THAT PORTION OF THE ORDER THAT REQUIRES THE PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION TO CEASE AND DESIST FROM THE CONDUCT IDENTIFIED IN THE ORDER.**

**(4) THE COMMISSIONER MAY FILE A PETITION IN THE CIRCUIT COURT OF ANY COUNTY TO ENFORCE AN ORDER ISSUED UNDER THIS SECTION, WHETHER OR NOT A HEARING HAS BEEN REQUESTED OR, IF REQUESTED, WHETHER OR NOT A HEARING HAS BEEN HELD.**

(5) IF THE COMMISSIONER PREVAILS IN AN ACTION BROUGHT UNDER THIS SECTION, THE COMMISSIONER MAY RECOVER, FOR THE USE OF THE STATE, REASONABLE ATTORNEY'S FEES AND THE COSTS OF THE ACTION.

(D) IN ADDITION TO ANY OTHER ENFORCEMENT ACTION TAKEN BY THE COMMISSIONER UNDER THIS SECTION, THE COMMISSIONER MAY IMPOSE A CIVIL PENALTY NOT EXCEEDING \$10,000 FOR EACH VIOLATION OF THIS SUBTITLE.

(E) THE COMMISSIONER MAY ADOPT REGULATIONS:

(1) TO CARRY OUT THIS SECTION; AND

(2) TO ESTABLISH A COMPLAINT PROCESS TO ADDRESS GRIEVANCES AND APPEALS BROUGHT IN ACCORDANCE WITH THIS SECTION.

(F) THIS SECTION DOES NOT LIMIT ANY OTHER REGULATORY AUTHORITY OF THE COMMISSIONER UNDER THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That a pharmacy services administrative organization contract that is in effect on the effective date of this Act may remain in effect if the contract is:

(1) filed with the Maryland Insurance Commissioner on or before July 1, 2021; and

(2) administered in accordance with all applicable provisions of Title 15, Subtitle 20 of the Insurance Article, as enacted by Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That a pharmacy services administrative organization operating in the State before July 1, 2021, may not be required to register with the Maryland Insurance Commissioner before July 1, 2021, and shall comply with §§ 15-2006 through 15-2019 of the Insurance Article, as enacted by Section 1 of this Act.

SECTION ~~2~~ 4. 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 399

(House Bill 978)

### Maryland Insurance Administration – Pharmacy Services Administrative Organizations – Regulation

FOR the purpose of requiring, on or after a certain date, pharmacy services administrative organizations to register with the Maryland Insurance Commissioner before providing certain services in the State; requiring certain applicants to file an application on a certain form and pay a certain fee; providing for the expiration and renewal of a certain registration; prohibiting certain pharmacy services administrative organizations from entering into certain contracts; authorizing the Commissioner to deny, refuse to renew, suspend, or revoke a registration under certain circumstances; requiring a pharmacy services administrative organization to maintain certain books and records in a certain manner and for a certain time period; providing that a certain contract or amendment to a contract is considered to be confidential and proprietary and not subject to disclosure under certain provisions of law; authorizing the Commissioner to examine the affairs, transactions, accounts, and records of a registered pharmacy services administrative organization; requiring that the examination be conducted, the expense of the examination be paid, and the reports be issued in accordance with certain laws; authorizing and requiring the Commissioner to adopt certain regulations; prohibiting certain contracts and amendments to certain contracts from becoming effective except under certain circumstances; providing that a certain notice from the Commissioner constitutes a certain waiver; requiring a pharmacy services administrative contract to include a certain provision requiring a pharmacy services administrative organization to provide certain documents and information to a certain pharmacy within a certain period of time; authorizing a pharmacy services administrative contract to prohibit an independent pharmacy from disclosing certain documents to certain competitors; requiring a pharmacy services administrative organization to disclose certain information concerning certain ownership or control to the Commissioner and notify the Commissioner of certain changes in ownership or control within a certain period of time; requiring a pharmacy services administrative organization to provide certain disclosures before entering into certain contracts with certain entities; requiring a pharmacy services administrative organization to provide notice of certain changes in ownership or control to certain entities within a certain period of time; ~~requiring a certain contract that authorizes a pharmacy benefits manager to conduct a certain audit of a pharmacy services administrative organization to contain certain language that authorizes the pharmacy benefits manager to obtain certain information regarding certain pharmacies for certain purposes~~; requiring a pharmacy services administrative contract to require certain remittances to be passed from a pharmacy services administrative organization to a certain pharmacy within a certain period of time; ~~requiring a pharmacy services administrative organization to submit a certain annual report to the Commissioner under certain circumstances~~; ~~requiring the Commissioner to make certain reports available to the public~~; prohibiting a pharmacy services administrative organization from requiring a certain pharmacy to purchase certain drugs, biologics, or medical devices from a certain entity as a condition for entering into a pharmacy services administrative contract; requiring a pharmacy services administrative organization that owns or is

owned by a certain entity to disclose to the Commissioner certain agreements; requiring certain disclosures to comply with certain privacy standards; requiring certain pharmacy services administrative organizations to establish certain policies and procedures; establishing certain prohibited acts; authorizing the Commissioner to issue certain cease and desist orders, take certain action, and impose certain penalties under certain circumstances; providing for the service of a certain order; providing that a request for a certain hearing does not stay a certain portion of a certain order; authorizing the Commissioner to file a certain petition in a certain court and to recover certain fees and costs under certain circumstances; providing that certain provisions of this Act do not limit certain regulatory authority; establishing that a certain contract in effect on a certain date may remain in effect under certain circumstances; prohibiting a pharmacy services administrative organization operating in the State before a certain date from being required to register with the Commissioner before a certain date; requiring a pharmacy services administrative organization operating in the State before a certain date to comply with certain provisions of this Act; providing for the construction of this Act; defining certain terms; and generally relating to pharmacy services administrative organizations.

BY adding to

Article – Insurance

Section 15–2001 through ~~15–2021~~ 15–2019 to be under the new subtitle “Subtitle 20. Pharmacy Services Administrative Organizations”

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**

#### **SUBTITLE 20. PHARMACY SERVICES ADMINISTRATIVE ORGANIZATIONS.**

#### **15–2001.**

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

(B) “INDEPENDENT PHARMACY” MEANS A PHARMACY OPERATING WITHIN THE STATE THAT IS UNDER COMMON OWNERSHIP WITH NOT MORE THAN TWO OTHER PHARMACIES.

(C) “PHARMACY BENEFITS MANAGER” HAS THE MEANING STATED IN § 15–1601 OF THIS TITLE.

(D) “PHARMACY SERVICES ADMINISTRATIVE CONTRACT” MEANS A CONTRACTUAL AGREEMENT BETWEEN A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION AND AN INDEPENDENT PHARMACY UNDER WHICH A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION AGREES TO NEGOTIATE WITH ~~THIRD PARTY PAYERS~~ PURCHASERS OR PHARMACY BENEFITS MANAGERS ON BEHALF OF ONE OR MORE INDEPENDENT PHARMACIES.

(E) (1) “PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION” MEANS AN ENTITY ~~OPERATING WITHIN THE STATE THAT:~~

~~(I) CONTRACTS WITH INDEPENDENT PHARMACIES TO CONDUCT BUSINESS ON THEIR BEHALF WITH THIRD PARTY PAYERS;~~

~~(II) PROVIDES ADMINISTRATIVE SERVICES TO INDEPENDENT PHARMACIES; OR~~

~~(III) NEGOTIATES AND ENTERS INTO CONTRACTS WITH THIRD PARTY PAYERS OR PHARMACY BENEFITS MANAGERS ON BEHALF OF INDEPENDENT PHARMACIES~~ THAT PROVIDES A CONTRACTED PHARMACY WITH CONTRACTING ADMINISTRATIVE SERVICES RELATING TO PRESCRIPTION DRUG BENEFITS.

(2) “PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION” DOES NOT INCLUDE A NONPROFIT HEALTH MAINTENANCE ORGANIZATION THAT:

(I) OPERATES AS A GROUP MODEL;

(II) PROVIDES SERVICES SOLELY TO A MEMBER OR PATIENT OF THE NONPROFIT HEALTH MAINTENANCE ORGANIZATION; AND

(III) FURNISHES SERVICES THROUGH THE INTERNAL PHARMACY OPERATIONS OF THE NONPROFIT HEALTH MAINTENANCE ORGANIZATION.

~~(2) “PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION” INCLUDES A PERSON THAT PERFORMS ONE OR MORE OF THE FOLLOWING ADMINISTRATIVE SERVICES FOR AN INDEPENDENT PHARMACY:~~

~~(I) CLAIMS ASSISTANCE;~~

~~(II) AUDIT ASSISTANCE;~~

~~(III) CENTRALIZED PAYMENT;~~

~~(IV) SPECIAL CARE PROGRAMS CERTIFICATION;~~

~~(V) COMPLIANCE SUPPORT;~~

~~(VI) FLAT FEE SETTING FOR GENERIC DRUGS;~~

~~(VII) STORE LAYOUT ASSISTANCE;~~

~~(VIII) INVENTORY MANAGEMENT;~~

~~(IX) MARKETING SUPPORT;~~

~~(X) PAYMENT AND DRUG DISPENSING DATA MANAGEMENT AND ANALYSIS; OR~~

~~(XI) PROVISION OF RESOURCES FOR RETAIL CASH CARDS.~~

~~(F) (1) "THIRD PARTY PAYER" MEANS AN ENTITY OPERATING WITHIN THE STATE THAT PAYS OR INSURES HEALTH, MEDICAL, OR PRESCRIPTION DRUG EXPENSES ON BEHALF OF BENEFICIARIES.~~

~~(2) "THIRD PARTY PAYER" INCLUDES A PLAN SPONSOR, A NONPROFIT HEALTH SERVICE PLAN, A HEALTH MAINTENANCE ORGANIZATION, AND AN INSURER.~~

~~(3) "THIRD PARTY PAYER" DOES NOT INCLUDE A SELF FUNDED EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 (ERISA) PLAN AS DESCRIBED IN 29 U.S.C. § 1144(B)(2)(B).~~

(F) (1) "PURCHASER" MEANS THE STATE EMPLOYEE AND RETIREE HEALTH AND WELFARE BENEFITS PROGRAM, AN INSURER, A NONPROFIT HEALTH SERVICES PLAN, OR A HEALTH MAINTENANCE ORGANIZATION THAT PROVIDES PRESCRIPTION DRUG COVERAGE OR BENEFITS IN THE STATE.

(2) "PURCHASER" DOES NOT INCLUDE A PERSON THAT PROVIDES PRESCRIPTION DRUG COVERAGE OR BENEFITS THROUGH PLANS SUBJECT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 AND DOES NOT PROVIDE PRESCRIPTION DRUG COVERAGE OR BENEFITS THROUGH INSURANCE, UNLESS THE PERSON IS A MULTIPLE EMPLOYER WELFARE ARRANGEMENT AS DEFINED IN § 514(B)(6)(A)(II) OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

15-2002.

(A) ON OR AFTER JULY 1, 2021, A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION SHALL REGISTER WITH THE COMMISSIONER AS A PHARMACY

SERVICES ADMINISTRATIVE ORGANIZATION BEFORE PROVIDING SERVICES AS A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION IN THE STATE TO INDEPENDENT PHARMACIES.

(B) AN APPLICANT FOR REGISTRATION SHALL:

(1) FILE WITH THE COMMISSIONER AN APPLICATION ON THE FORM THAT THE COMMISSIONER PROVIDES; AND

(2) PAY TO THE COMMISSIONER A REGISTRATION FEE SET BY THE COMMISSIONER.

15-2003.

(A) A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION REGISTRATION EXPIRES ON THE SECOND SEPTEMBER 30 AFTER ITS EFFECTIVE DATE UNLESS IT IS RENEWED AS PROVIDED UNDER THIS SECTION.

(B) A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION MAY RENEW ITS REGISTRATION FOR AN ADDITIONAL 2-YEAR TERM IF THE PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION:

(1) OTHERWISE IS ENTITLED TO BE REGISTERED;

(2) FILES WITH THE COMMISSIONER A RENEWAL APPLICATION ON THE FORM THAT THE COMMISSIONER REQUIRES; AND

(3) PAYS TO THE COMMISSIONER A RENEWAL FEE SET BY THE COMMISSIONER.

15-2004.

A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION THAT HAS NOT REGISTERED WITH THE COMMISSIONER MAY NOT ENTER INTO AN AGREEMENT OR A CONTRACT WITH AN INDEPENDENT PHARMACY OR A PHARMACY BENEFITS MANAGER.

15-2005.

SUBJECT TO THE APPLICABLE HEARING PROVISIONS OF TITLE 2 OF THIS ARTICLE, THE COMMISSIONER MAY DENY A REGISTRATION TO A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION OR REFUSE TO RENEW, SUSPEND, OR REVOKE THE REGISTRATION OF A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION IF THE PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION, OR



AN OFFICER, A DIRECTOR, OR AN EMPLOYEE OF THE PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION:

(1) MAKES A MATERIAL MISSTATEMENT OR MISREPRESENTATION IN AN APPLICATION FOR REGISTRATION;

(2) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A REGISTRATION;

(3) IN CONNECTION WITH THE ADMINISTRATION OF PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION SERVICES, COMMITS FRAUD OR ENGAGES IN ILLEGAL OR ~~DISHONEST~~ ACTIVITIES; OR

(4) VIOLATES THIS SUBTITLE OR A REGULATION ADOPTED UNDER THIS SUBTITLE.

15-2006.

A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION SHALL MAINTAIN ADEQUATE BOOKS AND RECORDS REGARDING EACH INDEPENDENT PHARMACY FOR WHICH THE PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION PROVIDES SERVICES AS A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION:

(1) IN ACCORDANCE WITH PRUDENT STANDARDS OF RECORD KEEPING;

(2) FOR THE DURATION OF THE AGREEMENT BETWEEN THE PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION AND THE INDEPENDENT PHARMACY; AND

(3) FOR 3 YEARS AFTER THE PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION CEASES TO PROVIDE SERVICES AS A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION FOR THE INDEPENDENT PHARMACY.

15-2007.

(A) WHENEVER THE COMMISSIONER CONSIDERS IT ADVISABLE, THE COMMISSIONER MAY EXAMINE THE AFFAIRS, TRANSACTIONS, ACCOUNTS, AND RECORDS OF A REGISTERED PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION.

(B) THE EXAMINATION SHALL BE CONDUCTED IN ACCORDANCE WITH § 2-207 OF THIS ARTICLE.

(C) THE EXPENSE OF THE EXAMINATION SHALL BE PAID IN ACCORDANCE WITH § 2-208 OF THIS ARTICLE.

(D) THE REPORTS OF THE EXAMINATION AND INVESTIGATION SHALL BE ISSUED IN ACCORDANCE WITH § 2-209 OF THIS ARTICLE.

15-2008.

THE COMMISSIONER MAY ADOPT REGULATIONS TO IMPLEMENT THIS SUBTITLE.

15-2009.

THIS SUBTITLE MAY NOT BE CONSTRUED TO DIMINISH THE AUTHORITY OF THE OFFICE OF THE ATTORNEY GENERAL OR THE COMMISSIONER TO OBTAIN INFORMATION RELATING TO A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION AND USE THE INFORMATION IN ANY PROCEEDING.

15-2010.

(A) A PHARMACY SERVICES ADMINISTRATIVE CONTRACT OR AN AMENDMENT TO A PHARMACY SERVICES ADMINISTRATIVE CONTRACT OR A CONTRACT OR AN AMENDMENT TO A CONTRACT BETWEEN A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION, ON BEHALF OF AN INDEPENDENT PHARMACY, AND A PHARMACY BENEFITS MANAGER OR GROUP PURCHASING ORGANIZATION MAY NOT BECOME EFFECTIVE UNLESS:

(1) AT LEAST ~~30~~ 60 DAYS BEFORE THE CONTRACT OR AMENDMENT IS TO BECOME EFFECTIVE, THE PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION FILES THE CONTRACT OR, IF REQUIRED, AMENDMENT WITH THE COMMISSIONER IN THE FORM REQUIRED BY THE COMMISSIONER; AND

(2) THE COMMISSIONER DOES NOT DISAPPROVE THE FILING WITHIN ~~30~~ 60 DAYS AFTER THE CONTRACT OR AMENDMENT IS FILED.

(B) NOTICE FROM THE COMMISSIONER THAT A FILED CONTRACT OR AMENDMENT TO A CONTRACT MAY BE USED IN THE STATE CONSTITUTES A WAIVER OF ANY UNEXPIRED PART OF THE FILING PERIOD.

~~(B)~~ (C) THE COMMISSIONER SHALL ADOPT REGULATIONS TO:

(1) ESTABLISH THE CIRCUMSTANCES UNDER WHICH THE COMMISSIONER MAY DISAPPROVE A CONTRACT; AND

**(2) SPECIFY THE TYPES OF AMENDMENTS TO A CONTRACT REQUIRED TO BE FILED UNDER SUBSECTION (A) OF THIS SECTION.**

**15-2011.**

**(A) A PHARMACY SERVICES ADMINISTRATIVE CONTRACT SHALL INCLUDE A PROVISION THAT REQUIRES THE PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION TO PROVIDE TO THE INDEPENDENT PHARMACY A COPY OF ANY CONTRACTS, AMENDMENTS, PAYMENT SCHEDULES, OR REIMBURSEMENT RATES WITHIN ~~3 CALENDAR~~ 5 WORKING DAYS AFTER THE EXECUTION OF A CONTRACT, OR AN AMENDMENT TO A CONTRACT, SIGNED ON BEHALF OF THE INDEPENDENT PHARMACY BY THE PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION.**

**(B) A PHARMACY SERVICES ADMINISTRATIVE CONTRACT MAY PROHIBIT AN INDEPENDENT PHARMACY FROM DISCLOSING THE DOCUMENTS PROVIDED TO THE INDEPENDENT PHARMACY UNDER SUBSECTION (A) OF THIS SECTION TO ANY COMPETITOR OF THE PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION.**

**15-2012.**

**(A) EACH PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION SHALL DISCLOSE TO THE COMMISSIONER THE EXTENT OF ANY OWNERSHIP OR CONTROL OF THE PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION BY ANY PARENT COMPANY, SUBSIDIARY, OR OTHER ORGANIZATION THAT:**

- (1) PROVIDES PHARMACY SERVICES;**
- (2) PROVIDES PRESCRIPTION DRUG OR DEVICE SERVICES; OR**
- (3) MANUFACTURES, SELLS, OR DISTRIBUTES PRESCRIPTION DRUGS, BIOLOGICS, OR MEDICAL DEVICES.**

**(B) EACH PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION SHALL NOTIFY THE COMMISSIONER IN WRITING WITHIN 5 ~~CALENDAR~~ WORKING DAYS AFTER ANY MATERIAL CHANGE IN ITS OWNERSHIP OR CONTROL RELATING TO ANY COMPANY, SUBSIDIARY, OR OTHER ORGANIZATION DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION.**

**15-2013.**

**(A) BEFORE ENTERING INTO A PHARMACY SERVICES ADMINISTRATIVE CONTRACT, A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION SHALL PROVIDE TO AN INDEPENDENT PHARMACY A WRITTEN DISCLOSURE OF OWNERSHIP OR CONTROL.**

(B) THE DISCLOSURE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE THE EXTENT OF ANY OWNERSHIP OR CONTROL BY ANY PARENT COMPANY, SUBSIDIARY, OR OTHER ORGANIZATION THAT:

- (1) PROVIDES PHARMACY SERVICES;
- (2) PROVIDES PRESCRIPTION DRUG OR DEVICE SERVICES; OR
- (3) MANUFACTURES, SELLS, OR DISTRIBUTES PRESCRIPTION DRUGS, BIOLOGICS, OR MEDICAL DEVICES.

(C) A PHARMACY SERVICES ADMINISTRATIVE CONTRACT SHALL REQUIRE A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION TO NOTIFY AN INDEPENDENT PHARMACY IN WRITING WITHIN 5 ~~CALENDAR~~ WORKING DAYS AFTER ANY MATERIAL CHANGE IN ITS OWNERSHIP OR CONTROL RELATED TO ANY COMPANY, SUBSIDIARY, OR OTHER ORGANIZATION DESCRIBED UNDER SUBSECTION (B) OF THIS SECTION.

15-2014.

(A) BEFORE ENTERING INTO A CONTRACT WITH A ~~THIRD-PARTY-PAYER PURCHASER~~ OR PHARMACY BENEFITS MANAGER, A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION SHALL PROVIDE TO THE ~~THIRD-PARTY-PAYER PURCHASER~~ OR PHARMACY BENEFITS MANAGER A WRITTEN DISCLOSURE OF OWNERSHIP OR CONTROL.

(B) THE DISCLOSURE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE THE EXTENT OF ANY OWNERSHIP OR CONTROL BY ANY PARENT COMPANY, SUBSIDIARY, OR OTHER ORGANIZATION THAT:

- (1) PROVIDES PHARMACY SERVICES;
- (2) PROVIDES PRESCRIPTION DRUG OR DEVICE SERVICES; OR
- (3) MANUFACTURES, SELLS, OR DISTRIBUTES PRESCRIPTION DRUGS, BIOLOGICS, OR MEDICAL DEVICES.

(C) A CONTRACT WITH A ~~THIRD-PARTY-PAYER PURCHASER~~ OR PHARMACY BENEFITS MANAGER SHALL PROVIDE THAT A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION SHALL NOTIFY THE ~~THIRD-PARTY-PAYER PURCHASER~~ OR PHARMACY BENEFITS MANAGER IN WRITING WITHIN 5 ~~CALENDAR~~ WORKING DAYS AFTER ANY MATERIAL CHANGE IN ITS OWNERSHIP OR CONTROL

RELATED TO ANY COMPANY, SUBSIDIARY, OR OTHER ORGANIZATION DESCRIBED IN SUBSECTION (B) OF THIS SECTION.

~~15-2015.~~

~~A CONTRACT BETWEEN A PHARMACY BENEFITS MANAGER AND A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION THAT AUTHORIZES A PHARMACY BENEFITS MANAGER TO CONDUCT AUDITS OF INDEPENDENT PHARMACIES FOR WHICH THE PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION PROVIDES SERVICES AS A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION SHALL CONTAIN SPECIFIC LANGUAGE THAT AUTHORIZES THE PHARMACY BENEFITS MANAGER TO OBTAIN INFORMATION FROM THE PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION REGARDING THE INDEPENDENT PHARMACY FOR PURPOSES OF THE AUDIT.~~

~~15-2016.~~ 15-2015.

A PHARMACY SERVICES ADMINISTRATIVE CONTRACT SHALL:

(1) REQUIRE ALL REMITTANCES FOR CLAIMS SUBMITTED BY A PHARMACY BENEFITS MANAGER OR ~~THIRD PARTY PAYER~~ PURCHASER ON BEHALF OF AN INDEPENDENT PHARMACY TO BE PASSED BY THE PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION TO THE INDEPENDENT PHARMACY WITHIN A REASONABLE AMOUNT OF TIME; AND

(2) SPECIFY THE REASONABLE AMOUNT OF TIME IN WHICH THE PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION IS REQUIRED TO PASS THE REMITTANCES RECEIVED FROM THE PHARMACY BENEFITS MANAGER OR ~~THIRD PARTY PAYER~~ PURCHASER TO THE INDEPENDENT PHARMACY.

~~15-2017.~~

~~(A) A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION THAT PROVIDES, ACCEPTS, OR PROCESSES A DISCOUNT, CONCESSION, OR PRODUCT VOUCHER TO REDUCE, DIRECTLY OR INDIRECTLY, AN OUT-OF-POCKET EXPENSE FOR THE ORDER, DISPENSING, SUBSTITUTION, SALE, OR PURCHASE OF A PRESCRIPTION DRUG SHALL SUBMIT TO THE COMMISSIONER AN ANNUAL REPORT THAT INCLUDES:~~

~~(1) AN AGGREGATED TOTAL OF THE AMOUNT RECEIVED BY THE INDEPENDENT PHARMACY FOR PRESCRIPTION DRUGS THAT WERE SUBJECT TO A DISCOUNT, CONCESSION, OR PRODUCT VOUCHER AND ORDERED, DISPENSED, SUBSTITUTED, SOLD, OR PURCHASED BY THE INDEPENDENT PHARMACY; AND~~

~~(2) AN AGGREGATED TOTAL OF ANY PAYMENTS RECEIVED BY THE PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION FOR PROVIDING, ACCEPTING, OR PROCESSING DISCOUNTS, CONCESSIONS, OR PRODUCT VOUCHERS ON BEHALF OF AN INDEPENDENT PHARMACY.~~

~~(B) THE COMMISSIONER SHALL MAKE THE REPORTS SUBMITTED UNDER SUBSECTION (A) OF THIS SECTION AVAILABLE TO THE PUBLIC.~~

~~15-2018. 15-2016.~~

(A) A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION THAT OWNS OR IS OWNED BY, IN WHOLE OR IN PART, AN ENTITY THAT MANUFACTURES, SELLS, OR DISTRIBUTES PRESCRIPTION DRUGS, BIOLOGICS, OR MEDICAL DEVICES MAY NOT REQUIRE, AS A CONDITION OF ENTERING INTO A PHARMACY SERVICES ADMINISTRATIVE CONTRACT, THAT AN INDEPENDENT PHARMACY PURCHASE ANY DRUGS, BIOLOGICS, OR MEDICAL DEVICES FROM THE ENTITY.

(B) A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION THAT OWNS OR IS OWNED BY, IN WHOLE OR IN PART, ANY ENTITY THAT MANUFACTURES, SELLS, OR DISTRIBUTES PRESCRIPTION DRUGS, BIOLOGICS, OR MEDICAL DEVICES SHALL DISCLOSE TO THE COMMISSIONER ANY AGREEMENT WITH AN INDEPENDENT PHARMACY UNDER WHICH THE INDEPENDENT PHARMACY PURCHASES PRESCRIPTION DRUGS, BIOLOGICS, OR MEDICAL DEVICES FROM THE ENTITY.

~~15-2019. 15-2017.~~

(A) ALL DISCLOSURES MADE UNDER THIS SUBTITLE SHALL COMPLY WITH THE PRIVACY STANDARDS ESTABLISHED IN FEDERAL AND STATE LAW.

(B) A CONTRACT OR AMENDMENT TO A CONTRACT SUBMITTED TO THE COMMISSIONER AS REQUIRED BY THIS SUBTITLE:

(1) IS CONSIDERED TO BE CONFIDENTIAL AND PROPRIETARY INFORMATION; AND

(2) IS NOT SUBJECT TO DISCLOSURE UNDER THE PUBLIC INFORMATION ACT.

~~15-2020. 15-2018.~~

A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION SHALL ESTABLISH APPROPRIATE POLICIES AND PROCEDURES TO IMPLEMENT THE REQUIREMENTS OF THIS SUBTITLE.

~~15-2021.~~ 15-2019.

(A) A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION MAY NOT:

(1) MISREPRESENT PERTINENT FACTS OR POLICY PROVISIONS THAT RELATE TO AN ISSUE IN A ~~COMPLAINT~~ DISPUTE OR AN APPEAL OF A DECISION REGARDING A ~~COMPLAINT~~ DISPUTE;

(2) REFUSE TO PAY OR REIMBURSE AN INDEPENDENT PHARMACY ~~OR A PHARMACY BENEFITS MANAGER~~ FOR AN ARBITRARY OR CAPRICIOUS REASON BASED ON ALL AVAILABLE INFORMATION;

(3) FAIL TO SETTLE A DISPUTE PROMPTLY WHENEVER LIABILITY IS REASONABLY CLEAR UNDER ONE PART OF A POLICY OR CONTRACT, IN ORDER TO INFLUENCE SETTLEMENTS UNDER OTHER PARTS OF THE POLICY OR CONTRACT; ~~OR~~

(4) FAIL TO ACT IN GOOD FAITH; OR

(5) ENGAGE IN ANY ACTIVITY THAT IS A PROHIBITED ACTIVITY FOR A PHARMACY BENEFITS MANAGER UNDER SUBTITLE 16 OF THIS TITLE OR A REGULATION ADOPTED UNDER SUBTITLE 16 OF THIS TITLE.

(B) IF THE COMMISSIONER DETERMINES THAT A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION HAS VIOLATED ANY PROVISION OF THIS SUBTITLE OR ANY REGULATION ADOPTED UNDER THIS SUBTITLE, THE COMMISSIONER MAY ISSUE AN ORDER THAT REQUIRES A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION TO:

(1) CEASE AND DESIST FROM THE IDENTIFIED VIOLATION AND FURTHER SIMILAR VIOLATIONS;

(2) TAKE SPECIFIC AFFIRMATIVE ACTION TO CORRECT THE VIOLATION;

(3) MAKE RESTITUTION OF MONEY, PROPERTY, AND OTHER ASSETS TO A PERSON THAT HAS SUFFERED FINANCIAL INJURY BECAUSE OF THE VIOLATION; OR

(4) PAY A FINE IN THE AMOUNT DETERMINED BY THE COMMISSIONER.

(C) (1) AN ORDER OF THE COMMISSIONER ISSUED UNDER THIS SECTION MAY BE SERVED ON A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION THAT

IS REGISTERED UNDER § 15–2002 OF THIS SUBTITLE IN THE MANNER PROVIDED IN § 2–204 OF THIS ARTICLE.

(2) AN ORDER OF THE COMMISSIONER ISSUED UNDER THIS SECTION MAY BE SERVED ON A PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION THAT IS NOT REGISTERED UNDER § 15–2002 OF THIS SUBTITLE IN THE MANNER PROVIDED IN § 4–206 OR § 4–207 OF THIS ARTICLE FOR SERVICE ON AN UNAUTHORIZED INSURER THAT DOES AN ACT OF INSURANCE BUSINESS IN THE STATE.

(3) A REQUEST FOR A HEARING ON ANY ORDER ISSUED UNDER THIS SECTION DOES NOT STAY THAT PORTION OF THE ORDER THAT REQUIRES THE PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION TO CEASE AND DESIST FROM THE CONDUCT IDENTIFIED IN THE ORDER.

(4) THE COMMISSIONER MAY FILE A PETITION IN THE CIRCUIT COURT OF ANY COUNTY TO ENFORCE AN ORDER ISSUED UNDER THIS SECTION, WHETHER OR NOT A HEARING HAS BEEN REQUESTED OR, IF REQUESTED, WHETHER OR NOT A HEARING HAS BEEN HELD.

(5) IF THE COMMISSIONER PREVAILS IN AN ACTION BROUGHT UNDER THIS SECTION, THE COMMISSIONER MAY RECOVER, FOR THE USE OF THE STATE, REASONABLE ATTORNEY’S FEES AND THE COSTS OF THE ACTION.

(D) IN ADDITION TO ANY OTHER ENFORCEMENT ACTION TAKEN BY THE COMMISSIONER UNDER THIS SECTION, THE COMMISSIONER MAY IMPOSE A CIVIL PENALTY NOT EXCEEDING \$10,000 FOR EACH VIOLATION OF THIS SUBTITLE.

(E) THE COMMISSIONER MAY ADOPT REGULATIONS:

(1) TO CARRY OUT THIS SECTION; AND

(2) TO ESTABLISH A COMPLAINT PROCESS TO ADDRESS GRIEVANCES AND APPEALS BROUGHT IN ACCORDANCE WITH THIS SECTION.

(F) THIS SECTION DOES NOT LIMIT ANY OTHER REGULATORY AUTHORITY OF THE COMMISSIONER UNDER THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That a pharmacy services administrative organization contract that is in effect on the effective date of this Act may remain in effect if the contract is:

(1) filed with the Maryland Insurance Commissioner on or before July 1, 2021; and



(2) administered in accordance with all applicable provisions of Title 15, Subtitle 20 of the Insurance Article, as enacted by Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That a pharmacy services administrative organization operating in the State before July 1, 2021, may not be required to register with the Maryland Insurance Commissioner before July 1, 2021, and shall comply with §§ 15–2006 through 15–2019 of the Insurance Article, as enacted by Section 1 of this Act.

SECTION ~~3~~ 4. 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 400

### (House Bill 983)

AN ACT concerning

#### **Corporations and Associations – Limited Liability Companies and Partnerships – Series – Conversion**

FOR the purpose of providing that, under certain circumstances, the personal representative or guardian of the last remaining member of a limited liability company shall automatically be admitted as a new member, unless a certain action is taken; authorizing certain persons to wind up the affairs of a limited liability company under certain circumstances; authorizing a court to wind up the affairs of a limited liability company on the application of certain persons under certain circumstances; requiring a certain foreign limited liability series company to make a certain submission to the State Department of Assessments and Taxation under certain circumstances; repealing certain obsolete provisions; defining certain terms; and generally relating to limited liability companies and partnerships.

BY repealing and reenacting, without amendments,  
Article – Corporations and Associations  
Section 4A–101(a) and 4A–606(5)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2019 Supplement)

BY adding to  
Article – Corporations and Associations  
Section 4A–101(k), (s), (u), and (v)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Corporations and Associations

Section 4A–101(k) through (t), 4A–601, 4A–604, 4A–902, 4A–904, 4A–1002,  
4A–1103, 9A–1203, 10–7A–03, and 12–1003

Annotated Code of Maryland

(2014 Replacement Volume and 2019 Supplement)

BY repealing

Article – Corporations and Associations

Section 4A–211

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

4A–101.

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

**(K) “GUARDIAN” HAS THE MEANING STATED IN § 3–201 OF THE COURTS  
ARTICLE.**

**[(k)] (L)** “Limited liability company” or “domestic limited liability company” means a permitted form of unincorporated business organization which is organized and existing under this title.

**[(l)] (M)** “Limited partnership” means a Maryland limited partnership or foreign limited partnership as defined in § 10–101 of this article.

**[(m)] (N)** “Member” means a person who has been admitted as a member of a limited liability company under § 4A–601 of this title or as a member of a foreign limited liability company, and who has not ceased to be a member.

**[(n)] (O)** “Membership interest” means a member’s economic interest and noneconomic interest in a limited liability company.

**[(o)] (P)** “Noneconomic interest” means all of the rights of a member in a limited liability company other than the member’s economic interest, including, unless otherwise agreed, the member’s right to:

(1) Inspect the books and records of the limited liability company;

(2) Participate in the management of and vote on matters coming before the limited liability company; and

(3) Act as an agent of the limited liability company.

**[(p)] (Q)** “Operating agreement” means the agreement of the members and any amendments thereto, as to the affairs of a limited liability company and the conduct of its business.

**[(q)] (R)** “Partnership” means a partnership formed under the laws of this State, any other state, or under the laws of a foreign country.

**(S) “PERSONAL REPRESENTATIVE” HAS THE MEANING STATED IN § 1–102 OF THE GENERAL PROVISIONS ARTICLE.**

**[(r)] (T)** (1) “Professional service” has the meaning stated in § 5–101 of this article.

(2) “Professional service” includes a service provided by:

(i) An architect;

(ii) An attorney;

(iii) A certified public accountant;

(iv) A chiropractor;

(v) A dentist;

(vi) An osteopath;

(vii) A physician;

(viii) A podiatrist;

(ix) A professional engineer;

(x) A psychologist;

(xi) A licensed real estate broker, licensed associate real estate broker, or licensed real estate salesperson; or

(xii) A veterinarian.

**(U) “SERIES COMPANY” MEANS A FOREIGN LIMITED LIABILITY COMPANY THAT HAS BEEN ESTABLISHED AND CONTINUES TO OPERATE UNDER A SERIES STATUTE.**

**(V) “SERIES STATUTE” MEANS THE STATUTORY PROVISIONS OF A FOREIGN JURISDICTION THAT:**

**(1) ALLOW THE ESTABLISHMENT OF DESIGNATED SERIES, EACH OF WHICH IS LIABLE ONLY FOR THE DEBTS, LIABILITIES, OBLIGATIONS, AND EXPENSES OF THAT SERIES AND IS NOT LIABLE FOR THE DEBTS, LIABILITIES, OBLIGATIONS, AND EXPENSES OF THE FOREIGN LIMITED LIABILITY COMPANY GENERALLY OR OF ANY OTHER SERIES OF THE FOREIGN LIMITED LIABILITY COMPANY; OR**

**(2) PROVIDE THAT THE DEBTS, LIABILITIES, OBLIGATIONS, AND EXPENSES INCURRED OR CONTRACTED FOR WITH RESPECT TO THE FOREIGN LIMITED LIABILITY COMPANY GENERALLY OR ANY OTHER SERIES OF THE FOREIGN LIMITED LIABILITY COMPANY ARE ENFORCEABLE ONLY AGAINST THE ASSETS OF THE FOREIGN LIMITED LIABILITY COMPANY GENERALLY OR THE OTHER SERIES OF THE FOREIGN LIMITED LIABILITY COMPANY.**

**[(s)] (W) “State” means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.**

**[(t)] (X) “Unless otherwise agreed” means unless otherwise stated:**

**(1) In the articles of organization;**

**(2) In the operating agreement; or**

**(3) By unanimous consent of the members and any other person whose consent is required by the operating agreement.**

**[4A–211.**

**(a) A partnership may convert to a limited liability company by filing articles of organization that meet the requirements of § 4A–204 of this subtitle and include the following:**

**(1) The name of the former general partnership or limited partnership; and**

**(2) The date of formation of the partnership and place of filing of the initial statement of partnership, if any, or certificate of limited partnership of the former general partnership or limited partnership.**

(b) (1) The terms and conditions of a conversion of a general or limited partnership to a limited liability company shall be approved by the partners in the manner provided in the partnership's partnership agreement for amendments to the partnership agreement or, if no such provision is made in a partnership agreement, by unanimous agreement of the partners.

(2) A conversion may be abandoned by:

(i) A vote of the partners in the manner provided in the partnership's partnership agreement for amendments to the partnership agreement; or

(ii) Unanimous agreement of the partners, if no such provision is made in the partnership agreement.

(c) (1) A general partner of a limited partnership or a partner of a general partnership who becomes a member of a limited liability company as a result of the conversion remains liable as a general partner of a limited partnership or a partner of a general partnership for any obligation or liability of the partnership incurred or arising before the conversion takes effect, to the extent that the partner or general partner would have been obligated or liable if the conversion had not occurred.

(2) The partner's or general partner's liability for all obligations or liabilities of the limited liability company incurred or arising after the conversion takes effect is that of a member of a limited liability company, as provided in this title.]

4A-601.

(a) A person becomes a member of a limited liability company at:

(1) The time the limited liability company is formed;

(2) A later time specified in the operating agreement; or

(3) The time specified in [§ 4A-902(b)(1)] **§ 4A-902(B)** of this title relating to continuation of the limited liability company after there are no remaining members.

(b) After the formation of a limited liability company, a person may be admitted as a member:

(1) In the case of a person acquiring a membership interest directly from the limited liability company, upon compliance with the operating agreement or, if the operating agreement does not so provide, upon the unanimous consent of the members;

(2) In the case of an assignee of the economic interest of a member, only as provided in § 4A-604 of this subtitle; or

(3) In the case of a [personal representative or] successor to the last remaining member who is not an assignee of the last remaining member, as provided in [§ 4A-902(b)(1)] **§ 4A-902(B)** of this title.

(c) Unless otherwise agreed, a person may be admitted as a member of a limited liability company and may be the sole member of a limited liability company without:

- (1) Making a capital contribution to the limited liability company;
- (2) Being obligated to make a capital contribution to the limited liability company; or
- (3) Acquiring an economic interest in the limited liability company.

4A-604.

(a) An assignee of an economic interest in a limited liability company may become a member of the limited liability company under any of the following circumstances:

- (1) In accordance with the terms of the operating agreement providing for the admission of a member;
- (2) By the unanimous consent of the members; or
- (3) If there are no remaining members of the limited liability company at the time the assignee obtains the economic interest, on terms that the assignee may determine in accordance with [§ 4A-902(b)(1)] **§ 4A-902(B)(1)(I)** of this title.

(b) An assignee who becomes a member:

- (1) Has, to the extent assigned, the rights and powers, and is subject to the restrictions and liabilities, of a member under the operating agreement and this title; and
- (2) Is liable for any obligations of his assignor to make capital contributions.

4A-606.

Unless otherwise agreed, a person ceases to be a member of a limited liability company upon the occurrence of any of the following events:

- (5) In the case of a member who is an individual, the individual's:
  - (i) Death; or
  - (ii) Adjudication by a court of competent jurisdiction as incompetent to manage the individual's person or property;

4A-902.

(a) A limited liability company is dissolved and shall commence the winding up of its affairs on the first to occur of the following:

(1) At the time or on the happening of the events specified in the articles of organization or the operating agreement;

(2) At the time specified by the unanimous consent of the members;

(3) At the time of the entry of a decree of judicial dissolution under § 4A-903 of this subtitle; or

(4) Unless otherwise agreed or as provided in subsection (b) of this section, at the time the limited liability company has had no members for a period of 90 consecutive days.

(b) (1) A limited liability company may not be dissolved or required to wind up its affairs if within 90 days after there are no remaining members of the limited liability company or within the period of time provided in the operating agreement:

[(1)] (I) The last remaining member's [personal representative,] successor[,] or assignee agrees in writing to continue the limited liability company and to be admitted as a member or to appoint a designee as a member to be effective as of the time the last remaining member ceased to be a member; or

[(2)] (II) A member is admitted to the limited liability company in the manner set forth in the operating agreement to be effective as of the time the last remaining member ceased to be a member under a provision in the operating agreement that provides for the admission of a member after there are no remaining members.

**(2) IF A NEW MEMBER IS NOT ADMITTED TO THE LIMITED LIABILITY COMPANY IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, AND THE LAST REMAINING MEMBER CEASED TO BE A MEMBER UNDER § 4A-606(5) OF THIS TITLE, THE LAST REMAINING MEMBER'S PERSONAL REPRESENTATIVE OR GUARDIAN SHALL AUTOMATICALLY BE ADMITTED AS A NEW MEMBER OF THE LIMITED LIABILITY COMPANY, EFFECTIVE IMMEDIATELY ON THE HAPPENING OF THE EVENT DESCRIBED IN § 4A-606(5) OF THIS TITLE, UNLESS WITHIN 90 DAYS AFTER THE PERSONAL REPRESENTATIVE OR GUARDIAN FIRST HAS KNOWLEDGE OF THE EVENT, THE PERSONAL REPRESENTATIVE OR GUARDIAN:**

**(I) RENOUNCES THAT ADMISSION IN WRITING; OR**

**(II) DESIGNATES A PERSON TO BECOME A NEW MEMBER, AND THE DESIGNEE ACCEPTS THE DESIGNEE'S ADMISSION IN WRITING OR BY ELECTRONIC COMMUNICATION TO THE PERSONAL REPRESENTATIVE OR GUARDIAN.**

(c) An operating agreement may provide that the last remaining member's personal representative, **GUARDIAN**, successor, or assignee shall be obligated to agree in writing to continue the limited liability company and to be admitted as a member or to appoint a designee as a member to be effective as of the time the last remaining member ceased to be a member.

(d) Unless otherwise agreed and subject to the provisions of [subsection (b)] **SUBSECTIONS (A)(4) AND (B)** of this section, the termination of a person's membership may not cause a limited liability company to be dissolved or to wind up its affairs and the limited liability company shall continue in existence following the termination of a person's membership.

4A-904.

(a) Unless otherwise agreed, the remaining members of a limited liability company **OR, IF THE COMPANY HAS NO REMAINING MEMBERS, THE PERSONAL REPRESENTATIVE, GUARDIAN, OR OTHER SUCCESSOR TO THE LAST REMAINING MEMBER OF THE COMPANY** may wind up the affairs of the limited liability company.

(b) Notwithstanding the provisions of subsection (a) of this section, the circuit court of the county in which the principal office of the limited liability company is located, on cause shown after dissolution, may wind up the limited liability company's affairs on application of any member **OR, IF THE LIMITED LIABILITY COMPANY HAS NO REMAINING MEMBERS, ON APPLICATION OF THE PERSONAL REPRESENTATIVE, GUARDIAN, OR OTHER SUCCESSOR TO THE LAST REMAINING MEMBER OF THE LIMITED LIABILITY COMPANY.**

4A-1002.

(a) Before doing any interstate, intrastate, or foreign business in this State, a foreign limited liability company shall register with the Department.

(b) In order to register, a foreign limited liability company shall submit to the Department an application for registration as a foreign limited liability company executed by an authorized person and setting forth:

(1) The name of the foreign limited liability company and, if different, the name under which it proposes to register and do business in this State;

(2) The state under whose laws it was formed and the date of its formation;



(3) The general character of the business it proposes to transact in this State;

(4) The name and address of its resident agent in this State;

(5) A statement that the Department is appointed as the resident agent of the foreign limited liability company if no resident agent has been appointed under item (4) of this subsection or, if appointed, the resident agent's authority has been revoked or if the agent cannot be found or served with the exercise of reasonable diligence;

(6) The address of the office required to be maintained in the state of its organization by the laws of that state or, if not so required, of the principal office of the foreign limited liability company; [and]

(7) Proof acceptable to the Department of good standing in the jurisdiction where it currently is organized; **AND**

**(8) IF THE FOREIGN LIMITED LIABILITY COMPANY IS A SERIES COMPANY, A STATEMENT THAT THE COMPANY IS A SERIES COMPANY ~~AND THE NAME OR OTHER DESIGNATION OF EACH SERIES OF THE LIMITED LIABILITY COMPANY DOING BUSINESS IN MARYLAND.~~**

4A-1103.

(a) In this section, "facts ascertainable outside the articles of conversion" includes:

(1) An action or a determination by any person, including:

(i) The limited liability company or other entity, as applicable;

(ii) The members, partners, directors, trustees, officers, or other agents of the limited liability company or other entity; and

(iii) Any other person affiliated with the limited liability company 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 limited liability company to an other entity, the articles of conversion shall set forth:

(1) The name of the limited liability company and the date of filing of the original articles of organization with the Department;

(2) The name of the other entity to which the limited liability company 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 membership interests in the limited liability company 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 membership interests 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)] 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 limited liability company, 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 limited liability company 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 membership interests in the limited liability company 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)] 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.

9A-1203.

(a) In this section, “facts ascertainable outside the articles of conversion” includes:

(1) An action or a determination by any person, including:

(i) The partnership or other entity, as applicable;

(ii) The partners, members, directors, trustees, officers, or other agents of the partnership or other entity; and

(iii) Any other person affiliated with the partnership 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 partnership organized under the laws of this State to an other entity, the articles of conversion shall set forth:

(1) The name of the partnership and the date of filing of its original statement of partnership authority or certificate of limited liability partnership with the Department;

(2) The name of the other entity to which the partnership 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 partnership interests in the partnership 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 partnership interests not to be so 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)] 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 partnership organized under the laws of this State, 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 partnership 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 partnership interests in the partnership 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)] 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.

10-7A-03.

(a) In this section, “facts ascertainable outside the articles of conversion” includes:

- (1) An action or a determination by any person, including:
    - (i) The limited partnership or other entity, as applicable;
    - (ii) The partners, members, directors, trustees, officers, or other agents of the limited partnership or other entity; and
    - (iii) Any other person affiliated with the limited partnership 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 limited partnership to an other entity, the articles of conversion shall set forth:
- (1) The name of the limited partnership and the date of filing of its original certificate of limited partnership with the Department;
  - (2) The name of the other entity to which the limited partnership 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 partnership interests in the limited partnership 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 partnership interests 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)] 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 another entity to a limited partnership, 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 limited partnership 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 partnership interests in the limited partnership 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)] 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.

12–1003.

(a) In this section, “facts ascertainable outside the articles of conversion” includes:

(1) An action or determination by any person, including:

(i) The statutory trust or other entity, as applicable;

(ii) The trustees, directors, partners, members, officers, or other agents of the statutory trust or other entity; and

(iii) Any other person affiliated with the statutory 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 statutory trust to an other entity, the articles of conversion shall set forth:

(1) The name of the statutory trust and the date of filing of its original certificate of trust with the Department;

(2) The name of the other entity to which the statutory 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 beneficial interests of the statutory 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 beneficial interests not to be converted or exchanged, any of which may be made dependent on facts ascertainable outside of 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)] 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 statutory 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 statutory 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 beneficial interests of the statutory 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 of 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)] 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 401

(Senate Bill 888)

AN ACT concerning

### **Corporations and Associations – Limited Liability Companies and Partnerships – Series – Conversion**

FOR the purpose of providing that, under certain circumstances, the personal representative or guardian of the last remaining member of a limited liability company shall automatically be admitted as a new member, unless a certain action is taken; authorizing certain persons to wind up the affairs of a limited liability company under certain circumstances; authorizing a court to wind up the affairs of a limited liability company on the application of certain persons under certain circumstances; requiring a certain foreign limited liability series company to make a certain submission to the State Department of Assessments and Taxation under certain circumstances; repealing certain obsolete provisions; defining certain terms; and generally relating to limited liability companies and partnerships.

BY repealing and reenacting, without amendments,  
Article – Corporations and Associations  
Section 4A–101(a) and 4A–606(5)  
Annotated Code of Maryland



(2014 Replacement Volume and 2019 Supplement)

BY adding to

Article – Corporations and Associations  
Section 4A–101(k), (s), (u), and (v)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Corporations and Associations  
Section 4A–101(k) through (t), 4A–601, 4A–604, 4A–902, 4A–904, 4A–1002,  
4A–1103, 9A–1203, 10–7A–03, and 12–1003  
Annotated Code of Maryland  
(2014 Replacement Volume and 2019 Supplement)

BY repealing

Article – Corporations and Associations  
Section 4A–211  
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**

4A–101.

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

**(K) “GUARDIAN” HAS THE MEANING STATED IN § 3–201 OF THE COURTS ARTICLE.**

**[(k)] (L)** “Limited liability company” or “domestic limited liability company” means a permitted form of unincorporated business organization which is organized and existing under this title.

**[(l)] (M)** “Limited partnership” means a Maryland limited partnership or foreign limited partnership as defined in § 10–101 of this article.

**[(m)] (N)** “Member” means a person who has been admitted as a member of a limited liability company under § 4A–601 of this title or as a member of a foreign limited liability company, and who has not ceased to be a member.

**[(n)] (O)** “Membership interest” means a member’s economic interest and noneconomic interest in a limited liability company.

**[(o)] (P)** “Noneconomic interest” means all of the rights of a member in a limited liability company other than the member’s economic interest, including, unless otherwise agreed, the member’s right to:

- (1) Inspect the books and records of the limited liability company;
- (2) Participate in the management of and vote on matters coming before the limited liability company; and
- (3) Act as an agent of the limited liability company.

**[(p)] (Q)** “Operating agreement” means the agreement of the members and any amendments thereto, as to the affairs of a limited liability company and the conduct of its business.

**[(q)] (R)** “Partnership” means a partnership formed under the laws of this State, any other state, or under the laws of a foreign country.

**(S) “PERSONAL REPRESENTATIVE” HAS THE MEANING STATED IN § 1–102 OF THE GENERAL PROVISIONS ARTICLE.**

**[(r)] (T)** (1) “Professional service” has the meaning stated in § 5–101 of this article.

(2) “Professional service” includes a service provided by:

- (i) An architect;
- (ii) An attorney;
- (iii) A certified public accountant;
- (iv) A chiropractor;
- (v) A dentist;
- (vi) An osteopath;
- (vii) A physician;
- (viii) A podiatrist;
- (ix) A professional engineer;
- (x) A psychologist;

(xi) A licensed real estate broker, licensed associate real estate broker, or licensed real estate salesperson; or

(xii) A veterinarian.

**(U) “SERIES COMPANY” MEANS A FOREIGN LIMITED LIABILITY COMPANY THAT HAS BEEN ESTABLISHED AND CONTINUES TO OPERATE UNDER A SERIES STATUTE.**

**(V) “SERIES STATUTE” MEANS THE STATUTORY PROVISIONS OF A FOREIGN JURISDICTION THAT:**

**(1) ALLOW THE ESTABLISHMENT OF DESIGNATED SERIES, EACH OF WHICH IS LIABLE ONLY FOR THE DEBTS, LIABILITIES, OBLIGATIONS, AND EXPENSES OF THAT SERIES AND IS NOT LIABLE FOR THE DEBTS, LIABILITIES, OBLIGATIONS, AND EXPENSES OF THE FOREIGN LIMITED LIABILITY COMPANY GENERALLY OR OF ANY OTHER SERIES OF THE FOREIGN LIMITED LIABILITY COMPANY; OR**

**(2) PROVIDE THAT THE DEBTS, LIABILITIES, OBLIGATIONS, AND EXPENSES INCURRED OR CONTRACTED FOR WITH RESPECT TO THE FOREIGN LIMITED LIABILITY COMPANY GENERALLY OR ANY OTHER SERIES OF THE FOREIGN LIMITED LIABILITY COMPANY ARE ENFORCEABLE ONLY AGAINST THE ASSETS OF THE FOREIGN LIMITED LIABILITY COMPANY GENERALLY OR THE OTHER SERIES OF THE FOREIGN LIMITED LIABILITY COMPANY.**

**[(s)] (W) “State” means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.**

**[(t)] (X) “Unless otherwise agreed” means unless otherwise stated:**

(1) In the articles of organization;

(2) In the operating agreement; or

(3) By unanimous consent of the members and any other person whose consent is required by the operating agreement.

[4A–211.

(a) A partnership may convert to a limited liability company by filing articles of organization that meet the requirements of § 4A–204 of this subtitle and include the following:

(1) The name of the former general partnership or limited partnership; and

(2) The date of formation of the partnership and place of filing of the initial statement of partnership, if any, or certificate of limited partnership of the former general partnership or limited partnership.

(b) (1) The terms and conditions of a conversion of a general or limited partnership to a limited liability company shall be approved by the partners in the manner provided in the partnership's partnership agreement for amendments to the partnership agreement or, if no such provision is made in a partnership agreement, by unanimous agreement of the partners.

(2) A conversion may be abandoned by:

(i) A vote of the partners in the manner provided in the partnership's partnership agreement for amendments to the partnership agreement; or

(ii) Unanimous agreement of the partners, if no such provision is made in the partnership agreement.

(c) (1) A general partner of a limited partnership or a partner of a general partnership who becomes a member of a limited liability company as a result of the conversion remains liable as a general partner of a limited partnership or a partner of a general partnership for any obligation or liability of the partnership incurred or arising before the conversion takes effect, to the extent that the partner or general partner would have been obligated or liable if the conversion had not occurred.

(2) The partner's or general partner's liability for all obligations or liabilities of the limited liability company incurred or arising after the conversion takes effect is that of a member of a limited liability company, as provided in this title.]

4A-601.

(a) A person becomes a member of a limited liability company at:

(1) The time the limited liability company is formed;

(2) A later time specified in the operating agreement; or

(3) The time specified in [§ 4A-902(b)(1)] **§ 4A-902(B)** of this title relating to continuation of the limited liability company after there are no remaining members.

(b) After the formation of a limited liability company, a person may be admitted as a member:

(1) In the case of a person acquiring a membership interest directly from the limited liability company, upon compliance with the operating agreement or, if the operating agreement does not so provide, upon the unanimous consent of the members;

(2) In the case of an assignee of the economic interest of a member, only as provided in § 4A-604 of this subtitle; or

(3) In the case of a [personal representative or] successor to the last remaining member who is not an assignee of the last remaining member, as provided in [§ 4A-902(b)(1)] **§ 4A-902(B)** of this title.

(c) Unless otherwise agreed, a person may be admitted as a member of a limited liability company and may be the sole member of a limited liability company without:

(1) Making a capital contribution to the limited liability company;

(2) Being obligated to make a capital contribution to the limited liability company; or

(3) Acquiring an economic interest in the limited liability company.

4A-604.

(a) An assignee of an economic interest in a limited liability company may become a member of the limited liability company under any of the following circumstances:

(1) In accordance with the terms of the operating agreement providing for the admission of a member;

(2) By the unanimous consent of the members; or

(3) If there are no remaining members of the limited liability company at the time the assignee obtains the economic interest, on terms that the assignee may determine in accordance with [§ 4A-902(b)(1)] **§ 4A-902(B)(1)(I)** of this title.

(b) An assignee who becomes a member:

(1) Has, to the extent assigned, the rights and powers, and is subject to the restrictions and liabilities, of a member under the operating agreement and this title; and

(2) Is liable for any obligations of his assignor to make capital contributions.

4A-606.

Unless otherwise agreed, a person ceases to be a member of a limited liability company upon the occurrence of any of the following events:

(5) In the case of a member who is an individual, the individual's:

(i) Death; or

(ii) Adjudication by a court of competent jurisdiction as incompetent to manage the individual's person or property;

4A-902.

(a) A limited liability company is dissolved and shall commence the winding up of its affairs on the first to occur of the following:

(1) At the time or on the happening of the events specified in the articles of organization or the operating agreement;

(2) At the time specified by the unanimous consent of the members;

(3) At the time of the entry of a decree of judicial dissolution under § 4A-903 of this subtitle; or

(4) Unless otherwise agreed or as provided in subsection (b) of this section, at the time the limited liability company has had no members for a period of 90 consecutive days.

(b) **(1)** A limited liability company may not be dissolved or required to wind up its affairs if within 90 days after there are no remaining members of the limited liability company or within the period of time provided in the operating agreement:

[(1)] **(I)** The last remaining member's [personal representative,] successor[, ] or assignee agrees in writing to continue the limited liability company and to be admitted as a member or to appoint a designee as a member to be effective as of the time the last remaining member ceased to be a member; or

[(2)] **(II)** A member is admitted to the limited liability company in the manner set forth in the operating agreement to be effective as of the time the last remaining member ceased to be a member under a provision in the operating agreement that provides for the admission of a member after there are no remaining members.

**(2) IF A NEW MEMBER IS NOT ADMITTED TO THE LIMITED LIABILITY COMPANY IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, AND THE LAST REMAINING MEMBER CEASED TO BE A MEMBER UNDER § 4A-606(5) OF THIS TITLE, THE LAST REMAINING MEMBER'S PERSONAL REPRESENTATIVE OR GUARDIAN SHALL AUTOMATICALLY BE ADMITTED AS A NEW MEMBER OF THE LIMITED LIABILITY COMPANY, EFFECTIVE IMMEDIATELY ON THE HAPPENING OF THE EVENT DESCRIBED IN § 4A-606(5) OF THIS TITLE, UNLESS WITHIN 90 DAYS AFTER THE PERSONAL REPRESENTATIVE OR GUARDIAN FIRST HAS KNOWLEDGE OF THE EVENT, THE PERSONAL REPRESENTATIVE OR GUARDIAN:**

(I) **RENOUNCES THAT ADMISSION IN WRITING; OR**

(II) **DESIGNATES A PERSON TO BECOME A NEW MEMBER, AND THE DESIGNEE ACCEPTS THE DESIGNEE'S ADMISSION IN WRITING OR BY ELECTRONIC COMMUNICATION TO THE PERSONAL REPRESENTATIVE OR GUARDIAN.**

(c) An operating agreement may provide that the last remaining member's personal representative, **GUARDIAN**, successor, or assignee shall be obligated to agree in writing to continue the limited liability company and to be admitted as a member or to appoint a designee as a member to be effective as of the time the last remaining member ceased to be a member.

(d) Unless otherwise agreed and subject to the provisions of [subsection (b)] **SUBSECTIONS (A)(4) AND (B)** of this section, the termination of a person's membership may not cause a limited liability company to be dissolved or to wind up its affairs and the limited liability company shall continue in existence following the termination of a person's membership.

4A-904.

(a) Unless otherwise agreed, the remaining members of a limited liability company **OR, IF THE COMPANY HAS NO REMAINING MEMBERS, THE PERSONAL REPRESENTATIVE, GUARDIAN, OR OTHER SUCCESSOR TO THE LAST REMAINING MEMBER OF THE COMPANY** may wind up the affairs of the limited liability company.

(b) Notwithstanding the provisions of subsection (a) of this section, the circuit court of the county in which the principal office of the limited liability company is located, on cause shown after dissolution, may wind up the limited liability company's affairs on application of any member **OR, IF THE LIMITED LIABILITY COMPANY HAS NO REMAINING MEMBERS, ON APPLICATION OF THE PERSONAL REPRESENTATIVE, GUARDIAN, OR OTHER SUCCESSOR TO THE LAST REMAINING MEMBER OF THE LIMITED LIABILITY COMPANY.**

4A-1002.

(a) Before doing any interstate, intrastate, or foreign business in this State, a foreign limited liability company shall register with the Department.

(b) In order to register, a foreign limited liability company shall submit to the Department an application for registration as a foreign limited liability company executed by an authorized person and setting forth:

(1) The name of the foreign limited liability company and, if different, the name under which it proposes to register and do business in this State;

(2) The state under whose laws it was formed and the date of its formation;

(3) The general character of the business it proposes to transact in this State;

(4) The name and address of its resident agent in this State;

(5) A statement that the Department is appointed as the resident agent of the foreign limited liability company if no resident agent has been appointed under item (4) of this subsection or, if appointed, the resident agent's authority has been revoked or if the agent cannot be found or served with the exercise of reasonable diligence;

(6) The address of the office required to be maintained in the state of its organization by the laws of that state or, if not so required, of the principal office of the foreign limited liability company; [and]

(7) Proof acceptable to the Department of good standing in the jurisdiction where it currently is organized; AND

**(8) IF THE FOREIGN LIMITED LIABILITY COMPANY IS A SERIES COMPANY, A STATEMENT THAT THE COMPANY IS A SERIES COMPANY ~~AND THE NAME OR OTHER DESIGNATION OF EACH SERIES OF THE LIMITED LIABILITY COMPANY DOING BUSINESS IN MARYLAND.~~**

4A-1103.

(a) In this section, "facts ascertainable outside the articles of conversion" includes:

(1) An action or a determination by any person, including:

(i) The limited liability company or other entity, as applicable;

(ii) The members, partners, directors, trustees, officers, or other agents of the limited liability company or other entity; and

(iii) Any other person affiliated with the limited liability company 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 limited liability company to an other entity, the articles of conversion shall set forth:

(1) The name of the limited liability company and the date of filing of the original articles of organization with the Department;



(2) The name of the other entity to which the limited liability company 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 membership interests in the limited liability company 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 membership interests 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)] 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 limited liability company, 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 limited liability company 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 membership interests in the limited liability company 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)] 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.

9A-1203.

(a) In this section, “facts ascertainable outside the articles of conversion” includes:

(1) An action or a determination by any person, including:

(i) The partnership or other entity, as applicable;

(ii) The partners, members, directors, trustees, officers, or other agents of the partnership or other entity; and

(iii) Any other person affiliated with the partnership 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 partnership organized under the laws of this State to an other entity, the articles of conversion shall set forth:

(1) The name of the partnership and the date of filing of its original statement of partnership authority or certificate of limited liability partnership with the Department;

(2) The name of the other entity to which the partnership 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 partnership interests in the partnership 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 partnership interests not to be so 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)] 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 partnership organized under the laws of this State, 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 partnership 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 partnership interests in the partnership 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)] 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.

10-7A-03.

(a) In this section, “facts ascertainable outside the articles of conversion” includes:

- (1) An action or a determination by any person, including:
    - (i) The limited partnership or other entity, as applicable;
    - (ii) The partners, members, directors, trustees, officers, or other agents of the limited partnership or other entity; and
    - (iii) Any other person affiliated with the limited partnership 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 limited partnership to an other entity, the articles of conversion shall set forth:
- (1) The name of the limited partnership and the date of filing of its original certificate of limited partnership with the Department;
  - (2) The name of the other entity to which the limited partnership 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 partnership interests in the limited partnership 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 partnership interests 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)] 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 another entity to a limited partnership, 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 limited partnership 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 partnership interests in the limited partnership 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)] 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.

12-1003.

(a) In this section, "facts ascertainable outside the articles of conversion" includes:

(1) An action or determination by any person, including:

(i) The statutory trust or other entity, as applicable;

(ii) The trustees, directors, partners, members, officers, or other agents of the statutory trust or other entity; and

(iii) Any other person affiliated with the statutory 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 statutory trust to an other entity, the articles of conversion shall set forth:

(1) The name of the statutory trust and the date of filing of its original certificate of trust with the Department;

(2) The name of the other entity to which the statutory 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 beneficial interests of the statutory 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 beneficial interests not to be converted or exchanged, any of which may be made dependent on facts ascertainable outside of 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)] 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 statutory 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 statutory 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 beneficial interests of the statutory 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 of 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)] 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 402

### (House Bill 998)

AN ACT concerning

#### **Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants – Administration and Funding**

FOR the purpose of transferring oversight of the Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants from the Office of Student Financial Assistance within the Maryland Higher Education Commission to the Maryland Department of Health; requiring the Department, on or before a certain date each year, to submit a certain report to the General Assembly; altering certain provisions of law related to funding for the Program; requiring the Comptroller, in certain fiscal years, to distribute certain fees in a certain manner for a certain purpose if the Governor does not include a certain amount of funding for the Program in the State budget; requiring the Comptroller to distribute certain fees to the Board of Physicians Fund if the Governor includes in the State budget a certain amount of funding for the Program; requiring the Comptroller to distribute certain fees to the Board of Physicians Fund under certain circumstances; requiring the Department to convene a certain workgroup; providing for the composition of the workgroup; requiring the workgroup to consult with the Department of Legislative Services when developing certain recommendations; providing for the duties of the

workgroup; requiring the workgroup to submit ~~a certain report~~ reports to the General Assembly on or before ~~a certain date~~ dates; altering the definition of a certain term; making conforming changes; repealing certain obsolete provisions of law; and generally relating to the Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants.

BY transferring

Article – Education

Section 18–2801 through 18–2806, respectively, and the subtitle “Subtitle 28. Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants”

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

to be

Article – Health – General

Section 24–1701 through 24–1706, respectively, and the subtitle “Subtitle 17. Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants”

Annotated Code of Maryland

(2019 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 24–1701, ~~24–1702(b)(1)~~ 24–1702(b), 24–1704, 24–1705, and 24–1706

Annotated Code of Maryland

(2019 Replacement Volume)

(As enacted by Section 1 of this Act)

BY adding to

Article – Health – General

Section 24–1707

Annotated Code of Maryland

(2019 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 14–207 and 15–206(c)

Annotated Code of Maryland

(2014 Replacement Volume and 2019 Supplement)

#### Preamble

WHEREAS, One in five citizens in Maryland live in rural or medically underserved communities and face challenges in accessing health care services because only 10% of physicians choose to work in rural or medically underserved communities; and



WHEREAS, A report prepared on behalf of the Association of American Medical Colleges projects a total physician shortfall of between 40,800 and 104,900 physicians by 2030; and

WHEREAS, The 2017 Report of the Workgroup on Rural Health Delivery to the Maryland Health Care Commission focused on expanding the health care workforce as one of its priorities, recommending tax credits, loan or grant opportunities to incentivize physicians, medical students, and residents, and streamlining and expanding the Loan Assistance Repayment Program (LARP) by centralizing oversight of the program; and

WHEREAS, Emerging evidence demonstrates that scholarship and loan repayment programs are effective in achieving long-term retention of participants in the communities they serve; and

WHEREAS, Based on a retention study conducted by the Maryland Department of Health's Office of Workforce Development in 2017, 83% of health care providers agreed to stay in Maryland or at their current practice site after their obligation under LARP was completed; and

WHEREAS, The funding stream for LARP has been reduced over the last 5 years at a time when over 350 health care providers have applied for funding and over 100 have been denied in fiscal years 2019 and 2020 due to lack of funding, decreasing the availability of specialty providers in medically underserved areas throughout Maryland; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 18–2801 through 18–2806, respectively, and the subtitle “Subtitle 28. Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants” of Article – Education of the Annotated Code of Maryland be transferred to be Section(s) 24–1701 through 24–1706, respectively, and the subtitle “Subtitle 17. Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants” of Article – Health – General of the Annotated Code of Maryland.

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

### **Article – Health – General**

24–1701.

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

(b) [“Department” means the Maryland Department of Health.

(c)] “Education loan” means any loan that is obtained for tuition, educational expenses, or living expenses for undergraduate or graduate study leading to practice as a physician or physician assistant.

[(d)] (C) “Fund” means the Maryland Loan Assistance Repayment Program Fund.

[(e)] (D) “Primary care” includes:

- (1) Primary care;
- (2) Family medicine;
- (3) Internal medicine;
- (4) Obstetrics;
- (5) Pediatrics;
- (6) Geriatrics;
- (7) Emergency medicine;
- (8) Women’s health; ~~and~~
- (9) Psychiatry; **AND**

**(10) PREVENTIVE MEDICINE.**

[(f)] (E) “Program” means the Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants.

24–1702.

(b) The Fund consists of:

(1) Revenue generated through ~~an increase, as approved by the Health Services Cost Review Commission, to the rate structure of all hospitals in accordance with § 19-211 of [the Health – General Article]~~ **THIS ARTICLE A PERMANENT FUNDING STRUCTURE RECOMMENDED TO THE GENERAL ASSEMBLY BY A STAKEHOLDER WORKGROUP CONVENED BY THE DEPARTMENT;** and

(2) Any other money from any other source accepted for the benefit of the Fund.

24–1704.

(a) (1) In this section, “eligible field of employment” means employment by an organization, institution, association, society, or corporation that is exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code of 1986.

(2) “Eligible field of employment” includes employment by the State or any local government in the State.

(b) The [Office] **DEPARTMENT** shall assist in the repayment with the funds transferred to the [Office] **DEPARTMENT** by the Comptroller under § [14–207(d)(2)] **14–207(D)** of the Health Occupations Article of the amount of education loans owed by a physician or physician assistant who:

(1) (i) Practices primary care in an eligible field of employment in a geographic area of the State that has been federally designated; or

(ii) Is a medical resident specializing in primary care who agrees to practice for at least 2 years as a primary care physician in an eligible field of employment in a geographic area of the State that has been federally designated; and

(2) Meets any other requirements established by the [Office, in consultation with the] Department.

(c) Any unspent portions of the money that is transferred to the [Office] **DEPARTMENT** for use under this subtitle from the Board of Physicians Fund may not be transferred to or revert to the General Fund of the State, but shall remain in the Fund maintained by the [Office] **DEPARTMENT** to administer the Program.

24–1705.

(a) In addition to the assistance provided under § [18–2804] **24–1704** of this subtitle, the [Office] **DEPARTMENT** may, subject to the availability of money in the Fund, assist in the repayment of an education loan owed by a physician or physician assistant who:

(1) Practices a medical specialty that has been identified by the Department as being in shortage in the geographic area of the State where the physician or physician assistant practices that specialty; and

(2) Commits to practicing in the area for a period of time determined by the [Office] **DEPARTMENT**.

(b) The [Office] **DEPARTMENT** shall prioritize funding for the repayment of education loans through the Program in the following order:

(1) Physicians and physician assistants that meet the requirements under § [18–2804(b)] **24–1704(B)** of this subtitle;

(2) Physicians and physician assistants practicing primary care in a geographic area where the Department has identified a shortage of primary care physicians or physician assistants; and

(3) Physicians and physician assistants practicing a medical specialty other than primary care in a geographic area where the Department has identified a shortage of that specialty.

24–1706.

The [Office, in collaboration with the] Department[,] shall adopt regulations to implement the provisions of this subtitle, including:

(1) Establishing the maximum number of participants in the Program each year in each priority area described under § [18–2805] **24–1705** of this subtitle; and

(2) Establishing the minimum and maximum amount of loan repayment assistance awarded under this subtitle in each priority area described under § [18–2805] **24–1705** of this subtitle.

24–1707.

**ON OR BEFORE ~~JULY~~ OCTOBER 1, 2021, AND EACH ~~JULY~~ OCTOBER 1 THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, ON:**

**(1) THE ELIGIBLE PHYSICIANS, PHYSICIAN ASSISTANTS, AND MEDICAL RESIDENTS WHO APPLIED FOR THE PROGRAM, INCLUDING INFORMATION ON:**

**(I) THE SPECIALTY OF THE PHYSICIAN, PHYSICIAN ASSISTANT, OR MEDICAL RESIDENT;**

**(II) THE TYPE AND LOCATION OF THE SITE IN WHICH THE PHYSICIAN, PHYSICIAN ASSISTANT, OR MEDICAL RESIDENT PROVIDED SERVICES; AND**

**(III) THE GEOGRAPHIC AREA SERVED BY THE PHYSICIAN, PHYSICIAN ASSISTANT, OR MEDICAL RESIDENT; AND**

**(2) THE PHYSICIANS, PHYSICIAN ASSISTANTS, AND MEDICAL RESIDENTS WHO PARTICIPATED IN THE PROGRAM, INCLUDING INFORMATION ON:**

**(I) THE AMOUNT OF ASSISTANCE PROVIDED TO EACH PARTICIPANT;**

(II) THE SPECIALTY OF THE PARTICIPANT;

(III) THE TYPE AND LOCATION OF THE SITE IN WHICH THE PARTICIPANT PROVIDED SERVICES; AND

(IV) THE GEOGRAPHIC AREA SERVED BY THE PARTICIPANT.

**Article – Health Occupations**

14–207.

(a) There is a Board of Physicians Fund.

(b) (1) The Board may set reasonable fees for the issuance and renewal of licenses and its other services.

(2) The fees charged shall be set so as to approximate the cost of maintaining the Board, including the cost of providing a rehabilitation program for physicians under § 14–401.1(g) of this title.

(3) Funds to cover the compensation and expenses of the Board members shall be generated by fees set under this section.

(c) The Board shall pay all fees collected under the provisions of this title to the Comptroller of the State.

(d) (1) [In fiscal year 2017 and fiscal year 2018, if the Governor does not include in the State budget at least \$550,000 for the operation of the Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants under Title 18, Subtitle 28 of the Education Article, as administered by the Maryland Higher Education Commission, the Comptroller shall distribute:

(i) \$550,000 of the fees received from the Board to the Office of Student Financial Assistance to be used to make grants under the Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants under Title 18, Subtitle 28 of the Education Article to physicians and physician assistants engaged in primary care or to medical residents specializing in primary care who agree to practice for at least 2 years as primary care physicians in a geographic area of the State that has been designated by the Secretary of Health as being medically underserved; and

(ii) The balance of the fees to the Board of Physicians Fund.

(2) In EACH OF fiscal [year] YEARS 2019 [and each fiscal year thereafter] THROUGH 2021, if the Governor does not include in the State budget at least \$400,000 for the operation of the Maryland Loan Assistance Repayment Program for Physicians and

Physician Assistants under [Title 18, Subtitle 28 of the Education Article] **TITLE 24, SUBTITLE 17 OF THE HEALTH – GENERAL ARTICLE**, as administered by the [Maryland Higher Education Commission] **DEPARTMENT**, the Comptroller shall distribute:

(i) \$400,000 of the fees received from the Board to the [Office of Student Financial Assistance] **DEPARTMENT** to be used to make grants under the Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants under [Title 18, Subtitle 28 of the Education Article] **TITLE 24, SUBTITLE 17 OF THE HEALTH – GENERAL ARTICLE** to physicians and physician assistants engaged in primary care or to medical residents specializing in primary care who agree to practice for at least 2 years as primary care physicians in a geographic area of the State that has been designated by the Secretary [of Health] as being medically underserved; and

(ii) The balance of the fees to the Board of Physicians Fund.

**(2) ~~IN FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER EACH OF FISCAL YEARS YEAR 2022 AND 2023~~, IF THE GOVERNOR DOES NOT INCLUDE IN THE STATE BUDGET AT LEAST \$1,000,000 FOR THE OPERATION OF THE MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FOR PHYSICIANS AND PHYSICIAN ASSISTANTS UNDER TITLE 24, SUBTITLE 17 OF THE HEALTH – GENERAL ARTICLE, AS ADMINISTERED BY THE DEPARTMENT, THE COMPTROLLER SHALL DISTRIBUTE:**

**(i) \$1,000,000 OF THE FEES RECEIVED FROM THE BOARD TO THE DEPARTMENT TO BE USED TO MAKE GRANTS UNDER THE MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FOR PHYSICIANS AND PHYSICIAN ASSISTANTS UNDER TITLE 24, SUBTITLE 17 OF THE HEALTH – GENERAL ARTICLE TO PHYSICIANS AND PHYSICIAN ASSISTANTS ENGAGED IN PRIMARY CARE OR TO MEDICAL RESIDENTS SPECIALIZING IN PRIMARY CARE WHO AGREE TO PRACTICE FOR AT LEAST 2 YEARS AS PRIMARY CARE PHYSICIANS IN A GEOGRAPHIC AREA OF THE STATE THAT HAS BEEN DESIGNATED BY THE SECRETARY AS BEING MEDICALLY UNDERSERVED; AND**

**(ii) THE BALANCE OF THE FEES TO THE BOARD OF PHYSICIANS FUND.**

**(3) IN FISCAL YEAR ~~2024~~ 2023 AND EACH FISCAL YEAR THEREAFTER, IF THE DEPARTMENT DOES NOT IMPLEMENT A PERMANENT FUNDING STRUCTURE UNDER § 24-1702(B)(1) OF THIS SUBTITLE AND THE GOVERNOR DOES NOT INCLUDE IN THE STATE BUDGET AT LEAST \$400,000 FOR THE OPERATION OF THE MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FOR PHYSICIANS AND PHYSICIAN ASSISTANTS UNDER TITLE 24, SUBTITLE 17 OF THE HEALTH – GENERAL ARTICLE, AS ADMINISTERED BY THE DEPARTMENT, THE COMPTROLLER SHALL DISTRIBUTE:**

**(I) \$400,000 OF THE FEES RECEIVED FROM THE BOARD TO THE DEPARTMENT TO BE USED TO MAKE GRANTS UNDER THE MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FOR PHYSICIANS AND PHYSICIAN ASSISTANTS UNDER TITLE 24, SUBTITLE 17 OF THE HEALTH – GENERAL ARTICLE TO PHYSICIANS AND PHYSICIAN ASSISTANTS ENGAGED IN PRIMARY CARE OR TO MEDICAL RESIDENTS SPECIALIZING IN PRIMARY CARE WHO AGREE TO PRACTICE FOR AT LEAST 2 YEARS AS PRIMARY CARE PHYSICIANS IN A GEOGRAPHIC AREA OF THE STATE THAT HAS BEEN DESIGNATED BY THE SECRETARY AS BEING MEDICALLY UNDERSERVED; AND**

**(II) THE BALANCE OF THE FEES TO THE BOARD OF PHYSICIANS FUND.**

~~(3)~~ **(4)** If the Governor includes in the State budget at least the amount specified in paragraph (1) or (2) of this subsection for the operation of the Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants under [Title 18, Subtitle 28 of the Education Article] **TITLE 24, SUBTITLE 17 OF THE HEALTH – GENERAL ARTICLE**, as administered by the [Maryland Higher Education Commission] **DEPARTMENT**, the Comptroller shall distribute the fees to the Board of Physicians Fund.

(e) (1) The Fund shall be used exclusively to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this title.

(2) (i) The Fund is a continuing, nonlapsing fund, not subject to § 7–302 of the State Finance and Procurement Article.

(ii) Any unspent portions of the Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Fund to be used for the purposes specified in this title.

(3) Interest or other income earned on the investment of moneys in the Fund shall be paid into the Fund.

(4) No other State money may be used to support the Fund.

(f) (1) In addition to the requirements of subsection (e) of this section, the Board shall fund the budget of the Physician Rehabilitation Program with fees set, collected, and distributed to the Fund under this title.

(2) After review and approval by the Board of a budget submitted by the Physician Rehabilitation Program, the Board may allocate moneys from the Fund to the Physician Rehabilitation Program.

(g) (1) The chair of the Board or the designee of the chair shall administer the Fund.

(2) Moneys in the Fund may be expended only for any lawful purpose authorized by the provisions of this title.

(h) The Legislative Auditor shall audit the accounts and transactions of the Fund as provided in § 2–1220 of the State Government Article.

15–206.

(c) (1) In fiscal year 2017 and fiscal year 2018, if the Governor does not include in the State budget at least \$550,000 for the operation of the Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants under [Title 18, Subtitle 28 of the Education Article] **TITLE 24, SUBTITLE 17 OF THE HEALTH – GENERAL ARTICLE**, as administered by the Maryland Higher Education Commission, the Comptroller shall distribute:

(i) \$550,000 of the fees received from the Board to the Office of Student Financial Assistance to be used to make grants under the Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants under [Title 18, Subtitle 28 of the Education Article] **TITLE 24, SUBTITLE 17 OF THE HEALTH – GENERAL ARTICLE** to physicians and physician assistants engaged in primary care or to medical residents specializing in primary care who agree to practice for at least 2 years as primary care physicians in a geographic area of the State that has been designated by the Secretary [of Health] as being medically underserved; and

(ii) The balance of the fees to the Board of Physicians Fund.

(2) In fiscal year 2019 and each fiscal year thereafter, if the Governor does not include in the State budget at least \$400,000 for the operation of the Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants under [Title 18, Subtitle 28 of the Education Article] **TITLE 24, SUBTITLE 17 OF THE HEALTH – GENERAL ARTICLE**, as administered by the Maryland Higher Education Commission, the Comptroller shall distribute:

(i) \$400,000 of the fees received from the Board to the Office of Student Financial Assistance to be used to make grants under the Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants under [Title 18, Subtitle 28 of the Education Article] **TITLE 24, SUBTITLE 17 OF THE HEALTH – GENERAL ARTICLE** to physicians and physician assistants engaged in primary care or to medical residents specializing in primary care who agree to practice for at least 2 years as primary care physicians in a geographic area of the State that has been designated by the Secretary [of Health] as being medically underserved; and

(ii) The balance of the fees to the Board of Physicians Fund.



(3) If the Governor includes in the State budget at least the amount specified in paragraph (1) or (2) of this subsection for the operation of the Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants under [Title 18, Subtitle 28 of the Education Article] **TITLE 24, SUBTITLE 17 OF THE HEALTH – GENERAL ARTICLE**, as administered by the Maryland Higher Education Commission, the Comptroller shall distribute the fees to the Board of Physicians Fund.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Department of Health shall convene a stakeholder workgroup to examine how the State can implement a program within or in addition to the Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants to further incentivize medical students to practice in health professional shortage areas and medically underserved areas in the State.

(b) The workgroup shall consist of the following members:

(1) the Chair of the Health Services Cost Review Commission, or the Chair's designee;

(2) the Chair of the Health Care Commission, or the Chair's designee;

(3) the President of the Maryland Hospital Association, or the President's designee;

(4) the Dean of the University of Maryland School of Medicine, or the Dean's designee;

(5) the Dean of the Johns Hopkins School of Medicine, or the Dean's designee;

(6) the President of MedChi, or the President's designee;

(7) one representative of the Office of Primary Care;

(8) one representative of the State Board of Physicians;

(9) one representative of the Maryland Academy of Physician Assistants;  
and

(10) any other members as determined by the Secretary of Health.

(c) The workgroup shall consult with the Department of Legislative Services when developing its recommendations.

~~(b)~~ (d) The workgroup shall:

(1) Review medical school student debt experienced in the United States and in Maryland;

(2) ~~Examine and recommend state-assisted tuition reduction options based on a comparison of programs available in other states; and~~ other models for physician recruitment and retention that operate in other states, including how these models are funded and how to improve the Maryland Loan Assistance Repayment Program to ensure that the Program is competitive with other states;

(3) Examine and recommend methods to incentivize medical students to commit to practicing in medically underserved areas in the State before entering a residency program or on graduation from medical school; and

(4) investigate the availability of other federal grants to further expand loan repayment and loan forgiveness for other health professionals in Maryland.

~~(e)~~ (e) (1) On or before December 1, 2020, the workgroup shall ~~report~~ submit an interim report of its findings and recommendations, in accordance with § 2–1257 of the State Government Article, to the General Assembly.

(2) On or before December 1, 2021, the workgroup shall submit a final report of its findings and recommendations, including recommendations on the structure of a permanent advisory council and a permanent funding structure for the Maryland Loan Assistance Repayment Program, in accordance with § 2–1257 of the State Government Article, to the General Assembly.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2020.

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

---

## Chapter 403

(Senate Bill 501)

AN ACT concerning

### **Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants – Administration and Funding**

FOR the purpose of transferring oversight of the Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants from the Office of Student Financial Assistance within the Maryland Higher Education Commission to the Maryland Department of Health; requiring the Department, on or before a certain date each year, to submit a certain report to the General Assembly; altering certain

provisions of law related to funding for the Program; requiring the Comptroller, in certain fiscal years, to distribute certain fees in a certain manner for a certain purpose if the Governor does not include a certain amount of funding for the Program in the State budget; requiring the Comptroller to distribute certain fees to the Board of Physicians Fund if the Governor includes in the State budget a certain amount of funding for the Program; requiring the Comptroller to distribute certain fees to the Board of Physicians Fund under certain circumstances; requiring the Department to convene a certain workgroup; providing for the composition of the workgroup; requiring the workgroup to consult with the Department of Legislative Services when developing certain recommendations; providing for the duties of the workgroup; requiring the workgroup to submit ~~a certain report~~ reports to the General Assembly on or before ~~a certain date~~ dates; altering the definition of a certain term; making conforming changes; repealing certain obsolete provisions of law; and generally relating to the Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants.

BY transferring

Article – Education

Section 18–2801 through 18–2806, respectively, and the subtitle “Subtitle 28. Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants”

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

to be

Article – Health – General

Section 24–1701 through 24–1706, respectively, and the subtitle “Subtitle 17. Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants”

Annotated Code of Maryland

(2019 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 24–1701, ~~24–1702(b)(1)~~ 24–1702(b), 24–1704, 24–1705, and 24–1706

Annotated Code of Maryland

(2019 Replacement Volume)

(As enacted by Section 1 of this Act)

BY adding to

Article – Health – General

Section 24–1707

Annotated Code of Maryland

(2019 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 14–207 and 15–206(c)

Annotated Code of Maryland  
(2014 Replacement Volume and 2019 Supplement)

Preamble

WHEREAS, One in five citizens in Maryland live in rural or medically underserved communities and face challenges in accessing health care services because only 10% of physicians choose to work in rural or medically underserved communities; and

WHEREAS, A report prepared on behalf of the Association of American Medical Colleges projects a total physician shortfall of between 40,800 and 104,900 physicians by 2030; and

WHEREAS, The 2017 Report of the Workgroup on Rural Health Delivery to the Maryland Health Care Commission focused on expanding the health care workforce as one of its priorities, recommending tax credits, loan or grant opportunities to incentivize physicians, medical students, and residents, and streamlining and expanding the Loan Assistance Repayment Program (LARP) by centralizing oversight of the program; and

WHEREAS, Emerging evidence demonstrates that scholarship and loan repayment programs are effective in achieving long-term retention of participants in the communities they serve; and

WHEREAS, Based on a retention study conducted by the Maryland Department of Health's Office of Workforce Development in 2017, 83% of health care providers agreed to stay in Maryland or at their current practice site after their obligation under LARP was completed; and

WHEREAS, The funding stream for LARP has been reduced over the last 5 years at a time when over 350 health care providers have applied for funding and over 100 have been denied in fiscal years 2019 and 2020 due to lack of funding, decreasing the availability of specialty providers in medically underserved areas throughout Maryland; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 18–2801 through 18–2806, respectively, and the subtitle “Subtitle 28. Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants” of Article – Education of the Annotated Code of Maryland be transferred to be Section(s) 24–1701 through 24–1706, respectively, and the subtitle “Subtitle 17. Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants” of Article – Health – General of the Annotated Code of Maryland.

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

**Article – Health – General**

24–1701.

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

(b) [“Department” means the Maryland Department of Health.

(c) [“Education loan” means any loan that is obtained for tuition, educational expenses, or living expenses for undergraduate or graduate study leading to practice as a physician or physician assistant.

[(d)] (C) “Fund” means the Maryland Loan Assistance Repayment Program Fund.

[(e)] (D) “Primary care” includes:

- (1) Primary care;
- (2) Family medicine;
- (3) Internal medicine;
- (4) Obstetrics;
- (5) Pediatrics;
- (6) Geriatrics;
- (7) Emergency medicine;
- (8) Women’s health; ~~and~~
- (9) Psychiatry; AND

**(10) PREVENTATIVE MEDICINE.**

[(f)] (E) “Program” means the Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants.

24–1702.

(b) The Fund consists of:

(1) Revenue generated through ~~an increase, as approved by the Health Services Cost Review Commission, to the rate structure of all hospitals in accordance with § 19-211 of [the Health – General Article]~~ **THIS ARTICLE A PERMANENT FUNDING STRUCTURE RECOMMENDED TO THE GENERAL ASSEMBLY BY A STAKEHOLDER WORKGROUP CONVENED BY THE DEPARTMENT;** and

Fund. (2) Any other money from any other source accepted for the benefit of the

24–1704.

(a) (1) In this section, “eligible field of employment” means employment by an organization, institution, association, society, or corporation that is exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code of 1986.

(2) “Eligible field of employment” includes employment by the State or any local government in the State.

(b) The [Office] DEPARTMENT shall assist in the repayment with the funds transferred to the [Office] DEPARTMENT by the Comptroller under § [14–207(d)(2)] **14–207(D)** of the Health Occupations Article of the amount of education loans owed by a physician or physician assistant who:

(1) (i) Practices primary care in an eligible field of employment in a geographic area of the State that has been federally designated; or

(ii) Is a medical resident specializing in primary care who agrees to practice for at least 2 years as a primary care physician in an eligible field of employment in a geographic area of the State that has been federally designated; and

(2) Meets any other requirements established by the [Office, in consultation with the] Department.

(c) Any unspent portions of the money that is transferred to the [Office] DEPARTMENT for use under this subtitle from the Board of Physicians Fund may not be transferred to or revert to the General Fund of the State, but shall remain in the Fund maintained by the [Office] DEPARTMENT to administer the Program.

24–1705.

(a) In addition to the assistance provided under § [18–2804] **24–1704** of this subtitle, the [Office] DEPARTMENT may, subject to the availability of money in the Fund, assist in the repayment of an education loan owed by a physician or physician assistant who:

(1) Practices a medical specialty that has been identified by the Department as being in shortage in the geographic area of the State where the physician or physician assistant practices that specialty; and

(2) Commits to practicing in the area for a period of time determined by the [Office] DEPARTMENT.

(b) The [Office] **DEPARTMENT** shall prioritize funding for the repayment of education loans through the Program in the following order:

(1) Physicians and physician assistants that meet the requirements under § [18–2804(b)] **24–1704(B)** of this subtitle;

(2) Physicians and physician assistants practicing primary care in a geographic area where the Department has identified a shortage of primary care physicians or physician assistants; and

(3) Physicians and physician assistants practicing a medical specialty other than primary care in a geographic area where the Department has identified a shortage of that specialty.

24–1706.

The [Office, in collaboration with the] Department[,] shall adopt regulations to implement the provisions of this subtitle, including:

(1) Establishing the maximum number of participants in the Program each year in each priority area described under § [18–2805] **24–1705** of this subtitle; and

(2) Establishing the minimum and maximum amount of loan repayment assistance awarded under this subtitle in each priority area described under § [18–2805] **24–1705** of this subtitle.

24–1707.

**ON OR BEFORE OCTOBER 1, 2021, AND EACH OCTOBER 1 THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, ON:**

**(1) THE ELIGIBLE PHYSICIANS, PHYSICIAN ASSISTANTS, AND MEDICAL RESIDENTS WHO APPLIED FOR THE PROGRAM, INCLUDING INFORMATION ON:**

**(I) THE SPECIALTY OF THE PHYSICIAN, PHYSICIAN ASSISTANT, OR MEDICAL RESIDENT;**

**(II) THE TYPE AND LOCATION OF THE SITE IN WHICH THE PHYSICIAN, PHYSICIAN ASSISTANT, OR MEDICAL RESIDENT PROVIDED SERVICES; AND**

**(III) THE GEOGRAPHIC AREA SERVED BY THE PHYSICIAN,**

**PHYSICIAN ASSISTANT, OR MEDICAL RESIDENT; AND**

**(2) THE PHYSICIANS, PHYSICIAN ASSISTANTS, AND MEDICAL RESIDENTS WHO PARTICIPATED IN THE PROGRAM, INCLUDING INFORMATION ON:**

**(I) THE AMOUNT OF ASSISTANCE PROVIDED TO EACH PARTICIPANT;**

**(II) THE SPECIALTY OF THE PARTICIPANT;**

**(III) THE TYPE AND LOCATION OF THE SITE IN WHICH THE PARTICIPANT PROVIDED SERVICES; AND**

**(IV) THE GEOGRAPHIC AREA SERVED BY THE PARTICIPANT.**

**Article – Health Occupations**

14–207.

(a) There is a Board of Physicians Fund.

(b) (1) The Board may set reasonable fees for the issuance and renewal of licenses and its other services.

(2) The fees charged shall be set so as to approximate the cost of maintaining the Board, including the cost of providing a rehabilitation program for physicians under § 14–401.1(g) of this title.

(3) Funds to cover the compensation and expenses of the Board members shall be generated by fees set under this section.

(c) The Board shall pay all fees collected under the provisions of this title to the Comptroller of the State.

(d) (1) [In fiscal year 2017 and fiscal year 2018, if the Governor does not include in the State budget at least \$550,000 for the operation of the Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants under Title 18, Subtitle 28 of the Education Article, as administered by the Maryland Higher Education Commission, the Comptroller shall distribute:

(i) \$550,000 of the fees received from the Board to the Office of Student Financial Assistance to be used to make grants under the Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants under Title 18, Subtitle 28 of the Education Article to physicians and physician assistants engaged in primary care or to medical residents specializing in primary care who agree to practice for at least 2 years as primary care physicians in a geographic area of the State that has been



designated by the Secretary of Health as being medically underserved; and

- (ii) The balance of the fees to the Board of Physicians Fund.

(2) In EACH OF fiscal [year] YEARS 2019 [and each fiscal year thereafter] THROUGH 2021, if the Governor does not include in the State budget at least \$400,000 for the operation of the Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants under [Title 18, Subtitle 28 of the Education Article] TITLE 24, SUBTITLE 17 OF THE HEALTH – GENERAL ARTICLE, as administered by the [Maryland Higher Education Commission] DEPARTMENT, the Comptroller shall distribute:

(i) \$400,000 of the fees received from the Board to the [Office of Student Financial Assistance] DEPARTMENT to be used to make grants under the Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants under [Title 18, Subtitle 28 of the Education Article] TITLE 24, SUBTITLE 17 OF THE HEALTH – GENERAL ARTICLE to physicians and physician assistants engaged in primary care or to medical residents specializing in primary care who agree to practice for at least 2 years as primary care physicians in a geographic area of the State that has been designated by the Secretary [of Health] as being medically underserved; and

- (ii) The balance of the fees to the Board of Physicians Fund.

(2) ~~IN FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER EACH OF FISCAL YEARS YEAR 2022 AND 2023~~, IF THE GOVERNOR DOES NOT INCLUDE IN THE STATE BUDGET AT LEAST \$1,000,000 FOR THE OPERATION OF THE MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FOR PHYSICIANS AND PHYSICIAN ASSISTANTS UNDER TITLE 24, SUBTITLE 17 OF THE HEALTH – GENERAL ARTICLE, AS ADMINISTERED BY THE DEPARTMENT, THE COMPTROLLER SHALL DISTRIBUTE:

(I) \$1,000,000 OF THE FEES RECEIVED FROM THE BOARD TO THE DEPARTMENT TO BE USED TO MAKE GRANTS UNDER THE MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FOR PHYSICIANS AND PHYSICIAN ASSISTANTS UNDER TITLE 24, SUBTITLE 17 OF THE HEALTH – GENERAL ARTICLE TO PHYSICIANS AND PHYSICIAN ASSISTANTS ENGAGED IN PRIMARY CARE OR TO MEDICAL RESIDENTS SPECIALIZING IN PRIMARY CARE WHO AGREE TO PRACTICE FOR AT LEAST 2 YEARS AS PRIMARY CARE PHYSICIANS IN A GEOGRAPHIC AREA OF THE STATE THAT HAS BEEN DESIGNATED BY THE SECRETARY AS BEING MEDICALLY UNDERSERVED; AND

(II) THE BALANCE OF THE FEES TO THE BOARD OF PHYSICIANS FUND.

(3) IN FISCAL YEAR ~~2024~~ 2023 AND EACH FISCAL YEAR THEREAFTER, IF THE DEPARTMENT DOES NOT IMPLEMENT A PERMANENT FUNDING STRUCTURE

UNDER § 24-1702(B)(1) OF THIS SUBTITLE AND THE GOVERNOR DOES NOT INCLUDE IN THE STATE BUDGET AT LEAST \$400,000 FOR THE OPERATION OF THE MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FOR PHYSICIANS AND PHYSICIAN ASSISTANTS UNDER TITLE 24, SUBTITLE 17 OF THE HEALTH – GENERAL ARTICLE, AS ADMINISTERED BY THE DEPARTMENT, THE COMPTROLLER SHALL DISTRIBUTE:

(I) \$400,000 OF THE FEES RECEIVED FROM THE BOARD TO THE DEPARTMENT TO BE USED TO MAKE GRANTS UNDER THE MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FOR PHYSICIANS AND PHYSICIAN ASSISTANTS UNDER TITLE 24, SUBTITLE 17 OF THE HEALTH – GENERAL ARTICLE TO PHYSICIANS AND PHYSICIAN ASSISTANTS ENGAGED IN PRIMARY CARE OR TO MEDICAL RESIDENTS SPECIALIZING IN PRIMARY CARE WHO AGREE TO PRACTICE FOR AT LEAST 2 YEARS AS PRIMARY CARE PHYSICIANS IN A GEOGRAPHIC AREA OF THE STATE THAT HAS BEEN DESIGNATED BY THE SECRETARY AS BEING MEDICALLY UNDERSERVED; AND

(II) THE BALANCE OF THE FEES TO THE BOARD OF PHYSICIANS FUND.

~~(3)~~ (4) If the Governor includes in the State budget at least the amount specified in paragraph (1) or (2) of this subsection for the operation of the Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants under [Title 18, Subtitle 28 of the Education Article] **TITLE 24, SUBTITLE 17 OF THE HEALTH – GENERAL ARTICLE**, as administered by the [Maryland Higher Education Commission] **DEPARTMENT**, the Comptroller shall distribute the fees to the Board of Physicians Fund.

(e) (1) The Fund shall be used exclusively to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this title.

(2) (i) The Fund is a continuing, nonlapsing fund, not subject to § 7-302 of the State Finance and Procurement Article.

(ii) Any unspent portions of the Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Fund to be used for the purposes specified in this title.

(3) Interest or other income earned on the investment of moneys in the Fund shall be paid into the Fund.

(4) No other State money may be used to support the Fund.

(f) (1) In addition to the requirements of subsection (e) of this section, the Board shall fund the budget of the Physician Rehabilitation Program with fees set, collected, and distributed to the Fund under this title.

(2) After review and approval by the Board of a budget submitted by the Physician Rehabilitation Program, the Board may allocate moneys from the Fund to the Physician Rehabilitation Program.

(g) (1) The chair of the Board or the designee of the chair shall administer the Fund.

(2) Moneys in the Fund may be expended only for any lawful purpose authorized by the provisions of this title.

(h) The Legislative Auditor shall audit the accounts and transactions of the Fund as provided in § 2–1220 of the State Government Article.

15–206.

(c) (1) In fiscal year 2017 and fiscal year 2018, if the Governor does not include in the State budget at least \$550,000 for the operation of the Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants under [Title 18, Subtitle 28 of the Education Article] **TITLE 24, SUBTITLE 17 OF THE HEALTH – GENERAL ARTICLE**, as administered by the Maryland Higher Education Commission, the Comptroller shall distribute:

(i) \$550,000 of the fees received from the Board to the Office of Student Financial Assistance to be used to make grants under the Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants under [Title 18, Subtitle 28 of the Education Article] **TITLE 24, SUBTITLE 17 OF THE HEALTH – GENERAL ARTICLE** to physicians and physician assistants engaged in primary care or to medical residents specializing in primary care who agree to practice for at least 2 years as primary care physicians in a geographic area of the State that has been designated by the Secretary [of Health] as being medically underserved; and

(ii) The balance of the fees to the Board of Physicians Fund.

(2) In fiscal year 2019 and each fiscal year thereafter, if the Governor does not include in the State budget at least \$400,000 for the operation of the Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants under [Title 18, Subtitle 28 of the Education Article] **TITLE 24, SUBTITLE 17 OF THE HEALTH – GENERAL ARTICLE**, as administered by the Maryland Higher Education Commission, the Comptroller shall distribute:

(i) \$400,000 of the fees received from the Board to the Office of Student Financial Assistance to be used to make grants under the Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants under [Title 18, Subtitle 28 of the Education Article] **TITLE 24, SUBTITLE 17 OF THE HEALTH – GENERAL ARTICLE** to physicians and physician assistants engaged in primary care or to

medical residents specializing in primary care who agree to practice for at least 2 years as primary care physicians in a geographic area of the State that has been designated by the Secretary [of Health] as being medically underserved; and

(ii) The balance of the fees to the Board of Physicians Fund.

(3) If the Governor includes in the State budget at least the amount specified in paragraph (1) or (2) of this subsection for the operation of the Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants under [Title 18, Subtitle 28 of the Education Article] **TITLE 24, SUBTITLE 17 OF THE HEALTH – GENERAL ARTICLE**, as administered by the Maryland Higher Education Commission, the Comptroller shall distribute the fees to the Board of Physicians Fund.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Department of Health shall convene a stakeholder workgroup to examine how the State can implement a program within or in addition to the Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants to further incentivize medical students to practice in health professional shortage areas and medically underserved areas in the State.

(b) The workgroup shall consist of the following members:

(1) the Chair of the Health Services Cost Review Commission, or the Chair's designee;

(2) the Chair of the Health Care Commission, or the Chair's designee;

(3) the President of the Maryland Hospital Association, or the President's designee;

(4) the Dean of the University of Maryland School of Medicine, or the Dean's designee;

(5) the Dean of the Johns Hopkins School of Medicine, or the Dean's designee;

(6) the President of MedChi, or the President's designee;

(7) one representative of the Office of Primary Care;

(8) one representative of the State Board of Physicians;

(9) one representative of the Maryland Academy of Physician Assistants;  
and

(10) any other members as determined by the Secretary of Health.

(c) The workgroup shall consult with the Department of Legislative Services when developing its recommendations.

~~(b)~~ (d) The workgroup shall:

(1) review medical school student debt experienced in the United States and in Maryland;

~~(2) examine and recommend state-assisted tuition reduction options based on a comparison of programs available in other states; and~~ other models for physician recruitment and retention that operate in other states, including how these models are funded and how to improve the Maryland Loan Assistance Repayment Program to ensure that the Program is competitive with other states;

(3) examine and recommend methods to incentivize medical students to commit to practicing in medically underserved areas in the State before entering a residency program or on graduation from medical school; and

(4) investigate the availability of other federal grants to further expand loan repayment and loan forgiveness for other health professionals in Maryland.

~~(e)~~ (e) (1) On or before December 1, 2020, the workgroup shall ~~report~~ submit an interim report of its findings and recommendations, in accordance with § 2-1257 of the State Government Article, to the General Assembly.

(2) On or before December 1, 2021, the workgroup shall submit a final report of its findings and recommendations, including recommendations on the structure of a permanent advisory council and a permanent funding structure for the Maryland Loan Assistance Repayment Program, in accordance with § 2-1257 of the State Government Article, to the General Assembly.

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 404

(House Bill 1013)

AN ACT concerning

**Vehicle Laws – Rental Vehicles – Driver’s License Verification and Records**

FOR the purpose of prohibiting a vehicle lessor from renting a vehicle to another person unless the lessor verifies that the person's driver's license is not expired; authorizing a vehicle lessor to inspect a driver's license of a vehicle lessee through electronic or digital means under certain circumstances; authorizing a vehicle lessor to keep certain records in an electronic or digital format; establishing that a vehicle lessor that rents a vehicle to another person in a certain manner is deemed to have met certain driver's license verification requirements under certain circumstances; requiring a vehicle lessor to delete certain personal data within a certain period of time after an individual terminates participation in a certain membership or master program agreement; and generally relating to verification of driver's licenses and records for rental vehicles.

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 18–103  
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**

18–103.

(a) A person may not rent a motor vehicle, trailer, or semitrailer to any other person unless the individual who will operate the rented vehicle:

(1) Holds a driver's license issued under Title 16 of this article, which license authorizes him to drive or tow, as the case may be, vehicles of the class rented;

(2) Is a nonresident who:

(i) Has with him a license to drive issued to him by the state or country of his residence, which license authorizes him in that state or country to drive or tow, as the case may be, vehicles of the class rented; and

(ii) Is at least the same age as that required of a resident to drive or tow, as the case may be, the vehicle rented; or

(3) Otherwise is specifically authorized by Title 16 of this article to drive or tow, as the case may be, vehicles of the class rented.

(b) **(1)** A person may not rent a motor vehicle, trailer, or semitrailer to any other person unless the lessor or his agent:

[(1)] (I) Has inspected the license to drive of the individual who will operate the rented vehicle; [and]

[(2)] (II) Has compared and verified:

[(i)] 1. The signature on the license with the signature of the individual, as written in the presence of the lessor or agent; and

[(ii)] 2. The physical description on the license with the physical appearance of the individual; AND

**(III) HAS VERIFIED THAT THE LICENSE IS NOT EXPIRED.**

**(2) AN INSPECTION OF A LICENSE UNDER THIS SECTION MAY BE THROUGH ELECTRONIC OR DIGITAL MEANS.**

(c) (1) Each person who rents a motor vehicle, trailer, or semitrailer to another person shall keep a record of:

[(1)] (I) The registration number of the rented vehicle and, if only a semitrailer or trailer is rented, the registration number of the motor vehicle to be used to tow the trailer or semitrailer;

[(2)] (II) The name and address of the lessee;

[(3)] (III) The number of the license to drive of the individual who will drive or tow, as the case may be, the rented vehicle; and

[(4)] (IV) The date and place of issuance of the license to drive.

**(2) RECORDS MAY BE KEPT UNDER THIS SUBSECTION IN AN ELECTRONIC OR DIGITAL FORMAT.**

(d) Any police officer or authorized representative of the Administration may inspect the records kept under subsection (c) of this section.

**(E) (1) IF A LESSOR RENTS A MOTOR VEHICLE, TRAILER, OR SEMITRAILER TO ANOTHER PERSON IN A MANNER THAT ALLOWS THE OTHER PERSON TO OBTAIN POSSESSION OF THE RENTED VEHICLE WITHOUT MAKING DIRECT CONTACT WITH THE LESSOR, THE LESSOR SHALL BE DEEMED TO HAVE MET THE REQUIREMENTS OF SUBSECTIONS (A) AND (B) OF THIS SECTION IF THE LESSOR REQUIRES THE PERSON WHO WILL OPERATE THE RENTED VEHICLE TO ENTER INTO A MEMBERSHIP OR MASTER PROGRAM AGREEMENT.**

**(2) A LESSOR SHALL DELETE ANY PERSONAL DATA OF AN INDIVIDUAL WHO PARTICIPATES IN A MEMBERSHIP OR MASTER PROGRAM AGREEMENT WITHIN 60 DAYS AFTER THE INDIVIDUAL TERMINATES THE INDIVIDUAL'S PARTICIPATION IN THE MEMBERSHIP OR MASTER PROGRAM AGREEMENT.**

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 405

### (House Bill 1017)

AN ACT concerning

#### **Public Health – Cottage Food Product Labels – Identification Number**

FOR the purpose of altering the required contents of the label with which cottage food products must be prepackaged to allow the inclusion of the phone number of the cottage food business and a certain identification number, rather than the address of the cottage food business; requiring the Maryland Department of Health to provide a certain identification number to a cottage food business on request for a certain purpose; and generally relating to cottage food product labels.

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 21–330.1  
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 – Health – General**

21–330.1.

(a) This section does not:

- (1) Apply to a food establishment that is required to have a license under § 21–305 of this subtitle; or
- (2) Exempt a cottage food business from any applicable State or federal tax



laws.

(b) A cottage food business is not required to be licensed by the Department if the owner of the cottage food business complies with this section.

(c) The owner of a cottage food business may sell only cottage food products that are:

(1) Stored on the premises of the cottage food business; and

(2) Prepackaged with a label that contains:

(i) The following information:

1. **A.** The name and address of the cottage food business;

**OR**

**B. THE NAME AND PHONE NUMBER OF THE COTTAGE FOOD BUSINESS AND THE IDENTIFICATION NUMBER ASSIGNED TO THE COTTAGE FOOD BUSINESS UNDER SUBSECTION (D) OF THIS SECTION;**

2. The name of the cottage food product;

3. The ingredients of the cottage food product in descending order of the amount of each ingredient by weight;

4. The net weight or net volume of the cottage food product;

5. Allergen information as specified by federal labeling requirements; and

6. If any nutritional claim is made, nutritional information as specified by federal labeling requirements;

(ii) The following statement printed in 10 point or larger type in a color that provides a clear contrast to the background of the label: "Made by a cottage food business that is not subject to Maryland's food safety regulations."; and

(iii) For a cottage food product offered for sale at a retail food store:

1. The phone number and e-mail address of the cottage food business; and

2. The date the cottage food product was made.

**(D) AT THE REQUEST OF A COTTAGE FOOD BUSINESS, THE DEPARTMENT**

SHALL PROVIDE TO THE COTTAGE FOOD BUSINESS A UNIQUE IDENTIFICATION NUMBER THAT THE COTTAGE FOOD BUSINESS MAY USE ON THE LABEL OF A COTTAGE FOOD PRODUCT UNDER SUBSECTION (C) OF THIS SECTION.

**[(d)] (E)** The owner of a cottage food business shall comply with all applicable county and municipal laws and ordinances regulating the preparation, processing, storage, and sale of cottage food products.

**[(e)] (F)** (1) The Department may investigate any complaint alleging that a cottage food business has violated this section.

(2) On receipt of a complaint, a representative of the Department, at a reasonable time, may enter and inspect the premises of a cottage food business to determine compliance with this section.

(3) The owner of a cottage food business may not:

(i) Refuse to grant access to a representative who requests to enter and inspect the premises of the cottage food business under paragraph (2) of this subsection; or

(ii) Interfere with any inspection under paragraph (2) of this subsection.

(4) An investigation of a cottage food business conducted under this subsection may include sampling of a cottage food product to determine if the cottage food product is misbranded or adulterated.

**[(f)] (G)** Before the owner of a cottage food business may sell a cottage food product to a retail food store, the owner shall submit to the Department:

(1) Documentation of the owner's successful completion of a food safety course approved by the Department; and

(2) The label that will be affixed to the cottage food product in accordance with subsection (c)(2) of this section.

**[(g)] (H)** Beginning on or before December 30, 2020, and every December 30 thereafter, the Department shall report to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2-1257 of the State Government Article, on:

(1) The documentation and labels submitted under subsection (f) of this section; and

(2) Any complaints received by the Department related to a cottage food

business or cottage food product.

**[(h)] (i)** The Department shall adopt regulations to carry out 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 406

### (House Bill 1018)

AN ACT concerning

#### **Labor and Employment – Economic Stabilization Act – Revisions**

FOR the purpose of requiring the Secretary of Labor to develop certain mandatory, rather than voluntary, guidelines for employers faced with a reduction in operations; altering required contents of the guidelines; requiring an employer to provide written notice to certain persons within a certain time period before initiating a reduction in operations; requiring that the notice include certain information and a certain statement; requiring the ~~Commissioner~~ Secretary, or the Secretary's designee, to issue a certain order under certain circumstances; authorizing the ~~Commissioner~~ Secretary, or the Secretary's designee, to assess a certain civil penalty for certain violations of this Act under certain circumstances; requiring the ~~Commissioner~~ Secretary, or the Secretary's designee, to consider certain factors in determining the amount of a certain penalty; subjecting the assessment of a certain penalty to certain requirements; defining a certain term; altering a certain definition; making stylistic and conforming changes; and generally relating to the Economic Stabilization Act.

BY repealing and reenacting, with amendments,  
 Article – Labor and Employment  
 Section 11–301 and 11–304(b)  
 Annotated Code of Maryland  
 (2016 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,  
 Article – Labor and Employment  
 Section 11–302, 11–303, and 11–304(a)  
 Annotated Code of Maryland  
 (2016 Replacement Volume and 2019 Supplement)

BY adding to  
 Article – Labor and Employment

Section 11–305 and 11–306  
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**

11–301.

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

(b) **(1) “EMPLOYEE” MEANS AN INDIVIDUAL WHO WORKS FOR AN EMPLOYER FOR AN HOURLY OR SALARIED WAGE OR IN A MANAGERIAL AND SUPERVISORY CAPACITY.**

**(2) “EMPLOYEE” DOES NOT INCLUDE INDIVIDUALS WHO WORK LESS THAN AN AVERAGE OF 20 HOURS PER WEEK OR HAVE WORKED FOR AN EMPLOYER FOR LESS THAN 6 MONTHS IN THE IMMEDIATELY PRECEDING 12 MONTHS.**

**(C) (1) “Employer” means any person, corporation, or other entity that employs at least 50 [individuals] EMPLOYEES and operates an industrial, commercial, or business enterprise in the State.**

(2) “Employer” does not include the State or its political subdivisions or any employer who has been doing business in the State less than 1 year.

**[(c)] (D) “Reduction in operations” includes:**

(1) the relocation of a part of an employer’s operation from 1 workplace to another existing or proposed site; or

(2) the shutting down of a workplace or a portion of the operations of a workplace that reduces the number of employees by at least 25 percent or 15 employees, whichever is greater, over any 3–month period.

**[(d)] (E) (1) “Workplace” includes a factory, plant, office or other facility where employees produce goods or provide services.**

(2) “Workplace” does not include a construction site or other temporary workplace.

11–302.

This subtitle does not apply to reductions in operations if the reduction:

- (1) results solely from labor disputes;
- (2) occurs in a commercial, industrial, or agricultural enterprise operated by this State or its political subdivisions;
- (3) occurs at construction sites or other temporary workplaces;
- (4) results from seasonal factors that are determined by the Department to be customary in the industry; or
- (5) results when an employer files for bankruptcy under federal bankruptcy laws.

11-303.

There shall be a quick response program to provide both employers and employees with services to assist in mitigating the impact on employees that occurs with a reduction in operations.

11-304.

- (a) The State's quick response program is under the direction of the Secretary.
- (b)
  - (1) The Secretary in cooperation with the Workforce Development Board shall develop [voluntary] **MANDATORY** guidelines for employers faced with a reduction in operations.
  - (2) [These] **THE** guidelines **DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION** shall include:
    - [(1)] **(I)** [the appropriate length of time for advance notification to employees] **SUBJECT TO § 11-305 OF THIS SUBTITLE, A WRITTEN NOTICE** that an employer expects to terminate **EMPLOYEES** due to a reduction in operations[. Whenever possible and appropriate, at least 90 days notice shall be given];
    - [(2)] **(II)** the [appropriate] continuation of benefits, such as health, severance, and pension, that an employer should provide to employees who will be terminated due to a reduction in operations; or
    - [(3)] **(III)** the specific mechanisms that employers can [utilize] **USE** to ask for the assistance of the State's quick response program.

11-305.

(A) AN EMPLOYER SHALL PROVIDE WRITTEN NOTICE AT LEAST ~~90~~ 60 DAYS BEFORE INITIATING A REDUCTION IN OPERATIONS TO:

(1) ALL EMPLOYEES AT THE WORKPLACE THAT IS SUBJECT TO THE REDUCTION IN OPERATIONS;

(2) EACH EXCLUSIVE REPRESENTATIVE OR BARGAINING AGENCY THAT REPRESENTS EMPLOYEES AT THE WORKPLACE THAT IS SUBJECT TO THE REDUCTION IN OPERATIONS;

(3) INDIVIDUALS WHO WORK LESS THAN 20 HOURS ON AVERAGE EACH WEEK OR HAVE WORKED FOR THE EMPLOYER FOR LESS THAN 6 MONTHS IN THE IMMEDIATELY PRECEDING 12 MONTHS AT THE WORKPLACE THAT IS SUBJECT TO THE REDUCTION IN OPERATIONS;

(4) THE DIVISION'S DISLOCATED WORKER UNIT; AND

(5) ALL ELECTED OFFICIALS IN THE JURISDICTION WHERE THE WORKPLACE THAT IS SUBJECT TO THE REDUCTION IN OPERATIONS IS LOCATED.

(B) THE NOTICE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:

(1) THE NAME AND ADDRESS OF THE WORKPLACE WHERE THE REDUCTION OF OPERATIONS IS EXPECTED TO OCCUR;

(2) THE NAME, TELEPHONE NUMBER, AND E-MAIL ADDRESS OF A WORKPLACE SUPERVISORY EMPLOYEE AS A CONTACT FOR SEEKING FURTHER INFORMATION;

(3) A STATEMENT THAT EXPLAINS WHETHER THE REDUCTION IN OPERATIONS IS EXPECTED TO BE PERMANENT OR TEMPORARY AND WHETHER THE WORKPLACE IS EXPECTED TO SHUT DOWN; AND

(4) THE EXPECTED DATE WHEN THE REDUCTION IN OPERATIONS WILL BEGIN.

11-306.

(A) IF THE ~~COMMISSIONER~~ SECRETARY, OR THE SECRETARY'S DESIGNEE, DETERMINES THAT AN EMPLOYER HAS VIOLATED § 11-305 OF THIS SUBTITLE, THE ~~COMMISSIONER~~ SECRETARY, OR THE SECRETARY'S DESIGNEE:

(1) SHALL ISSUE AN ORDER COMPELLING COMPLIANCE; AND

(2) MAY, IN THE ~~COMMISSIONER'S~~ SECRETARY'S, OR THE SECRETARY'S DESIGNEE'S, DISCRETION, ASSESS A CIVIL PENALTY OF UP TO \$10,000 PER DAY FOR EACH DAY THAT AN EMPLOYER VIOLATED § 11-305 OF THIS SUBTITLE.

(B) IN DETERMINING THE AMOUNT OF THE PENALTY, IF ASSESSED, THE ~~COMMISSIONER~~ SECRETARY, OR THE SECRETARY'S DESIGNEE, SHALL CONSIDER:

- (1) THE GRAVITY OF THE VIOLATION;
- (2) THE SIZE OF THE EMPLOYER'S BUSINESS;
- (3) THE EMPLOYER'S GOOD FAITH; AND

(4) THE EMPLOYER'S HISTORY OF VIOLATIONS UNDER THIS SUBTITLE.

(C) THE ASSESSMENT OF A PENALTY UNDER SUBSECTION (A)(2) OF THIS SECTION SHALL BE SUBJECT TO THE NOTICE AND HEARING REQUIREMENTS OF TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT 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 407

(Senate Bill 780)

AN ACT concerning

### Labor and Employment – Economic Stabilization Act – Revisions

FOR the purpose of requiring the Secretary of Labor to develop certain mandatory, rather than voluntary, guidelines for employers faced with a reduction in operations; altering required contents of the guidelines; requiring an employer to provide written notice to certain persons within a certain time period before initiating a reduction in operations; requiring that the notice include certain information and a certain statement; requiring the ~~Commissioner~~ Secretary, or the Secretary's designee, to issue a certain order under certain circumstances; authorizing the ~~Commissioner~~ Secretary, or the Secretary's designee, to assess a certain civil penalty for certain violations of this Act under certain circumstances; requiring the ~~Commissioner~~ Secretary, or the Secretary's designee, to consider certain factors in determining the

amount of a certain penalty; subjecting the assessment of a certain penalty to certain requirements; defining a certain term; altering a certain definition; making stylistic and conforming changes; and generally relating to the Economic Stabilization Act.

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 11–301 and 11–304(b)

Annotated Code of Maryland

(2016 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,

Article – Labor and Employment

Section 11–302, 11–303, and 11–304(a)

Annotated Code of Maryland

(2016 Replacement Volume and 2019 Supplement)

BY adding to

Article – Labor and Employment

Section 11–305 and 11–306

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**

11–301.

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

(b) **(1) “EMPLOYEE” MEANS AN INDIVIDUAL WHO WORKS FOR AN EMPLOYER FOR AN HOURLY OR SALARIED WAGE OR IN A MANAGERIAL AND SUPERVISORY CAPACITY.**

**(2) “EMPLOYEE” DOES NOT INCLUDE INDIVIDUALS WHO WORK LESS THAN AN AVERAGE OF 20 HOURS PER WEEK OR HAVE WORKED FOR AN EMPLOYER FOR LESS THAN 6 MONTHS IN THE IMMEDIATELY PRECEDING 12 MONTHS.**

(c) (1) “Employer” means any person, corporation, or other entity that employs at least 50 [individuals] **EMPLOYEES** and operates an industrial, commercial, or business enterprise in the State.

(2) “Employer” does not include the State or its political subdivisions or any employer who has been doing business in the State less than 1 year.



**[(c)] (D)** “Reduction in operations” includes:

(1) the relocation of a part of an employer’s operation from 1 workplace to another existing or proposed site; or

(2) the shutting down of a workplace or a portion of the operations of a workplace that reduces the number of employees by at least 25 percent or 15 employees, whichever is greater, over any 3-month period.

**[(d)] (E)** (1) “Workplace” includes a factory, plant, office or other facility where employees produce goods or provide services.

(2) “Workplace” does not include a construction site or other temporary workplace.

11-302.

This subtitle does not apply to reductions in operations if the reduction:

(1) results solely from labor disputes;

(2) occurs in a commercial, industrial, or agricultural enterprise operated by this State or its political subdivisions;

(3) occurs at construction sites or other temporary workplaces;

(4) results from seasonal factors that are determined by the Department to be customary in the industry; or

(5) results when an employer files for bankruptcy under federal bankruptcy laws.

11-303.

There shall be a quick response program to provide both employers and employees with services to assist in mitigating the impact on employees that occurs with a reduction in operations.

11-304.

(a) The State’s quick response program is under the direction of the Secretary.

(b) **(1)** The Secretary in cooperation with the Workforce Development Board shall develop **[voluntary] MANDATORY** guidelines for employers faced with a reduction in operations.

(2) [These] **THE** guidelines **DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION** shall include:

[(1)] **(I)** [the appropriate length of time for advance notification to employees] **SUBJECT TO § 11-305 OF THIS SUBTITLE, A WRITTEN NOTICE** that an employer expects to terminate **EMPLOYEES** due to a reduction in operations[. Whenever possible and appropriate, at least 90 days notice shall be given];

[(2)] **(II)** the [appropriate] continuation of benefits, such as health, severance, and pension, that an employer should provide to employees who will be terminated due to a reduction in operations; or

[(3)] **(III)** the specific mechanisms that employers can [utilize] **USE** to ask for the assistance of the State's quick response program.

### **11-305.**

**(A) AN EMPLOYER SHALL PROVIDE WRITTEN NOTICE AT LEAST ~~90~~ 60 DAYS BEFORE INITIATING A REDUCTION IN OPERATIONS TO:**

**(1) ALL EMPLOYEES AT THE WORKPLACE THAT IS SUBJECT TO THE REDUCTION IN OPERATIONS;**

**(2) EACH EXCLUSIVE REPRESENTATIVE OR BARGAINING AGENCY THAT REPRESENTS EMPLOYEES AT THE WORKPLACE THAT IS SUBJECT TO THE REDUCTION IN OPERATIONS;**

**(3) INDIVIDUALS WHO WORK LESS THAN 20 HOURS ON AVERAGE EACH WEEK OR HAVE WORKED FOR THE EMPLOYER FOR LESS THAN 6 MONTHS IN THE IMMEDIATELY PRECEDING 12 MONTHS AT THE WORKPLACE THAT IS SUBJECT TO THE REDUCTION IN OPERATIONS;**

**(4) THE DIVISION'S DISLOCATED WORKER UNIT; AND**

**(5) ALL ELECTED OFFICIALS IN THE JURISDICTION WHERE THE WORKPLACE THAT IS SUBJECT TO THE REDUCTION IN OPERATIONS IS LOCATED.**

**(B) THE NOTICE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:**

**(1) THE NAME AND ADDRESS OF THE WORKPLACE WHERE THE REDUCTION OF OPERATIONS IS EXPECTED TO OCCUR;**

(2) THE NAME, TELEPHONE NUMBER, AND E-MAIL ADDRESS OF A WORKPLACE SUPERVISORY EMPLOYEE AS A CONTACT FOR SEEKING FURTHER INFORMATION;

(3) A STATEMENT THAT EXPLAINS WHETHER THE REDUCTION IN OPERATIONS IS EXPECTED TO BE PERMANENT OR TEMPORARY AND WHETHER THE WORKPLACE IS EXPECTED TO SHUT DOWN; AND

(4) THE EXPECTED DATE WHEN THE REDUCTION IN OPERATIONS WILL BEGIN.

11-306.

(A) IF THE ~~COMMISSIONER~~ SECRETARY, OR THE SECRETARY'S DESIGNEE, DETERMINES THAT AN EMPLOYER HAS VIOLATED § 11-305 OF THIS SUBTITLE, THE ~~COMMISSIONER~~ SECRETARY, OR THE SECRETARY'S DESIGNEE:

(1) SHALL ISSUE AN ORDER COMPELLING COMPLIANCE; AND

(2) MAY, IN THE ~~COMMISSIONER'S~~ SECRETARY'S, OR THE SECRETARY'S DESIGNEE'S, DISCRETION, ASSESS A CIVIL PENALTY OF UP TO \$10,000 PER DAY FOR EACH DAY THAT AN EMPLOYER VIOLATED § 11-305 OF THIS SUBTITLE.

(B) IN DETERMINING THE AMOUNT OF THE PENALTY, IF ASSESSED, THE ~~COMMISSIONER~~ SECRETARY, OR THE SECRETARY'S DESIGNEE, SHALL CONSIDER:

(1) THE GRAVITY OF THE VIOLATION;

(2) THE SIZE OF THE EMPLOYER'S BUSINESS;

(3) THE EMPLOYER'S GOOD FAITH; AND

(4) THE EMPLOYER'S HISTORY OF VIOLATIONS UNDER THIS SUBTITLE.

(C) THE ASSESSMENT OF A PENALTY UNDER SUBSECTION (A)(2) OF THIS SECTION SHALL BE SUBJECT TO THE NOTICE AND HEARING REQUIREMENTS OF TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT 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 408****(House Bill 1026)**

AN ACT concerning

**Economic Development Programs – Data Collection, Tracking, and Reporting Requirements – Alteration**

FOR the purpose of altering the definition of “economic development program” for purposes of certain data collection, tracking, and reporting requirements of the Maryland Jobs Development Act to include certain tax credit programs; requiring the Department of Commerce, on or before a certain date, to make available on the Department’s website in a certain format certain information relating to the recipients of economic development program tax credits or financial assistance and update that information annually; and generally relating to the Maryland Jobs Development Act and economic development programs administered by the Department of Commerce.

BY repealing and reenacting, with amendments,  
Article – Economic Development  
Section 2.5–109  
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**

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 MORE JOBS FOR MARYLANDERS TAX CREDIT;**
- (IX) THE PURCHASE OF CYBERSECURITY TECHNOLOGY OR SERVICE TAX CREDIT;**
- (X) THE OPPORTUNITY ZONE ENHANCEMENT TAX CREDIT;**
- (XI) THE SMALL BUSINESS RELIEF TAX CREDIT; AND**
- [(viii)] **(XII) 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) 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) ON OR BEFORE DECEMBER 31, 2020, IN ADDITION TO THE REPORT REQUIRED UNDER SUBSECTION (C) OF THIS SECTION, THE DEPARTMENT SHALL ESTABLISH, MAINTAIN, AND UPDATE ANNUALLY A PUBLICLY AVAILABLE DATABASE ON THE DEPARTMENT’S WEBSITE THAT:**

**(1) PROVIDES INFORMATION THAT IS DOWNLOADABLE BY THE PUBLIC IN A COMMON MACHINE-READABLE FORMAT; AND**

**(2) INCLUDES:**

**(I) THE NAME OF EACH BUSINESS ENTITY THAT IS A RECIPIENT OF AN ECONOMIC DEVELOPMENT PROGRAM;**

**(II) THE TOTAL AMOUNT OF TAX CREDITS CERTIFIED, FINANCIAL ASSISTANCE PAID, AND LOANS FORGIVEN OR UNCOLLECTIBLE BY THE DEPARTMENT, REPORTED IN THE AGGREGATE FOR EACH ECONOMIC DEVELOPMENT PROGRAM AND EACH RECIPIENT OF THE TAX CREDIT OR FINANCIAL ASSISTANCE;**

**(III) 1. FOR ANY TAX CREDIT OR FINANCIAL ASSISTANCE THAT IS CERTIFIED OR PAID BY THE DEPARTMENT TO INCENTIVIZE JOB CREATION OR RETENTION:**

**A. THE NUMBER OF JOBS EACH RECIPIENT OF THE CREDIT OR ASSISTANCE CLAIMED IT WOULD CREATE OR RETAIN IN ITS APPLICATION FOR THE CREDIT OR ASSISTANCE;**

**B. THE NUMBER OF JOBS ACTUALLY CREATED OR RETAINED BY EACH RECIPIENT; AND**

**C. THE AVERAGE SALARY OF THE JOBS CREATED OR**

RETAINED BY EACH RECIPIENT; AND

2. FOR ANY TAX CREDIT OR AMOUNT OF FINANCIAL ASSISTANCE THAT IS CERTIFIED OR AWARDED BY THE DEPARTMENT TO INCENTIVIZE ACTIVITIES OTHER THAN JOB CREATION OR RETENTION, A DESCRIPTION OF HOW THE CREDIT OR ASSISTANCE BENEFITS THE STATE; AND

(IV) A STATEMENT INDICATING WHETHER, DURING THE CURRENT REPORTING YEAR, THE DEPARTMENT REDUCED, REVOKED, OR RECAPTURED A TAX CREDIT OR ANY AMOUNT OF FINANCIAL ASSISTANCE FROM A RECIPIENT AND, IF APPLICABLE:

1. THE TOTAL AMOUNT RECOVERED AS A RESULT OF THE REDUCTION, REVOCATION, OR RECAPTURE, AND ANY PENALTY ASSESSED; AND

2. A JUSTIFICATION FOR THE REDUCTION, REVOCATION, OR RECAPTURE.

[(e)] (F) 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.

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 409

(House Bill 1029)

AN ACT concerning

### Clean Energy Jobs – Workforce Development – Scope

FOR the purpose of altering the scope of apprenticeship and training programs that may receive certain support through the Clean Energy Workforce Account from the Strategic Energy Investment Fund for clean energy industry development; ~~defining a certain term~~ requiring certain apprenticeship and training programs to comply with certain rules, regulations, and a certain program; altering the definition of “clean energy industry” by expanding the list of included professions that provide certain products and services; providing that certain funds from the Maryland Strategic Energy Investment Fund designated for a specific purpose be reallocated

for the recruitment of certain individuals into certain apprenticeship programs; and generally relating to clean energy industries and workforce development.

BY repealing and reenacting, without amendments,  
Article – Labor and Employment  
Section 11–708.1(a) and (b)  
Annotated Code of Maryland  
(2016 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Article – Labor and Employment  
Section 11–708.1(c)  
Annotated Code of Maryland  
(2016 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,  
Article – State Government  
Section 9–20B–01(a) ~~and (c)~~  
Annotated Code of Maryland  
(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 9–20B–01(d) and 9–20B–05(f)(10)  
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 – Labor and Employment**

11–708.1.

(a) There is a Clean Energy Workforce Account.

(b) The Account shall be funded from the Strategic Energy Investment Fund in accordance with § 9–20B–05(f)(10), (f–2), and (f–3) of the State Government Article.

(c) (1) **IN THIS SUBSECTION, “CLEAN ENERGY INDUSTRY” HAS THE MEANING STATED IN § 9–20B–01 OF THE STATE GOVERNMENT ARTICLE.**

(2) The Account shall be used to provide grants to support workforce development programs that provide:

(i) pre–apprenticeship jobs training;



- (ii) youth apprenticeship jobs training; and
- (iii) registered apprenticeship jobs training.

**[(2)] (3)** A pre-apprenticeship jobs training program must:

(i) be designed to prepare individuals to enter and succeed in an apprenticeship program registered by the Maryland Apprenticeship and Training Council;

(ii) include:

1. training and curriculum based on national best practices that prepare individuals with the skills and competencies to enter one or more State-registered or U.S. Department of Labor-registered apprenticeship programs that prepare workers for careers in the clean energy industry;

2. a documented strategy for increasing apprenticeship opportunities for unemployed and underemployed individuals, including:

A. recruitment strategies to bring these individuals into the pre-apprenticeship jobs training program;

B. educational and pre-vocational services to prepare program participants to meet the entry requirements of one or more registered apprenticeship programs;

C. access to appropriate support services to enable program participants to maintain participation in the program; and

D. mechanisms to assist program participants in identifying and applying to registered apprenticeship programs; and

3. rigorous performance and evaluation methods to ensure program effectiveness and improvement; and

(iii) have a documented partnership with at least one registered apprenticeship program described in item (ii)2 of this paragraph.

**[(3)] (4)** Eligible clean energy industry jobs for a pre-apprenticeship jobs training program include positions in:

- (i) renewable energy;
- (ii) energy efficiency;
- (iii) energy storage;

- (iv) resource conservation; and
- (v) advanced transportation.

**[(4)] (5)** (i) This paragraph applies to youth apprenticeship jobs training programs and registered apprenticeship jobs training programs supported by the Account under this subsection.

(ii) An apprenticeship sponsor shall receive as a grant from the Account:

- 1. up to \$150,000 for a program proposal and planning expenses; and
- 2. \$3,000 for each successfully completed apprenticeship.

(iii) The youth apprenticeship jobs training programs and the registered apprenticeship jobs training programs:

**1. SHALL COMPLY WITH:**

**A. ALL RULES AND REGULATIONS FOR THE ESTABLISHMENT OF A REGISTERED APPRENTICESHIP AND YOUTH APPRENTICESHIP STANDARD FOR SPONSORSHIP; AND**

**B. THE MARYLAND APPRENTICESHIP AND TRAINING PROGRAM; AND**

**2. must prepare workers for careers in the ENERGY EFFICIENCY, GEOTHERMAL, solar, and wind sectors of the clean energy industry.**

**(IV) THIS PARAGRAPH MAY NOT BE CONSTRUED TO ALTER OR AMEND THE DEFINITION OF “YOUTH APPRENTICE” OR “REGISTERED APPRENTICE” AS DEFINED BY THE MARYLAND APPRENTICESHIP AND TRAINING COUNCIL AND APPROVED BY THE SECRETARY.**

**Article – State Government**

9–20B–01.

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

(d) “Clean energy industry” means a group of employers and building and trade associations that are associated by their promotion of:

(1) products and services that improve energy efficiency and conservation, including products and services provided by:

- (i) electricians;
- (ii) heating, ventilation, and air-conditioning installers;
- (iii) plumbers; ~~and~~
- (iv) energy auditors;

**(V) CARPENTERS;**

**(VI) PILE-DRIVER OPERATORS;**

**(VII) MILLWRIGHTS;**

**(VIII) INSULATION WORKERS; AND**

**(IX) WELL DRILLERS;** and

(2) renewable and clean energy resources.

9-20B-05.

(f) The Administration shall use the Fund:

(10) subject to subsections (f-2) and (f-3) of this section, to invest in pre-apprenticeship, youth apprenticeship, and registered apprenticeship programs to establish career paths in the clean energy industry under § 11-708.1 of the Labor and Employment Article, as follows:

(i) ~~\$1,500,000~~ **\$1,250,000** for grants to pre-apprenticeship jobs training programs under ~~[\§ 11-708.1(c)(2)]~~ **§ 11-708.1(C)(3)** of the Labor and Employment Article starting in fiscal year 2021 until all amounts are spent; ~~and~~

(ii) ~~\$6,500,000~~ **\$6,000,000** for grants to youth apprenticeship jobs training programs and registered apprenticeship jobs training programs under ~~[\§ 11-708.1(c)(4)]~~ **§ 11-708.1(C)(5)** of the Labor and Employment Article starting in fiscal year 2021 until all amounts are spent; and

**(III) \$750,000 FOR THE RECRUITMENT OF INDIVIDUALS, INCLUDING VETERANS AND FORMERLY INCARCERATED INDIVIDUALS, TO THE PRE-APPRENTICESHIP JOBS TRAINING PROGRAMS AND THE REGISTERED APPRENTICESHIP JOBS TRAINING PROGRAMS UNDER § 11-708.1 OF THE LABOR**

**AND EMPLOYMENT ARTICLE STARTING IN FISCAL YEAR 2021 UNTIL ALL AMOUNTS ARE SPENT; AND**

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 410**

**(Senate Bill 224)**

AN ACT concerning

**Clean Energy Jobs – Workforce Development – Scope**

FOR the purpose of altering the scope of apprenticeship and training programs that may receive certain support through the Clean Energy Workforce Account from the Strategic Energy Investment Fund for clean energy industry development; ~~defining a certain term~~ requiring certain apprenticeship and training programs to comply with certain rules, regulations, and a certain program; altering the definition of “clean energy industry” by expanding the list of included professions that provide certain products and services; providing that certain funds from the Maryland Strategic Energy Investment Fund designated for a specific purpose be reallocated for the recruitment of certain individuals into certain apprenticeship programs; and generally relating to clean energy industries and workforce development.

BY repealing and reenacting, without amendments,  
Article – Labor and Employment  
Section 11–708.1(a) and (b)  
Annotated Code of Maryland  
(2016 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Article – Labor and Employment  
Section 11–708.1(c)  
Annotated Code of Maryland  
(2016 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,  
Article – State Government  
Section 9–20B–01(a) ~~and (d)~~  
Annotated Code of Maryland  
(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
 Article – State Government  
 Section 9–20B–01(d) and 9–20B–05(f)(10)  
 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 – Labor and Employment**

11–708.1.

(a) There is a Clean Energy Workforce Account.

(b) The Account shall be funded from the Strategic Energy Investment Fund in accordance with § 9–20B–05(f)(10), (f–2), and (f–3) of the State Government Article.

(c) (1) **IN THIS SUBSECTION, “CLEAN ENERGY INDUSTRY” HAS THE MEANING STATED IN § 9–20B–01 OF THE STATE GOVERNMENT ARTICLE.**

(2) The Account shall be used to provide grants to support workforce development programs that provide:

- (i) pre–apprenticeship jobs training;
- (ii) youth apprenticeship jobs training; and
- (iii) registered apprenticeship jobs training.

**[(2)] (3)** A pre–apprenticeship jobs training program must:

(i) be designed to prepare individuals to enter and succeed in an apprenticeship program registered by the Maryland Apprenticeship and Training Council;

(ii) include:

1. training and curriculum based on national best practices that prepare individuals with the skills and competencies to enter one or more State–registered or U.S. Department of Labor–registered apprenticeship programs that prepare workers for careers in the clean energy industry;

2. a documented strategy for increasing apprenticeship opportunities for unemployed and underemployed individuals, including:

A. recruitment strategies to bring these individuals into the pre–apprenticeship jobs training program;

B. educational and pre-vocational services to prepare program participants to meet the entry requirements of one or more registered apprenticeship programs;

C. access to appropriate support services to enable program participants to maintain participation in the program; and

D. mechanisms to assist program participants in identifying and applying to registered apprenticeship programs; and

3. rigorous performance and evaluation methods to ensure program effectiveness and improvement; and

(iii) have a documented partnership with at least one registered apprenticeship program described in item (ii)<sup>2</sup> of this paragraph.

**[(3)] (4)** Eligible clean energy industry jobs for a pre-apprenticeship jobs training program include positions in:

- (i) renewable energy;
- (ii) energy efficiency;
- (iii) energy storage;
- (iv) resource conservation; and
- (v) advanced transportation.

**[(4)] (5)** (i) This paragraph applies to youth apprenticeship jobs training programs and registered apprenticeship jobs training programs supported by the Account under this subsection.

(ii) An apprenticeship sponsor shall receive as a grant from the Account:

1. up to \$150,000 for a program proposal and planning expenses; and

2. \$3,000 for each successfully completed apprenticeship.

(iii) The youth apprenticeship jobs training programs and the registered apprenticeship jobs training programs:

**1. SHALL COMPLY WITH:**

**A. ALL RULES AND REGULATIONS FOR THE ESTABLISHMENT OF A REGISTERED APPRENTICESHIP AND YOUTH APPRENTICESHIP STANDARD FOR SPONSORSHIP; AND**

**B. THE MARYLAND APPRENTICESHIP AND TRAINING PROGRAM; AND**

**2.** must prepare workers for careers in the ENERGY EFFICIENCY, **GEOTHERMAL**, solar, and wind sectors of the clean energy industry.

**(IV) THIS PARAGRAPH MAY NOT BE CONSTRUED TO ALTER OR AMEND THE DEFINITION OF “YOUTH APPRENTICE” OR “REGISTERED APPRENTICE” AS DEFINED BY THE MARYLAND APPRENTICESHIP AND TRAINING COUNCIL AND APPROVED BY THE SECRETARY.**

**Article – State Government**

9–20B–01.

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

(d) “Clean energy industry” means a group of employers and building and trade associations that are associated by their promotion of:

(1) products and services that improve energy efficiency and conservation, including products and services provided by:

(i) electricians;

(ii) heating, ventilation, and air–conditioning installers;

(iii) plumbers; ~~and~~

(iv) energy auditors;

**(V) CARPENTERS;**

**(VI) PILE–DRIVER OPERATORS;**

**(VII) MILLWRIGHTS;**

**(VIII) INSULATION WORKERS; AND**

**(IX) WELL DRILLERS;** and

(2) renewable and clean energy resources.

9–20B–05.

(f) The Administration shall use the Fund:

(10) subject to subsections (f–2) and (f–3) of this section, to invest in pre–apprenticeship, youth apprenticeship, and registered apprenticeship programs to establish career paths in the clean energy industry under § 11–708.1 of the Labor and Employment Article, as follows:

(i) ~~\$1,500,000~~ **\$1,250,000** for grants to pre–apprenticeship jobs training programs under ~~【§ 11–708.1(c)(2)】~~ **§ 11–708.1(C)(3)** of the Labor and Employment Article starting in fiscal year 2021 until all amounts are spent; ~~and~~

(ii) ~~\$6,500,000~~ **\$6,000,000** for grants to youth apprenticeship jobs training programs and registered apprenticeship jobs training programs under ~~【§ 11–708.1(c)(4)】~~ **§ 11–708.1(C)(5)** of the Labor and Employment Article starting in fiscal year 2021 until all amounts are spent; and

**(III) \$750,000 FOR THE RECRUITMENT OF INDIVIDUALS, INCLUDING VETERANS AND FORMERLY INCARCERATED INDIVIDUALS, TO THE PRE–APPRENTICESHIP JOBS TRAINING PROGRAMS AND THE REGISTERED APPRENTICESHIP JOBS TRAINING PROGRAMS UNDER § 11–708.1 OF THE LABOR AND EMPLOYMENT ARTICLE STARTING IN FISCAL YEAR 2021 UNTIL ALL AMOUNTS ARE SPENT; AND**

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 411

**(House Bill 1033)**

AN ACT concerning

### **Vehicle Laws – Liens – Electronic Recording**

FOR the purpose of requiring certain persons to record certain information related to motor vehicle liens with the Motor Vehicle Administration electronically within a certain period of time; requiring, rather than authorizing, the Administration to develop and implement an electronic system for recording and releasing security interests; authorizing the Administration to make certain information available electronically;



authorizing certain parties to submit electronic lien information to the Administration on behalf of certain other parties; authorizing the Administration to adopt regulations to facilitate electronic reporting of motor vehicle liens; making certain conforming changes; providing for a delayed effective date; and generally relating to the electronic recording of motor vehicle liens.

BY repealing and reenacting, with amendments,  
 Article – Commercial Law  
 Section 12–622 and 12–1024  
 Annotated Code of Maryland  
 (2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Transportation  
 Section 13–108.1 and 13–610  
 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 – Commercial Law**

12–622.

(a) **(1)** After the buyer has paid all sums due under an agreement, the holder shall deliver or mail to the buyer at his last known address, within 15 days after the holder receives a written request from the buyer:

[(1)] **(I)** A signed statement which describes the goods and states that all payments due or to become due under the agreement are paid in full;

[(2)] **(II)** Good and sufficient instruments to release all security interests in the goods and collateral security owned by the buyer; and

[(3)] **(III)** Good and sufficient assignments and instruments necessary to vest the buyer with complete evidence of title.

**(2) IF THE RELEASE REQUIRED BY THIS SUBSECTION PERTAINS TO A MOTOR VEHICLE, THE RELEASE SHALL BE FILED ELECTRONICALLY WITH THE MOTOR VEHICLE ADMINISTRATION ~~WITHIN 3 BUSINESS DAYS~~ IN ACCORDANCE WITH § 13–108.1 OF THE TRANSPORTATION ARTICLE WITHIN 5 BUSINESS DAYS AFTER THE HOLDER HAS RECEIVED FULL PAYMENT.**

(b) After the buyer has paid all sums due under an agreement, the holder shall deliver or mail to each surety for the buyer and to each person who is the owner of collateral

security, within 15 days after the holder receives a request from the buyer, surety, or other person:

(1) A signed statement which shows that the suretyship is completely discharged; and

(2) Good and sufficient instruments to release any collateral security owned by that person.

(c) If the holder fails to comply with the requirements of this section, he shall forfeit \$10 to the buyer and is liable for damages.

12-1024.

(a) (1) Except as provided in paragraph (2) of this subsection, this section applies only to a loan made by a credit grantor to a consumer borrower.

(2) This section does not apply to a loan to which § 3-105.1 of the Real Property Article applies.

(b) Within a reasonable time after a loan to a consumer borrower has been repaid in full and all other obligations under the agreement, note, or other evidence of the loan have been fulfilled, a credit grantor shall:

(1) (i) Indelibly mark with the word “paid” or “canceled” and return to the consumer borrower each agreement, note, or other evidence of the loan; or

(ii) Furnish the consumer borrower with a written statement that identifies the loan transaction and states that the loan has been paid in full; and

(2) Release any recorded mortgage, deed of trust, security agreement, or other lien securing the loan.

(c) (1) The release shall be:

[(1)] (I) In writing; and

[(2)] (II) Prepared at the expense of the credit grantor.

**(2) IF THE RELEASE REQUIRED BY THIS SECTION PERTAINS TO A MOTOR VEHICLE, THE RELEASE SHALL BE FILED ELECTRONICALLY WITH THE MOTOR VEHICLE ADMINISTRATION ~~WITHIN 3 BUSINESS DAYS~~ IN ACCORDANCE WITH § 13-108.1 OF THE TRANSPORTATION ARTICLE WITHIN 5 BUSINESS DAYS AFTER THE CREDIT GRANTOR HAS RECEIVED FULL PAYMENT.**

(d) (1) If the credit grantor does not record the release, the credit grantor shall furnish the consumer borrower with the release in a recordable form.

(2) If the credit grantor records the release, the credit grantor shall furnish the consumer borrower with a copy of the release.

(e) (1) If a fee is collected by a credit grantor for the recording of a release:

(i) The release shall be recorded by the credit grantor; and

(ii) Any portion of the fee not paid to a governmental entity for recording the release shall be refunded to the borrower.

(2) If a fee is not collected by a credit grantor for the recording of a release, the credit grantor is not obligated to record the release.

### Article – Transportation

13–108.1.

(a) Notwithstanding any other provision of this title, the Administration may develop and implement an electronic system for the issuance of certificates of title and **SHALL DEVELOP AND IMPLEMENT AN ELECTRONIC SYSTEM FOR** the recording and releasing of security interests.

(b) The electronic system [may provide for]:

(1) [Recording] **MAY PROVIDE FOR RECORDING** titling and registration data without the issuance of a certificate of title; and

(2) [Recording] **SHALL PROVIDE FOR RECORDING** and releasing liens without the issuance of a security interest filing.

(c) The electronic system may provide for the electronic transmission of [vehicle]:

(1) **VEHICLE** data to and from service providers, as defined in § 13–610 of this title; **AND**

(2) **PUBLICLY AVAILABLE ELECTRONIC VEHICLE RECORDS.**

(d) (1) **THIS SUBSECTION DOES NOT APPLY TO A LIENHOLDER THAT IS NOT REGULARLY ENGAGED IN THE BUSINESS OR PRACTICE OF FINANCING MOTOR VEHICLES.**

(2) **A MOTOR VEHICLE LIENHOLDER SHALL FILE ELECTRONICALLY WITH THE ADMINISTRATION:**

**(I) EACH OF ITS LIENS; AND**

**(II) WHEN A LIEN IS PAID IN FULL, THE LIEN RELEASE.**

**(E)** The Administration shall adopt regulations to govern the electronic transmission of [titling and registration information] **RECORDS AS** authorized **OR REQUIRED** under this section.

13–610.

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

(2) “Fleet” means 10 or more vehicles.

(3) “Qualified owner” means a person, partnership, firm, or corporation, or an individual agent of a person, partnership, firm, or corporation, authorized by the Administration to transmit electronically proper titling and registration information and fees to the Administration.

(4) “Service provider” means a dealer or title service agent licensed under Title 15 of this article or a qualified owner of a fleet.

(b) Subject to the approval of the Administration, a service provider may:

(1) Issue permanent registration plates to the transferee or renew the registration of a vehicle if the service provider has electronically transmitted the proper titling and registration information to the Administration, or an agent designated by the Administration; [and]

(2) Charge the transferee or the registered owner of the vehicle a fee for the actual cost to the service provider of the electronic transmission service described in item (1) of this subsection; **AND**

**(3) ELECTRONICALLY SUBMIT A SECURITY INTEREST FILING WITH THE ADMINISTRATION ON BEHALF OF A REGISTERED OWNER OR LIENHOLDER.**

(c) The Administration shall adopt regulations to:

(1) Govern the electronic transmission of titling [and registration], **REGISTRATION, AND SECURITY INTEREST** information authorized under this section; and

(2) Determine the appropriate level of the fee that may be charged by service providers for the electronic transmission service.

SECTION 2. 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 412

(Senate Bill 778)

AN ACT concerning

### Vehicle Laws – Liens – Electronic Recording

FOR the purpose of requiring certain persons to record certain information related to motor vehicle liens with the Motor Vehicle Administration electronically within a certain period of time; requiring, rather than authorizing, the Administration to develop and implement an electronic system for recording and releasing security interests; authorizing the Administration to make certain information available electronically; authorizing certain parties to submit electronic lien information to the Administration on behalf of certain other parties; authorizing the Administration to adopt regulations to facilitate electronic reporting of motor vehicle liens; making certain conforming changes; providing for a delayed effective date; and generally relating to the electronic recording of motor vehicle liens.

BY repealing and reenacting, with amendments,  
Article – Commercial Law  
Section 12–622 and 12–1024  
Annotated Code of Maryland  
(2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 13–108.1 and 13–610  
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 – Commercial Law

12–622.

(a) (1) After the buyer has paid all sums due under an agreement, the holder shall deliver or mail to the buyer at his last known address, within 15 days after the holder receives a written request from the buyer:

[(1)] (I) A signed statement which describes the goods and states that all payments due or to become due under the agreement are paid in full;

[(2)] (II) Good and sufficient instruments to release all security interests in the goods and collateral security owned by the buyer; and

[(3)] (III) Good and sufficient assignments and instruments necessary to vest the buyer with complete evidence of title.

**(2) IF THE RELEASE REQUIRED BY THIS SUBSECTION PERTAINS TO A MOTOR VEHICLE, THE RELEASE SHALL BE FILED ELECTRONICALLY WITH THE MOTOR VEHICLE ADMINISTRATION ~~WITHIN 3 BUSINESS DAYS~~ IN ACCORDANCE WITH § 13-108.1 OF THE TRANSPORTATION ARTICLE WITHIN 5 BUSINESS DAYS AFTER THE HOLDER HAS RECEIVED FULL PAYMENT.**

(b) After the buyer has paid all sums due under an agreement, the holder shall deliver or mail to each surety for the buyer and to each person who is the owner of collateral security, within 15 days after the holder receives a request from the buyer, surety, or other person:

(1) A signed statement which shows that the suretyship is completely discharged; and

(2) Good and sufficient instruments to release any collateral security owned by that person.

(c) If the holder fails to comply with the requirements of this section, he shall forfeit \$10 to the buyer and is liable for damages.

12-1024.

(a) (1) Except as provided in paragraph (2) of this subsection, this section applies only to a loan made by a credit grantor to a consumer borrower.

(2) This section does not apply to a loan to which § 3-105.1 of the Real Property Article applies.

(b) Within a reasonable time after a loan to a consumer borrower has been repaid in full and all other obligations under the agreement, note, or other evidence of the loan have been fulfilled, a credit grantor shall:

(1) (i) Indelibly mark with the word “paid” or “canceled” and return to the consumer borrower each agreement, note, or other evidence of the loan; or

(ii) Furnish the consumer borrower with a written statement that identifies the loan transaction and states that the loan has been paid in full; and

(2) Release any recorded mortgage, deed of trust, security agreement, or other lien securing the loan.

(c) (1) The release shall be:

[(1)] (I) In writing; and

[(2)] (II) Prepared at the expense of the credit grantor.

**(2) IF THE RELEASE REQUIRED BY THIS SECTION PERTAINS TO A MOTOR VEHICLE, THE RELEASE SHALL BE FILED ELECTRONICALLY WITH THE MOTOR VEHICLE ADMINISTRATION ~~WITHIN 3 BUSINESS DAYS~~ IN ACCORDANCE WITH § 13-108.1 OF THE TRANSPORTATION ARTICLE WITHIN 5 BUSINESS DAYS AFTER THE CREDIT GRANTOR HAS RECEIVED FULL PAYMENT.**

(d) (1) If the credit grantor does not record the release, the credit grantor shall furnish the consumer borrower with the release in a recordable form.

(2) If the credit grantor records the release, the credit grantor shall furnish the consumer borrower with a copy of the release.

(e) (1) If a fee is collected by a credit grantor for the recording of a release:

(i) The release shall be recorded by the credit grantor; and

(ii) Any portion of the fee not paid to a governmental entity for recording the release shall be refunded to the borrower.

(2) If a fee is not collected by a credit grantor for the recording of a release, the credit grantor is not obligated to record the release.

### **Article – Transportation**

13-108.1.

(a) Notwithstanding any other provision of this title, the Administration may develop and implement an electronic system for the issuance of certificates of title and **SHALL DEVELOP AND IMPLEMENT AN ELECTRONIC SYSTEM FOR** the recording and releasing of security interests.

(b) The electronic system [may provide for]:

(1) [Recording] **MAY PROVIDE FOR RECORDING** titling and registration data without the issuance of a certificate of title; and

(2) [Recording] **SHALL PROVIDE FOR RECORDING** and releasing liens without the issuance of a security interest filing.

(c) The electronic system may provide for the electronic transmission of [vehicle]:

(1) **VEHICLE** data to and from service providers, as defined in § 13–610 of this title; **AND**

(2) **PUBLICLY AVAILABLE ELECTRONIC VEHICLE RECORDS.**

(d) (1) **THIS SUBSECTION DOES NOT APPLY TO A LIENHOLDER THAT IS NOT REGULARLY ENGAGED IN THE BUSINESS OR PRACTICE OF FINANCING MOTOR VEHICLES.**

(2) **A MOTOR VEHICLE LIENHOLDER SHALL FILE ELECTRONICALLY WITH THE ADMINISTRATION:**

(I) **EACH OF ITS LIENS; AND**

(II) **WHEN A LIEN IS PAID IN FULL, THE LIEN RELEASE.**

(E) The Administration shall adopt regulations to govern the electronic transmission of [titling and registration information] **RECORDS AS** authorized **OR REQUIRED** under this section.

13–610.

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

(2) “Fleet” means 10 or more vehicles.

(3) “Qualified owner” means a person, partnership, firm, or corporation, or an individual agent of a person, partnership, firm, or corporation, authorized by the Administration to transmit electronically proper titling and registration information and fees to the Administration.

(4) “Service provider” means a dealer or title service agent licensed under Title 15 of this article or a qualified owner of a fleet.

(b) Subject to the approval of the Administration, a service provider may:



(1) Issue permanent registration plates to the transferee or renew the registration of a vehicle if the service provider has electronically transmitted the proper titling and registration information to the Administration, or an agent designated by the Administration; [and]

(2) Charge the transferee or the registered owner of the vehicle a fee for the actual cost to the service provider of the electronic transmission service described in item (1) of this subsection; AND

**(3) ELECTRONICALLY SUBMIT A SECURITY INTEREST FILING WITH THE ADMINISTRATION ON BEHALF OF A REGISTERED OWNER OR LIENHOLDER.**

(c) The Administration shall adopt regulations to:

(1) Govern the electronic transmission of titling [and registration], **REGISTRATION, AND SECURITY INTEREST** information authorized under this section; and

(2) Determine the appropriate level of the fee that may be charged by service providers for the electronic transmission service.

SECTION 2. 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 413

**(House Bill 1035)**

AN ACT concerning

**Bay Restoration Fund – Use of Funds – Municipal Wastewater Facilities**

FOR the purpose of expanding the authorized uses of the Bay Restoration Fund to include for certain costs associated with the connection of a property using an on-site sewage disposal system to an existing municipal wastewater facility that has signed a funding agreement with the Department of the Environment and is under construction to achieve enhanced nutrient removal or biological nutrient removal level treatment; specifying that these costs may be provided only if certain conditions are met; providing for the termination of this Act; and generally relating to the Bay Restoration Fund.

BY repealing and reenacting, without amendments,  
Article – Environment  
Section 9–1605.2(h)(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) and (5)  
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 – Environment**

9–1605.2.

(h) (1) With regard to the funds collected under subsection (b)(1)(i)1 of this section from users of an on–site sewage disposal system or holding tank that receive a water bill and subsection (b)(1)(i)2 and 3 of this section, beginning in fiscal year 2006, the Comptroller shall:

(i) Establish a separate account within the Bay Restoration Fund;  
and

(ii) Disburse the funds as provided under paragraph (2) of this subsection.

(2) The Comptroller shall:

(i) Deposit 60% of the funds in the separate account to be used for:

1. Subject to paragraphs (3), (4), (5), and (6) of this subsection, with priority first given to failing systems and holding tanks located in the Chesapeake and Atlantic Coastal Bays Critical Area and then to failing systems that the Department determines are a threat to public health or water quality, grants or loans for up to 100% of:

A. The costs attributable to upgrading an on–site sewage disposal system to the best available technology for the removal of nitrogen;

B. The cost difference between a conventional on–site sewage disposal system and a system that utilizes the best available technology for the removal of nitrogen;

C. The cost of repairing or replacing a failing on-site sewage disposal system with a system that uses the best available technology for nitrogen removal;

D. The cost, up to the sum of the costs authorized under item B of this item for each individual system, of replacing multiple on-site sewage disposal systems located in the same community with a new community sewerage system that is owned by a local government and that meets enhanced nutrient removal standards; ~~for~~

E. The cost, up to the sum of the costs authorized under item C of this item for each individual system, of connecting a property using an on-site sewage disposal system to an existing municipal wastewater facility that is achieving, **OR HAS SIGNED A FUNDING AGREEMENT WITH THE DEPARTMENT AND IS UNDER CONSTRUCTION TO ACHIEVE**, enhanced nutrient removal or biological nutrient removal level treatment, including payment of the principal, but not interest, of debt issued by a local government for such connection costs;

2. The reasonable costs of the Department, not to exceed 8% of the funds deposited into the separate account, to:

A. Implement an education, outreach, and upgrade program to advise owners of on-site sewage disposal systems and holding tanks on the proper maintenance of the systems and tanks and the availability of grants and loans under item 1 of this item;

B. Review and approve the design and construction of on-site sewage disposal system or holding tank upgrades;

C. Issue grants or loans as provided under item 1 of this item;  
and

D. Provide technical support for owners of upgraded on-site sewage disposal systems or holding tanks to operate and maintain the upgraded systems;

3. A portion of the reasonable costs of a local public entity that has been delegated by the Department under § 1-301(b) of this article to administer and enforce environmental laws, not to exceed 10% of the funds deposited into the separate account, to implement regulations adopted by the Department for on-site sewage disposal systems that utilize the best available technology for the removal of nitrogen;

4. Subject to paragraph (7) of this subsection, financial assistance to low-income homeowners, as defined by the Department, for up to 50% of the cost of an operation and maintenance contract of up to 5 years for an on-site sewage disposal system that utilizes nitrogen removal technology;

5. Subject to paragraph (8) of this subsection, a local jurisdiction to provide financial assistance to eligible homeowners for the reasonable cost of pumping out an on-site sewage disposal system, at least once every 5 years, unless a

more frequent pump out schedule is recommended during an inspection, not to exceed 10% of the funds allocated to the local jurisdiction; and

6. In fiscal years 2020 and 2021, financial assistance to a local jurisdiction for the development of a septic stewardship plan that meets the requirements under paragraph (8)(iii)2 of this subsection; and

(ii) Transfer 40% of the funds to the Maryland Agriculture Water Quality Cost Share Program in the Department of Agriculture in order to fund cover crop activities.

(5) Funding for the costs identified in paragraph (2)(i)1E of this subsection may be provided only if all of the following conditions are met:

(i) The environmental impact of the on-site sewage disposal system is documented by the local government and confirmed by the Department;

(ii) It can be demonstrated that:

1. The replacement of the on-site sewage disposal system with service to an existing municipal wastewater facility that is achieving, **OR HAS SIGNED A FUNDING AGREEMENT WITH THE DEPARTMENT AND IS UNDER CONSTRUCTION TO ACHIEVE**, enhanced nutrient removal or biological nutrient removal level treatment is more cost-effective for nitrogen removal than upgrading the individual on-site sewage disposal system; or

2. The individual replacement of the on-site sewage disposal system is not feasible;

(iii) The project is consistent with the county's comprehensive plan and water and sewer master plan;

(iv) 1. The on-site sewage disposal system was installed as of October 1, 2008, and the property the system serves is located in a priority funding area, in accordance with § 5-7B-02 of the State Finance and Procurement Article; or

2. The on-site sewage disposal system was installed as of October 1, 2008, the property the system serves is not located in a priority funding area, and the project meets the requirements under § 5-7B-06 of the State Finance and Procurement Article and is consistent with a public health area of concern:

A. Identified in the county water and sewer plan; or

B. Certified by a county environmental health director with concurrence by the Department and, if funding is approved, subsequently added to the county water and sewer plan within a time frame jointly agreed on by the Department and

the county that takes into consideration the county's water and sewer plan update and amendment process; and

(v) The funding agreement for a project that meets the conditions for funding under subparagraph (iv)2 of this paragraph includes provisions to ensure:

1. Denial of access for any future connections that are not included in the project's proposed service area; and

2. That the project will not unduly impede access to funding for upgrading individual on-site sewage disposal systems in the county with best available technology for nitrogen removal.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2020. It shall remain effective for a period of 4 years and, at the end of ~~September~~ June 30, 2024, 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 414

(House Bill 1060)

AN ACT concerning

### Calvert County – Speed Limits – Establishment

FOR the purpose of authorizing Calvert County to decrease the maximum speed limit to not less than a certain speed on certain highways without performing an engineering and traffic investigation, regardless of whether the highway is inside an urban district; and generally relating to the establishment of speed limits on certain highways in Calvert County.

BY repealing and reenacting, with amendments,  
 Article – Transportation  
 Section 21–803  
 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

21–803.

(a) (1) **[If] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, IF,** on the basis of an engineering and traffic investigation, a local authority determines that any maximum speed limit specified in this subtitle is greater or less than reasonable or safe under existing conditions on any part of a highway in its jurisdiction, it may establish a reasonable and safe maximum speed limit for that part of the highway, which may:

- (i) Decrease the limit at an intersection;
- (ii) Increase the limit in an urban district to not more than 50 miles per hour;
- (iii) Decrease the limit in an urban district; or
- (iv) Decrease the limit outside an urban district to not less than 25 miles per hour.

(2) An engineering and traffic investigation is not required to conform a posted maximum speed limit in effect on December 31, 1974, to a different limit specified in § 21–801.1(b) of this subtitle.

**(3) CALVERT COUNTY MAY DECREASE THE MAXIMUM SPEED LIMIT TO NOT LESS THAN 15 MILES PER HOUR ON LORE ROAD AND, EXCEPT FOR SOLOMONS ISLAND ROAD, EACH HIGHWAY SOUTH OF LORE ROAD WITHOUT PERFORMING AN ENGINEERING AND TRAFFIC INVESTIGATION, REGARDLESS OF WHETHER THE HIGHWAY IS INSIDE AN URBAN DISTRICT.**

(b) In school zones designated and posted by the local authorities of any county:

(1) The county may decrease the maximum speed limit to 15 miles per hour during school hours, provided the county pays the cost of placing and maintaining the necessary signs; and

(2) Any municipality within each county may decrease the maximum speed limit in a school zone within the municipality to 15 miles per hour during school hours, provided the municipality pays the cost of placing and maintaining the necessary signs.

(c) An altered maximum speed limit established under this section is effective when posted on appropriate signs giving notice of the limit.

(d) Except in Baltimore City, any alteration by a local authority of a maximum speed limit on a part or extension of a State highway is not effective until it is approved by the State Highway Administration.

(e) (1) If a local authority determines that any maximum speed limit specified in this subtitle is greater than reasonable or safe in an alley in its jurisdiction, the local authority may establish a reasonable and safe maximum speed limit for the alley.

(2) The local authority shall post a speed limit established under this subsection on appropriate signs giving notice of the speed limit.

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 415

### (House Bill 1061)

AN ACT concerning

#### **Capital Funding – Deferred Maintenance – Reporting Requirements**

FOR the purpose of requiring certain entities that receive in a prior fiscal year a certain amount of State capital funding for certain facilities to submit a report on deferred maintenance; requiring certain entities to report to certain committees of the General Assembly on or before a certain date; requiring the report to include certain information; defining certain terms; and generally relating to a report on deferred maintenance.

BY adding to

Article – State Finance and Procurement

Section 8–304

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**

**8–304.**

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

(2) “CONVENTION FACILITY” HAS THE MEANING STATED IN § 10–601

**OF THE ECONOMIC DEVELOPMENT ARTICLE.**

**(3) “INSTITUTION OF HIGHER EDUCATION” HAS THE MEANING STATED IN § 10–101 OF THE EDUCATION ARTICLE.**

**(B) THIS SECTION APPLIES TO A CONVENTION FACILITY AND A FACILITY AT AN INSTITUTION OF HIGHER EDUCATION THAT RECEIVES STATE CAPITAL FUNDING TOTALING AT LEAST \$2,000,000 IN THE OPERATING OR CAPITAL BUDGET BILLS IN THE PRIOR FISCAL YEAR.**

**(C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, ON OR BEFORE OCTOBER 1 EACH YEAR, THE ENTITY RESPONSIBLE FOR FACILITIES MAINTENANCE FOR A FACILITY SPECIFIED IN SUBSECTION (B) OF THIS SECTION SHALL SUBMIT A REPORT IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE TO THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE ON THE ENTITY’S DEFERRED MAINTENANCE PLAN.**

**(D) THE REPORT REQUIRED UNDER SUBSECTION (C) OF THIS SECTION SHALL INCLUDE:**

**(1) THE DOLLAR AMOUNT THAT THE ENTITY SPENDS PER SQUARE FOOT ON DEFERRED MAINTENANCE;**

**(2) THE TOTAL DOLLAR VALUE OF THE BACKLOG FOR DEFERRED MAINTENANCE;**

**(3) THE PROCESS FOR FACILITY CONDITION ASSESSMENT, INCLUDING THE PROCESS FOR RATING AND ASSESSING DEFERRED MAINTENANCE PROJECTS;**

**(4) THE NUMBER OF STAFF HOURS DEVOTED TO INSPECTING AND ANALYZING THE NEED FOR FACILITY REPAIR AND MAINTENANCE; AND**

**(5) THE ENTITY’S PLAN TO ADDRESS ALL DEFERRED MAINTENANCE PROJECTS.**

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 416****(House Bill 1062)**

AN ACT concerning

**Frederick County – Alcoholic Beverages – Municipal Golf Course License**

FOR the purpose of establishing a Class M–G beer, wine, and liquor license for use at a municipal golf course in Frederick County; authorizing the Board of License Commissioners for Frederick County to issue the license to a manager of a municipal golf course; specifying that the license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption on certain land and facilities used for golfing purposes; authorizing the license holder to designate an agent for certain purposes; providing that the agent shall be considered to be the vendor for certain purposes; authorizing the Board to transfer a license to a different golf course manager under certain circumstances; specifying the hours and days of sale; specifying a certain annual license fee; requiring the Board to adopt certain regulations; and generally relating to alcoholic beverages licenses 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 adding to

Article – Alcoholic Beverages

Section 20–1009.2

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**

20–102.

This title applies only in Frederick County.

**20–1009.2.**

**(A) THIS SECTION APPLIES ONLY TO A MUNICIPAL GOLF COURSE THAT IS OPERATED BY A MUNICIPAL GOLF COURSE MANAGER OR A GOLF COURSE MANAGER UNDER A MANAGEMENT AGREEMENT WITH THE CITY OF FREDERICK.**

(B) THERE IS A CLASS M–G BEER, WINE, AND LIQUOR LICENSE FOR USE AT A MUNICIPAL GOLF COURSE.

(C) THE BOARD MAY ISSUE THE LICENSE TO A MANAGER OF A MUNICIPAL GOLF COURSE.

(D) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION ON THE LAND AND IN THE FACILITIES USED FOR GOLFING PURPOSES.

(E) (1) THE LICENSE HOLDER MAY DESIGNATE AN AGENT TO SELL BEER, WINE, AND LIQUOR AT THE MUNICIPAL GOLF COURSE.

(2) THE AGENT SHALL BE CONSIDERED THE VENDOR FOR PURPOSES OF COLLECTING AND REMITTING THE SALES AND USE TAX.

(F) ON REQUEST OF THE CITY OF FREDERICK, THE BOARD MAY TRANSFER THE LICENSE TO A DIFFERENT GOLF COURSE MANAGER.

(G) THE HOURS OF SALE ARE:

(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO ~~2 A.M. THE FOLLOWING DAY~~ 10 P.M.; AND

(2) ON SUNDAY, FROM 10 A.M. TO ~~2 A.M. THE FOLLOWING DAY~~ 10 P.M.

(H) THE ANNUAL LICENSE FEE IS \$600.

(I) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT 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 417

(House Bill 1064)

AN ACT concerning

Vehicle Laws – Manufacturers and Dealers – Transfers of Franchises

FOR the purpose of ~~requiring, within a certain time period, vehicle manufacturers to consent to the transfer of a vehicle dealer franchise or provide a written statement with specific grounds for the refusal of the manufacturer to consent to the transfer, altering the standards for determining reasonable compensation to be paid by vehicle manufacturers to vehicle dealers for warranty work; and generally relating to vehicle manufacturers and dealers~~ requiring a vehicle manufacturer to make certain requests of a person seeking to transfer a vehicle dealer franchise or any right under a vehicle dealer franchise within a certain period of time after receiving notice of the proposed transfer; requiring a vehicle manufacturer to consent to a transfer or provide a written statement with specific grounds for refusing consent within a certain period of time after receiving certain information; and generally relating to transfers of vehicle dealer franchises.

BY repealing and reenacting, without amendments,  
 Article – Transportation  
 Section 15–211(d) and (k) ~~and 15–212(e)(1)~~  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Transportation  
 Section 15–211(e) ~~and 15–212(e)(2), (4), and (6)~~  
 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**

15–211.

(d) (1) A dealer or an owner, partner, or stockholder of a dealership may not sell, assign, or otherwise transfer a franchise or any right under a franchise without the consent of the manufacturer.

(2) Notwithstanding the terms of any franchise agreement or agreement related to a franchise, a manufacturer may not exercise a right of first refusal in the event of a sale or transfer or proposed sale or transfer of a dealer’s business or any equity interest in a dealer’s business to a person who meets the manufacturer’s reasonable qualifications for ownership and is:

(i) A member of the dealer’s immediate family;

(ii) A qualified manager with at least 2 years management experience at the dealer’s business;

(iii) An existing dealer in good standing; or

(iv) A business entity controlled by a person described in item (i), (ii), or (iii) of this paragraph.

(3) If a manufacturer exercises a right of first refusal in the event of a sale or transfer or proposed sale or transfer of the dealer's business or an equity interest in the dealer's business, the manufacturer shall pay the reasonable expenses, including customary attorney's fees, incurred by the prospective purchaser in negotiating and implementing the contract for the proposed sale or transfer, provided that the dealer has given the manufacturer at least 45 days' notice of an intent to sell or transfer.

(e) (1) A manufacturer may not unreasonably withhold consent to the transfer of a franchise under subsection (d) of this section.

~~(2) A MANUFACTURER SHALL BE DEEMED TO HAVE CONSENTED TO THE TRANSFER OF A FRANCHISE IF THE MANUFACTURER FAILS, WITHIN 60 DAYS AFTER RECEIVING NOTICE OF THE PROPOSED TRANSFER, TO:~~

(2) IF AN OWNER, PARTNER, OR STOCKHOLDER OF A DEALERSHIP SEEKS TO SELL, ASSIGN, OR OTHERWISE TRANSFER A FRANCHISE OR ANY RIGHT UNDER A FRANCHISE, THE OWNER, PARTNER, OR STOCKHOLDER SHALL PROVIDE WRITTEN NOTICE TO THE MANUFACTURER OF THE PROPOSED TRANSFER.

(3) WITHIN 20 DAYS AFTER A MANUFACTURER RECEIVES WRITTEN NOTICE OF A PROPOSED TRANSFER FROM A TRANSFEROR, THE MANUFACTURER SHALL PROVIDE THE TRANSFEROR WITH ALL FORMS AND REQUESTS FOR INFORMATION THAT THE MANUFACTURER CONSIDERS NECESSARY TO EVALUATE THE PROPOSED TRANSFER.

(4) WITHIN 75 DAYS AFTER A MANUFACTURER RECEIVES ALL COMPLETED FORMS AND REQUESTED INFORMATION FROM A TRANSFEROR, THE MANUFACTURER SHALL:

(I) GIVE CONSENT TO THE TRANSFER; OR

(II) PROVIDE A WRITTEN STATEMENT OF THE SPECIFIC GROUNDS FOR ITS REFUSAL TO CONSENT TO THE TRANSFER, CONSISTENT WITH THE REQUIREMENTS UNDER SUBSECTION (K) OF THIS SECTION.

(k) (1) A manufacturer, distributor, or factory branch violates this section if, without a statement of specific grounds consistent with this title for the action, the manufacturer, distributor, or factory branch takes action to prevent or refuse to approve:

(i) The sale, assignment, or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise;

(ii) The sale, transfer, or assignment of a dealer franchise; or

(iii) A change in the executive management or principal operator of the dealership.

(2) (i) An existing dealer denied the sale, assignment, transfer, or change under this section may request that the Administrator conduct a hearing to review the denial or the imposition of a condition in violation of this section.

(ii) If the Administrator finds that the action leading to the denial or the imposition of a condition was in violation of this section, the Administrator may order the sale, assignment, or transfer to be approved by the manufacturer, distributor, or factory branch without imposition of the condition.

(3) (i) An applicant for approval of a sale, assignment, or transfer of ownership of a dealership or an existing dealer denied the sale, assignment, or transfer may institute an action for damages in the circuit court for the county in which the dealer's principal place of business is located, if:

1. The existing dealer does not request a hearing by the Administrator; and

2. The action taken in violation of this section to deny the sale, assignment, or transfer of ownership or the change in executive management or the condition imposed on the sale, assignment, or transfer is the proximate cause of the failure of the contract for the sale, assignment, or transfer of ownership of the dealership.

(ii) An action for damages under this section must be instituted within 2 years of the violation of this section.

~~15-212.~~

~~(e) (1) A licensee shall specify in writing to each of its motor vehicle dealers licensed in the State:~~

~~(i) The dealer's obligation for vehicle preparation, delivery, warranties, and recalls on its products;~~

~~(ii) The schedule of compensation to be paid to the dealers for parts, including parts assemblies, and labor, including diagnostic labor and associated administrative requirements, in connection with the service obligations established under item (i) of this paragraph; and~~

~~(iii) A time allowance for the performance of labor described in this paragraph that is reasonable and adequate.~~

~~(2) Reasonable compensation under this section may not be less than:~~

~~(i) With respect to labor for warranty or recall repairs, [for nonwarranty repairs of a like kind for retail customers] A LABOR RATE THAT IS EQUIVALENT TO the dealer's current RETAIL labor rate MULTIPLIED BY THE RETAIL TIME ALLOWANCE CHARGED TO CUSTOMERS FOR REPAIR ORDERS COMPLETED FOR RETAIL CUSTOMERS THAT WOULD HAVE BEEN COVERED BY THE MANUFACTURER'S WARRANTY BUT FOR TIME AND MILEAGE LIMITATIONS STATED IN THE MANUFACTURER'S WARRANTY AGREEMENT; and~~

~~(ii) With respect to any part, the dealer's cost plus its current retail mark-up percentage charged to retail customers for nonwarranty repairs of a like kind.~~

~~(4) [Repair] RETAIL REPAIR ORDERS SUBMITTED BY A DEALER SHALL BE QUALIFYING EXCEPT THAT REPAIR orders for labor or parts in connection with any of the following may not constitute a qualifying repair order under paragraph (2) of this subsection:~~

~~(i) Accessories;~~

~~(ii) Repairs for manufacturer, distributor, or factory branch special events, promotions, or service campaigns;~~

~~(iii) Repairs related to collision;~~

~~(iv) Vehicle emission or safety inspections required by law;~~

~~(v) Parts sold, or repairs performed, at wholesale or for insurance carriers, or other third-party payors;~~

~~(vi) Routine maintenance not covered under [any] THE MANUFACTURER'S warranty OR ANY MANUFACTURER SCHEDULED MAINTENANCE PLAN, including maintenance involving fluids, filters, and bolts not provided in the course of WARRANTY repairs;~~

~~(vii) Nuts, bolts, fasteners, and similar items that do not have an individual parts number;~~

~~(viii) Tires;~~

~~(ix) Vehicle reconditioning;~~

~~(x) Goodwill or policy repairs or replacements; or~~

~~(xi) Repairs on vehicles from a different line make.~~

~~(6) (i) The schedule of compensation submitted under paragraph (3) of this subsection shall be presumed to be accurate and reasonable.~~

~~(ii) The licensee shall approve or rebut the dealer's submission within 30 days of receipt.~~

~~(iii) If the licensee approves a dealer's submission, the licensee shall begin compensating the dealer under the schedule within 30 days after the date of approval.~~

~~(iv) In the absence of a timely rebuttal by the licensee, the schedule of compensation submitted by the dealer shall go into effect on the 31st day following the licensee's receipt of the schedule.~~

~~(v) Any rebuttal of the schedule of compensation by the licensee shall:~~

~~1. Be delivered to the dealer within 30 days of the licensee's receipt of the schedule; [and]~~

~~2. Consist of reasonable substantiating evidence that the declared rate is materially inaccurate; AND~~

~~3. OFFER TO REIMBURSE THE DEALER AT THE RATE CALCULATED BY THE MANUFACTURER BASED ON THE REPAIR ORDERS IN THE DEALER'S SUBMISSION.~~

~~(vi) In the event of a timely rebuttal, on resolution of the matter by agreement of the parties or by administrative, judicial, or other action, a licensee's payment obligations under the resulting schedule of compensation shall begin on the 31st day following a final order unless otherwise provided for by the fact finder.~~

~~(vii) 1. To the extent that any action commenced under subsection (d) of this section or § 15-213 or § 15-214 of this subtitle involves the application of paragraph (3) of this subsection, the issues shall be limited to whether the labor rate or parts mark-up percentage stated in the dealer's submission was materially inaccurate.~~

~~2. A licensee shall have the burden of proving under this subparagraph that the dealer's submission was materially inaccurate.~~

~~(viii) 1. A licensee may verify a dealer's effective rates once annually.~~

~~2. If a licensee finds that a dealer's effective rates have increased or decreased, the licensee may increase or decrease, respectively, the warranty reimbursement rate prospectively.~~

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 418

(Senate Bill 813)

AN ACT concerning

### Vehicle Laws – Manufacturers and Dealers – Transfers of Franchises

FOR the purpose of ~~requiring, within a certain time period, vehicle manufacturers to consent to the transfer of a vehicle dealer franchise or provide a written statement with specific grounds for the refusal of the manufacturer to consent to the transfer; altering the standards for determining reasonable compensation to be paid by vehicle manufacturers to vehicle dealers for warranty work; and generally relating to vehicle manufacturers and dealers~~ requiring a vehicle manufacturer to make certain requests of a person seeking to transfer a vehicle dealer franchise or any right under a vehicle dealer franchise within a certain period of time after receiving notice of the proposed transfer; requiring a vehicle manufacturer to consent to a transfer or provide a written statement with specific grounds for refusing consent within a certain period of time after receiving certain information; and generally relating to transfers of vehicle dealer franchises.

BY repealing and reenacting, without amendments,  
Article – Transportation  
Section 15–211(d) and (k) ~~and 15–212(e)(1)~~  
Annotated Code of Maryland  
(2012 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 15–211(e) ~~and 15–212(e)(2), (4), and (6)~~  
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

15–211.

(d) (1) A dealer or an owner, partner, or stockholder of a dealership may not sell, assign, or otherwise transfer a franchise or any right under a franchise without the consent of the manufacturer.

(2) Notwithstanding the terms of any franchise agreement or agreement related to a franchise, a manufacturer may not exercise a right of first refusal in the event of a sale or transfer or proposed sale or transfer of a dealer's business or any equity interest in a dealer's business to a person who meets the manufacturer's reasonable qualifications for ownership and is:

(i) A member of the dealer's immediate family;

(ii) A qualified manager with at least 2 years management experience at the dealer's business;

(iii) An existing dealer in good standing; or

(iv) A business entity controlled by a person described in item (i), (ii), or (iii) of this paragraph.

(3) If a manufacturer exercises a right of first refusal in the event of a sale or transfer or proposed sale or transfer of the dealer's business or an equity interest in the dealer's business, the manufacturer shall pay the reasonable expenses, including customary attorney's fees, incurred by the prospective purchaser in negotiating and implementing the contract for the proposed sale or transfer, provided that the dealer has given the manufacturer at least 45 days' notice of an intent to sell or transfer.

(e) (1) A manufacturer may not unreasonably withhold consent to the transfer of a franchise under subsection (d) of this section.

~~(2) A MANUFACTURER SHALL BE DEEMED TO HAVE CONSENTED TO THE TRANSFER OF A FRANCHISE IF THE MANUFACTURER FAILS, WITHIN 60 DAYS AFTER RECEIVING NOTICE OF THE PROPOSED TRANSFER, TO:~~

**(2) IF AN OWNER, PARTNER, OR STOCKHOLDER OF A DEALERSHIP SEEKS TO SELL, ASSIGN, OR OTHERWISE TRANSFER A FRANCHISE OR ANY RIGHT UNDER A FRANCHISE, THE OWNER, PARTNER, OR STOCKHOLDER SHALL PROVIDE WRITTEN NOTICE TO THE MANUFACTURER OF THE PROPOSED TRANSFER.**

**(3) WITHIN 20 DAYS AFTER A MANUFACTURER RECEIVES WRITTEN NOTICE OF A PROPOSED TRANSFER FROM A TRANSFEROR, THE MANUFACTURER SHALL PROVIDE THE TRANSFEROR WITH ALL FORMS AND REQUESTS FOR**

**INFORMATION THAT THE MANUFACTURER CONSIDERS NECESSARY TO EVALUATE THE PROPOSED TRANSFER.**

**(4) WITHIN 75 DAYS AFTER A MANUFACTURER RECEIVES ALL COMPLETED FORMS AND REQUESTED INFORMATION FROM A TRANSFEROR, THE MANUFACTURER SHALL:**

**(I) GIVE CONSENT TO THE TRANSFER; OR**

**(II) PROVIDE A WRITTEN STATEMENT OF THE SPECIFIC GROUNDS FOR ITS REFUSAL TO CONSENT TO THE TRANSFER, CONSISTENT WITH THE REQUIREMENTS UNDER SUBSECTION (K) OF THIS SECTION.**

(k) (1) A manufacturer, distributor, or factory branch violates this section if, without a statement of specific grounds consistent with this title for the action, the manufacturer, distributor, or factory branch takes action to prevent or refuse to approve:

(i) The sale, assignment, or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise;

(ii) The sale, transfer, or assignment of a dealer franchise; or

(iii) A change in the executive management or principal operator of the dealership.

(2) (i) An existing dealer denied the sale, assignment, transfer, or change under this section may request that the Administrator conduct a hearing to review the denial or the imposition of a condition in violation of this section.

(ii) If the Administrator finds that the action leading to the denial or the imposition of a condition was in violation of this section, the Administrator may order the sale, assignment, or transfer to be approved by the manufacturer, distributor, or factory branch without imposition of the condition.

(3) (i) An applicant for approval of a sale, assignment, or transfer of ownership of a dealership or an existing dealer denied the sale, assignment, or transfer may institute an action for damages in the circuit court for the county in which the dealer's principal place of business is located, if:

1. The existing dealer does not request a hearing by the Administrator; and

2. The action taken in violation of this section to deny the sale, assignment, or transfer of ownership or the change in executive management or the condition imposed on the sale, assignment, or transfer is the proximate cause of the failure of the contract for the sale, assignment, or transfer of ownership of the dealership.

(ii) An action for damages under this section must be instituted within 2 years of the violation of this section.

~~15-212.~~

~~(e) (1) A licensee shall specify in writing to each of its motor vehicle dealers licensed in the State:~~

~~(i) The dealer's obligation for vehicle preparation, delivery, warranties, and recalls on its products;~~

~~(ii) The schedule of compensation to be paid to the dealers for parts, including parts assemblies, and labor, including diagnostic labor and associated administrative requirements, in connection with the service obligations established under item (i) of this paragraph; and~~

~~(iii) A time allowance for the performance of labor described in this paragraph that is reasonable and adequate.~~

~~(2) Reasonable compensation under this section may not be less than:~~

~~(i) With respect to labor for warranty or recall repairs, [for nonwarranty repairs of a like kind for retail customers] A LABOR RATE THAT IS EQUIVALENT TO the dealer's current RETAIL labor rate MULTIPLIED BY THE RETAIL TIME ALLOWANCE CHARGED TO CUSTOMERS FOR REPAIR ORDERS COMPLETED FOR RETAIL CUSTOMERS THAT WOULD HAVE BEEN COVERED BY THE MANUFACTURER'S WARRANTY BUT FOR TIME AND MILEAGE LIMITATIONS STATED IN THE MANUFACTURER'S WARRANTY AGREEMENT; and~~

~~(ii) With respect to any part, the dealer's cost plus its current retail mark-up percentage charged to retail customers for nonwarranty repairs of a like kind.~~

~~(4) [Repair] RETAIL REPAIR ORDERS SUBMITTED BY A DEALER SHALL BE QUALIFYING EXCEPT THAT REPAIR orders for labor or parts in connection with any of the following may not constitute a qualifying repair order under paragraph (2) of this subsection:~~

~~(i) Accessories;~~

~~(ii) Repairs for manufacturer, distributor, or factory branch special events, promotions, or service campaigns;~~

~~(iii) Repairs related to collision;~~

~~(iv) Vehicle emission or safety inspections required by law;~~

~~(v) Parts sold, or repairs performed, at wholesale or for insurance carriers, or other third-party payors;~~

~~(vi) Routine maintenance not covered under [any] THE MANUFACTURER'S warranty OR ANY MANUFACTURER SCHEDULED MAINTENANCE PLAN, including maintenance involving fluids, filters, and belts not provided in the course of WARRANTY repairs;~~

~~(vii) Nuts, bolts, fasteners, and similar items that do not have an individual parts number;~~

~~(viii) Tires;~~

~~(ix) Vehicle reconditioning;~~

~~(x) Goodwill or policy repairs or replacements; or~~

~~(xi) Repairs on vehicles from a different line make.~~

~~(6) (i) The schedule of compensation submitted under paragraph (3) of this subsection shall be presumed to be accurate and reasonable.~~

~~(ii) The licensee shall approve or rebut the dealer's submission within 30 days of receipt.~~

~~(iii) If the licensee approves a dealer's submission, the licensee shall begin compensating the dealer under the schedule within 30 days after the date of approval.~~

~~(iv) In the absence of a timely rebuttal by the licensee, the schedule of compensation submitted by the dealer shall go into effect on the 31st day following the licensee's receipt of the schedule.~~

~~(v) Any rebuttal of the schedule of compensation by the licensee shall:~~

~~1. Be delivered to the dealer within 30 days of the licensee's receipt of the schedule; [and]~~

~~2. Consist of reasonable substantiating evidence that the declared rate is materially inaccurate; AND~~

~~3. OFFER TO REIMBURSE THE DEALER AT THE RATE CALCULATED BY THE MANUFACTURER BASED ON THE REPAIR ORDERS IN THE DEALER'S SUBMISSION.~~

~~(vi) In the event of a timely rebuttal, on resolution of the matter by agreement of the parties or by administrative, judicial, or other action, a licensee's payment obligations under the resulting schedule of compensation shall begin on the 31st day following a final order unless otherwise provided for by the fact finder.~~

~~(vii) 1. To the extent that any action commenced under subsection (d) of this section or § 15-213 or § 15-214 of this subtitle involves the application of paragraph (3) of this subsection, the issues shall be limited to whether the labor rate or parts mark-up percentage stated in the dealer's submission was materially inaccurate.~~

~~2. A licensee shall have the burden of proving under this subparagraph that the dealer's submission was materially inaccurate.~~

~~(viii) 1. A licensee may verify a dealer's effective rates once annually.~~

~~2. If a licensee finds that a dealer's effective rates have increased or decreased, the licensee may increase or decrease, respectively, the warranty reimbursement rate prospectively.~~

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 419

(House Bill 1069)

AN ACT concerning

### Juvenile Causes – Court Records

FOR the purpose of specifying that a provision of law that provides for the confidentiality of certain court records pertaining to certain children does not prohibit review of a court record by the Department of Juvenile Services under certain circumstances; altering a certain exception to a provision of law that provides for the confidentiality of certain court records pertaining to certain children; and generally relating to juvenile causes and court records.

BY repealing and reenacting, with amendments,  
 Article – Courts and Judicial Proceedings  
 Section 3-827 and 3-8A-27(b)(6)  
 Annotated Code of Maryland  
 (2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,  
Article – Courts and Judicial Proceedings  
Section 3–8A–27(b)(1)  
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**

3–827.

(a) (1) All court records under this subtitle pertaining to a child shall be confidential and their contents may not be divulged, by subpoena or otherwise, except by order of the court on good cause shown.

(2) This subsection does not prohibit review of a court record by:

(i) Personnel of the court;

(ii) A party;

(iii) Counsel for a party;

(iv) A Court–Appointed Special Advocate for the child; [or]

(v) Authorized personnel of the Social Services Administration and local departments in order to conduct a child abuse or neglect investigation or to comply with requirements imposed under Title IV–E of the Social Security Act; **OR**

**(VI) THE DEPARTMENT OF JUVENILE SERVICES IF THE DEPARTMENT IS PROVIDING TREATMENT, SERVICES, OR CARE TO A CHILD WHO IS THE SUBJECT OF THE RECORD.**

(3) Information obtained from a court record is subject to the provisions of §§ 1–201, 1–202, 1–204, and 1–205 of the Human Services Article.

(b) (1) On its own motion or on petition, and for good cause shown, the court:

(i) May order the court records of a child sealed; and

(ii) Shall order them sealed after the child has reached the age of 21.

(2) If sealed, the court records of a child may not be opened, for any

purpose, except by order of the court on good cause shown.

3–8A–27.

(b) (1) A court record pertaining to a child is confidential and its contents may not be divulged, by subpoena or otherwise, except by order of the court upon good cause shown or as provided in §§ 7–303 and 22–309 of the Education Article.

(6) (i) This subsection does not prohibit access to and confidential use of a court record by the Department of Human Services or a local department of social services [for]:

1. [The] **FOR THE** purpose of claiming federal Title IV–B and Title IV–E funds; or

2. If the Department of Human Services or a local department of social services is providing **TREATMENT**, services, or care [in coordination with the Department of Juvenile Services] to a child who is the subject of the record[, a purpose relevant to the provision of the services or care].

(ii) The Department of Human Services and local departments of social services shall keep a court record obtained under this paragraph confidential in accordance with the laws and policies applicable to the Department of Human Services and local departments of social services.

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 420

(House Bill 1076)

AN ACT concerning

### **Homestead Property Tax Credit – Date of Transfer of Dwelling**

FOR the purpose of altering the deadline for a new owner of a dwelling to submit an application to the State Department of Assessments and Taxation requesting that the date of the deed be accepted as the date of transfer of the dwelling for purposes of the homestead tax credit under certain circumstances; providing that property tax is not due on a dwelling for a certain taxable year until a certain period of time after a revised tax bill is sent to the homeowner if the homeowner submits a certain

application after a certain date under certain circumstances; requiring a certain notice sent by the Department to certain individuals who acquire residential real property to inform the individual that the individual may apply to the Department to have the date of the deed accepted as the date of transfer of the property for purposes of the homestead credit; and generally relating to the date of transfer of a dwelling for purposes of the homestead property tax credit.

BY repealing and reenacting, without amendments,

Article – Tax – Property  
Section 9–105(d)(1) through (4)  
Annotated Code of Maryland  
(2019 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Tax – Property  
Section 9–105(d)(5) and (f)  
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**

9–105.

(d) (1) Subject to the provisions of paragraph (6) of this subsection, the Department shall authorize and the State, a county, or a municipal corporation shall grant a property tax credit under this section for a taxable year unless during the previous taxable year:

- (i) the dwelling was transferred for consideration to new ownership;
- (ii) the value of the dwelling was increased due to a change in the zoning classification of the dwelling initiated or requested by the homeowner or anyone having an interest in the property;
- (iii) the use of the dwelling was changed substantially; or
- (iv) the assessment of the dwelling was clearly erroneous due to an error in calculation or measurement of improvements on the real property.

(2) A homeowner must actually reside in the dwelling by July 1 of the taxable year for which the property tax credit under this section is to be allowed.

(3) A homeowner may claim a property tax credit under this section for only 1 dwelling.



(4) If a property tax credit under this section is less than \$1 in any taxable year, the tax credit may not be granted.

(5) (i) If the dwelling was transferred for consideration in a deed dated on or after January 1 but before the beginning of the next taxable year and the deed was recorded with the clerk of the circuit court or the Department on or after July 1 but before September 1 of the next taxable year, the new owner may submit a written application to the Department on or before September 1 **OF THE SECOND TAXABLE YEAR FOLLOWING THE DATE OF THE DEED** requesting that the date of the deed be accepted by the Department as the date of transfer under paragraph (1) of this subsection.

(ii) 1. The applicant shall submit with the written application a copy of the executed deed evidencing the date of the transfer.

2. If the applicant fails to submit a copy of the executed deed as required under subparagraph 1 of this subparagraph, the Department shall deny the application.

(iii) The date of the transfer under this paragraph is the effective date of the deed as described under § 3–201 of the Real Property Article.

**(IV) IF A HOMEOWNER SUBMITS AN ELIGIBLE APPLICATION UNDER THIS PARAGRAPH AFTER MAY 1 OF THE FIRST TAXABLE YEAR FOLLOWING THE DATE OF THE DEED AND THE HOMEOWNER IS DUE TO RECEIVE A REDUCTION IN THE HOMEOWNER'S PROPERTY TAX BILL IN THE SECOND TAXABLE YEAR FOLLOWING THE DATE OF THE DEED AS A RESULT OF THE CREDIT UNDER THIS SECTION, PROPERTY TAX IS NOT DUE ON THE DWELLING FOR THE SECOND TAXABLE YEAR FOLLOWING THE DATE OF THE DEED UNTIL 30 DAYS AFTER A REVISED TAX BILL IS SENT TO THE HOMEOWNER.**

(f) (1) The Department shall give notice of the possible property tax credit under this section.

(2) In addition to any other notice the Department provides under this subsection, the Department shall:

(i) identify homeowners who may be eligible but have failed to apply for the property tax credit under this section; and

(ii) include a separate insert with each assessment notice sent under § 8–401 of this article to each homeowner identified under item (i) of this paragraph that informs the homeowner that the homeowner may be eligible for the property tax credit under this section and how to apply for the credit.

(3) In addition to any other notice the Department provides under this

subsection, the Department shall mail a notice to each individual who acquires residential real property within a reasonable period of time after the individual:

(i) acquires the property by recorded deed; and

(ii) indicates that the property will be the individual's principal residence on the corresponding land instrument intake sheet described under § 3–104 of the Real Property Article.

(4) The notice required under paragraph (3) of this subsection shall:

(i) inform the individual that the individual may be eligible for the property tax credit under this section; [and]

(ii) contain information on how to apply for the credit; AND

**(III) INFORM THE INDIVIDUAL THAT THE INDIVIDUAL MAY APPLY TO THE DEPARTMENT TO HAVE THE DATE OF THE DEED ACCEPTED AS THE DATE OF TRANSFER OF THE PROPERTY FOR PURPOSES OF THE CREDIT AS PROVIDED IN SUBSECTION (D)(5) OF THIS SECTION.**

(5) The Department shall ensure that the information it provides under this subsection is accurate and up-to-date.

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 421

(House Bill 1077)

AN ACT concerning

### **Real Property – Deletion of Unlawful Ownership Restrictions – Exemption From Fees and Surcharges**

FOR the purpose of providing that certain fees and surcharges on the recordation of instruments among the land records do not apply to the recordation of a certain restrictive covenant modification or an amendment to the common area deeds or other declarations of a homeowners association that deletes a covenant or restriction that restricts ownership based on race, religious belief, or national origin in accordance with certain provisions of law; repealing a certain deadline for the

governing body of a homeowners association to delete certain recorded covenants or restrictions from the common area deeds or other declarations of property in the development; and generally relating to the deletion of recorded covenants or restrictions that restrict ownership based on race, religious belief, or national origin from deeds, declarations, and other instruments.

BY repealing and reenacting, with amendments,  
 Article – Courts and Judicial Proceedings  
 Section 13–604(c)  
 Annotated Code of Maryland  
 (2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Real Property  
 Section 3–601(a) and 11B–113.3  
 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 – Courts and Judicial Proceedings**

13–604.

(c) The surcharge may not be charged [to]:

**(1) TO** an entity that is exempt from the payment of fees under § 3–603 of the Real Property Article;

**(2) FOR THE RECORDATION OF A RESTRICTIVE COVENANT MODIFICATION EXECUTED UNDER § 3–112 OF THE REAL PROPERTY ARTICLE; OR**

**(3) FOR THE RECORDATION OF AN AMENDMENT TO THE COMMON AREA DEEDS OR OTHER DECLARATIONS OF A HOMEOWNERS ASSOCIATION THAT DELETES A RECORDED COVENANT OR RESTRICTION THAT RESTRICTS OWNERSHIP BASED ON RACE, RELIGIOUS BELIEF, OR NATIONAL ORIGIN IN ACCORDANCE WITH § 11B–113.3 OF THE REAL PROPERTY ARTICLE.**

#### **Article – Real Property**

3–601.

(a) (1) In this subsection, “page” means one side of a leaf not larger than 8 1/2 inches wide by 14 inches long, or any portion of it.

(2) [Before] **EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, BEFORE** recording an instrument among the land or financing records, a clerk shall collect:

- (i) \$10 for a release 9 pages or less in length;
- (ii) \$20 for any other instrument 9 pages or less in length;
- (iii) Except as provided in item (i) of this paragraph, \$20 for an instrument, regardless of length, involving solely a principal residence; and
- (iv) \$75 for any other instrument 10 pages or more in length.

(3) The recording costs under this subsection shall also apply to instruments required to be recorded in the financing statement records of the State Department of Assessments and Taxation.

**(4) A CLERK MAY NOT COLLECT A FEE FOR THE RECORDATION OF:**

**(I) A RESTRICTIVE COVENANT MODIFICATION EXECUTED UNDER § 3-112 OF THIS TITLE; OR**

**(II) AN AMENDMENT TO THE COMMON AREA DEEDS OR OTHER DECLARATIONS OF A HOMEOWNERS ASSOCIATION THAT DELETES A RECORDED COVENANT OR RESTRICTION THAT RESTRICTS OWNERSHIP BASED ON RACE, RELIGIOUS BELIEF, OR NATIONAL ORIGIN IN ACCORDANCE WITH § 11B-113.3 OF THIS ARTICLE.**

11B-113.3.

(a) This section applies to any recorded covenant or restriction that restricts ownership based on race, religious belief, or national origin, including a covenant or restriction that is part of a uniform general scheme or plan of development.

(b) (1) [On or before September 30, 2019, the] **THE** governing body of a homeowners association shall delete any recorded covenant or restriction that restricts ownership based on race, religious belief, or national origin from the common area deeds or other declarations of property in the development.

(2) Notwithstanding the provisions of a governing document, the governing body of a homeowners association may delete a recorded covenant or restriction that restricts ownership based on race, religious belief, or national origin from the common area deeds or other declarations of property in the development without approval of the lot owners.

(3) The governing body of the homeowners association shall record with the

clerk of the court in the jurisdiction where the development is located an amendment to the common area deeds or other declarations that include the recorded covenant or restriction that provides for the deletion of the recorded covenant or restriction from the common area deeds or declarations of the property in the development.

(c) Beginning on October 1, 2019, within 180 days after receiving a written request from a lot owner, the governing body of a homeowners association shall delete a recorded covenant or restriction that restricts ownership based on race, religious belief, or national origin from the common area deeds or other declarations of property in the development, in accordance with 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 422

### (House Bill 1083)

AN ACT concerning

#### **Criminal Organizations – Penalties, and Procedure, ~~and Elements~~**

FOR the purpose of replacing the term “gang” as it pertains to certain prohibitions against participation in a criminal gang with the term “organization”; requiring certain local jurisdictions to use certain divested assets for certain purposes under certain circumstances; ~~providing that in a certain prosecution, a defendant may be found to have been a member of or belonged to a criminal organization only under certain circumstances~~; requiring the Attorney General, in consultation with the Maryland State’s Attorneys’ Association, to develop a certain plan; requiring the Attorney General to submit a certain report to the Governor and the General Assembly on or before a certain date; altering certain definitions; making conforming changes; and generally relating to criminal organizations.

BY repealing and reenacting, with amendments,  
 Article – Correctional Services  
 Section 6–112(b)(4)  
 Annotated Code of Maryland  
 (2017 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Criminal Law  
 Section 9–801, 9–802, 9–803(a), 9–804, 9–805(a), and 9–807(2) to be under the amended subtitle “Subtitle 8. Criminal Organizations”

Annotated Code of Maryland  
(2012 Replacement Volume and 2019 Supplement)

~~BY adding to~~

~~Article – Criminal Law~~

~~Section 9–808~~

~~Annotated Code of Maryland~~

~~(2012 Replacement Volume and 2019 Supplement)~~

BY repealing and reenacting, with amendments,

Article – Education

Section 7–303(a)(2)

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Real Property

Section 14–125.2(a)(3)(iv)

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 – Correctional Services**

6–112.

(b) (4) If the defendant has been convicted of a felony or misdemeanor that is related to the defendant’s membership in a criminal **[gang] ORGANIZATION**, as defined in § 9–801 of the Criminal Law Article, the report may include information regarding the group affiliation of the defendant.

### **Article – Criminal Law**

#### **Subtitle 8. Criminal [Gang Offenses] ORGANIZATIONS.**

9–801.

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

(b) “Coerce” means to compel or attempt to compel another by threat of harm or other adverse consequences.

(c) “Criminal [gang] means a group or association of three or more persons] **ORGANIZATION” MEANS AN ENTERPRISE** whose members:

(1) individually or collectively engage in a pattern of [criminal gang] **ORGANIZED CRIME** activity;

(2) have as one of their primary objectives or activities the commission of one or more underlying crimes, including acts by juveniles that would be underlying crimes if committed by adults; and

(3) have in common an overt or covert organizational or command structure.

(d) “Enterprise” includes:

(1) a sole proprietorship, partnership, corporation, business trust, or other legal entity; or

(2) any group of individuals associated in fact although not a legal entity.

(e) “Pattern of [criminal gang] **ORGANIZED CRIME** activity” means the commission of, attempted commission of, conspiracy to commit, or solicitation of two or more underlying crimes or acts by a juvenile that would be an underlying crime if committed by an adult, provided the crimes or acts were not part of the same incident.

(f) “Solicit” has the meaning stated in § 11–301 of this article.

(g) “Underlying crime” means:

(1) a crime of violence as defined under § 14–101 of this article;

(2) a violation of § 3–203 (second degree assault), § 3–1102 (sex trafficking), § 3–1103 (forced marriage), § 4–203 (wearing, carrying, or transporting a handgun), § 7–113 (**EMBEZZLEMENT BY FIDUCIARY**), § 7–315 (**THEFT – TELECOMMUNICATIONS–RELATED**), § 9–102 (**SUBORNATION OF PERJURY**), § 9–202(A) (**BRIBERY OF JUROR**), § 9–302 (inducing false testimony or avoidance of subpoena), § 9–303 (retaliation for testimony), § 9–305 (intimidating or corrupting juror), § 9–306 (**OBSTRUCTION OF JUSTICE**), § 9–307 (**DESTRUCTION OF EVIDENCE**), § 9–413 (**CONTRABAND – FOR ESCAPE**), § 9–416 (**CONTRABAND – CONTROLLED DANGEROUS SUBSTANCE**), § 9–417 (**CONTRABAND – TELECOMMUNICATIONS–RELATED**), § 11–304 (receiving earnings of prostitute), [or] § 11–307 (house of prostitution), **OR § 12–104 (GAMING OFFENSES)**, of this article;

(3) a felony violation of § 3–701 (extortion), § 4–503 (manufacture or possession of destructive device), § 5–602 (distribution of CDS), § 5–603 (manufacturing CDS or equipment), § 5–604(b) (creating or possessing a counterfeit substance), § 5–606 (false prescription), § 6–103 (second degree arson), § 6–202 (first degree burglary), § 6–203 (second degree burglary), § 6–204 (third degree burglary), § 7–104 (theft), or § 7–105 (unauthorized use of a motor vehicle) of this article; [or]

(4) a felony violation of § 5–133 of the Public Safety Article;

**(5) A CRIME UNDER THE LAWS OF ANOTHER STATE OR OF THE UNITED STATES THAT WOULD BE A CRIME LISTED IN ITEMS (1) THROUGH (4) OF THIS SUBSECTION IF COMMITTED IN THIS STATE; OR**

**(6) THE ATTEMPTED COMMISSION OF, CONSPIRACY TO COMMIT, OR SOLICITATION OF A CRIME OR ACT LISTED IN ITEMS (1) THROUGH (5) OF THIS SUBSECTION.**

9–802.

(a) A person may not threaten an individual, or a friend or family member of an individual, with physical violence with the intent to coerce, induce, or solicit the individual to participate in or prevent the individual from leaving a criminal [gang] **ORGANIZATION**.

(b) 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 \$10,000 or both.

9–803.

(a) A person may not threaten an individual, or a friend or family member of an individual, with or use physical violence to coerce, induce, or solicit the individual to participate in or prevent the individual from leaving a criminal [gang] **ORGANIZATION**:

(1) in a school vehicle, as defined under § 11–154 of the Transportation Article; or

(2) in, on, or within 1,000 feet of real property owned by or leased to an elementary school, secondary school, or county board of education and used for elementary or secondary education.

9–804.

(a) A person may not:

(1) participate in a criminal [gang] **ORGANIZATION** knowing that the members of the [gang] **CRIMINAL ORGANIZATION** engage in a pattern of [criminal gang] **ORGANIZED CRIME** activity; and

(2) knowingly and willfully direct or participate in an underlying crime, or act by a juvenile that would be an underlying crime if committed by an adult, committed for the benefit of, at the direction of, or in association with a criminal [gang] **ORGANIZATION**.



(b) A criminal [gang] ORGANIZATION or an individual belonging to a criminal [gang] ORGANIZATION may not:

(1) receive proceeds known to have been derived directly or indirectly from an underlying crime; and

(2) use or invest, directly or indirectly, an aggregate of \$10,000 or more of the proceeds from an underlying crime in:

(i) the acquisition of a title to, right to, interest in, or equity in real property; or

(ii) the establishment or operation of any enterprise.

(c) A criminal [gang] ORGANIZATION may not acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property through an underlying crime.

(d) A person may not conspire to violate subsection (a), (b), or (c) of this section.

(e) A person may not violate subsection (a) of this section that results in the death of a victim.

(f) (1) (i) Except as provided in subparagraph (ii) of this paragraph, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 15 years or a fine not exceeding \$1,000,000 or both.

(ii) A person who violates subsection (e) of this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding \$5,000,000 or both.

(2) (i) A sentence imposed under paragraph (1)(i) of this subsection for a first offense may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing a violation of this section.

(ii) A sentence imposed under paragraph (1)(i) of this subsection for a second or subsequent offense, or paragraph (1)(ii) of this subsection shall be separate from and consecutive to a sentence for any crime based on the act establishing a violation of this section.

(iii) A consecutive sentence for a second or subsequent offense shall not be mandatory unless the State notifies the person in writing of the State's intention to proceed against the person as a second or subsequent offender at least 30 days before trial.

(3) In addition to the other penalties provided in this subsection, on conviction the court may:

(i) order a person or criminal [gang] ORGANIZATION to be divested of any interest in an enterprise or real property;

(ii) order the dissolution or reorganization of an enterprise; and

(iii) order the suspension or revocation of any license, permit, or prior approval granted to the enterprise or person by a unit of the State or a political subdivision of the State.

(g) (1) This subsection applies to a violation of § 5–602, § 5–603, § 5–604(b), § 5–606, § 5–612, § 5–613, § 5–614, or § 5–617 of this article.

(2) Assets divested under this section and derived from the commission of, attempted commission of, conspiracy to commit, or solicitation of a crime described in paragraph (1) of this subsection, either in whole or in part:

**(I) IF THE STATE INVESTIGATED AND PROSECUTED A VIOLATION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, shall be deposited in the Addiction Treatment Divestiture Fund established under § 8–6D–01 of the Health – General Article; OR**

**(II) IF A LOCAL JURISDICTION INVESTIGATED AND PROSECUTED A VIOLATION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, SHALL BE USED BY THE LOCAL JURISDICTION:**

**1. TO SUPPORT ALTERNATIVES TO INCARCERATION, REENTRY PROGRAMS, AND ADDICTION TREATMENT SERVICES FOR PERSONS WITH SUBSTANCE–RELATED DISORDERS;**

**2. TO COMBAT CRIMINAL ORGANIZATIONS THROUGH EDUCATION, TRAINING, AND RESOURCES; OR**

**3. TO PROVIDE ASSISTANCE TO VICTIMS OF CRIMINAL ORGANIZATION–RELATED CRIMES; AND**

**(III) IF MORE THAN ONE JURISDICTION PARTICIPATED IN AN INVESTIGATION OR A PROSECUTION OF A VIOLATION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, SHALL BE DIVIDED IN THE MANNER AGREED ON BY THE JURISDICTIONS AND USED AS PROVIDED IN ITEM (I) OR (II) OF THIS PARAGRAPH.**

(h) A person may be charged with a violation of this section only by indictment, criminal information, or petition alleging a delinquent act.

(i) (1) The Attorney General, at the request of the Governor or the State's Attorney for a county in which a violation or an act establishing a violation of this section occurs, may:

- (i) aid in the investigation of the violation or act; and
- (ii) prosecute the violation or act.

(2) In exercising authority under paragraph (1) of this subsection, the Attorney General has all the powers and duties of a State's Attorney, including the use of the grand jury in the county, to prosecute the violation.

(3) Notwithstanding any other provision of law, in circumstances in which violations of this section are alleged to have been committed in more than one county, the respective State's Attorney of each county, or the Attorney General, may join the causes of action in a single complaint with the consent of each State's Attorney having jurisdiction over an offense sought to be joined.

(j) Notwithstanding any other provision of law and provided at least one criminal [gang] ORGANIZATION activity of a criminal [gang] ORGANIZATION allegedly occurred in the county in which a grand jury is sitting, the grand jury may issue subpoenas, summon witnesses, and otherwise conduct an investigation of the alleged criminal [gang's] ORGANIZATION'S activities and offenses in other counties.

9-805.

(a) A person may not organize, supervise, promote, sponsor, finance, or manage a criminal [gang] ORGANIZATION.

9-807.

For purposes of venue, any violation of this subtitle is considered to have been committed in any county:

(2) that is the principal place of the operations of the criminal [gang] ORGANIZATION in the State;

~~9-808.~~

~~IN A PROSECUTION UNDER THIS SUBTITLE, A DEFENDANT MAY BE FOUND TO HAVE BEEN A MEMBER OF OR BELONGED TO A CRIMINAL ORGANIZATION ONLY IF THE COURT OR JURY FINDS BEYOND A REASONABLE DOUBT THAT THE DEFENDANT:~~

~~(1) WAS CONNECTED OR ASSOCIATED WITH THE CRIMINAL ORGANIZATION IN A MEANINGFUL WAY;~~

~~(2) KNEW OF THE CRIMINAL ORGANIZATION'S EXISTENCE; AND~~

~~(3) HAD AT LEAST A GENERAL UNDERSTANDING OF THE NATURE OF THE CRIMINAL ORGANIZATION'S ACTIVITIES.~~

### Article – Education

7–303.

(a) (2) “Criminal [gang] ORGANIZATION” has the meaning stated in § 9–801 of the Criminal Law Article.

### Article – Real Property

14–125.2.

(a) (3) “Nuisance” means:

(iv) A property where the tenant, owner, or other occupant has been convicted of violations of any criminal law occurring on, in, or in relation to the property and is related to the activities of a criminal [gang] ORGANIZATION as defined in § 9–801 of the Criminal Law Article; or

SECTION 2. AND BE IT FURTHER ENACTED, That the Attorney General, in consultation with the Maryland State’s Attorneys’ Association, shall develop a plan for a formal process for oversight of prosecutions of offenses involving criminal organizations under Title 9, Subtitle 8 of the Criminal Law Article. On or before December 31, 2020, the Attorney General shall report to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly on the plan developed under this section.

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 423

(Senate Bill 154)

AN ACT concerning

**Real Property – Recordation of Deeds – Assignments of Rents and Assignments of Leases for Security Purposes**

FOR the purpose of exempting an assignment of rents and an assignment of leases from certain requirements related to recordation; authorizing a certain assignment of rents or an assignment of leases to be recorded without a certain certification; and generally relating to assignments of rents and assignments of leases for security purposes.

BY repealing and reenacting, without amendments,  
 Article – Real Property  
 Section 1–101(a) and (c)  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Real Property  
 Section 3–104(f)(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 – Real Property**

1–101.

(a) In this article the following words have the meanings indicated unless otherwise apparent from context.

(c) “Deed” includes any deed, grant, mortgage, deed of trust, lease, assignment, and release, pertaining to land or property or any interest therein or appurtenant thereto, including an interest in rents and profits from rents.

3–104.

(f) (1) (i) In this paragraph, “under the attorney’s supervision” includes review of an instrument by the certifying attorney.

(ii) A deed other than a mortgage, A deed of trust, **AN ASSIGNMENT OF RENTS OR AN ASSIGNMENT OF LEASES FOR SECURITY PURPOSES**, or an assignment or A release of a mortgage or A deed of trust may not be recorded unless it bears:

1. The certification of an attorney admitted to the Bar of this State that the instrument has been prepared by the attorney or under the attorney’s supervision; or

2. A certification by a party named in the instrument that

the instrument was prepared by that party.

(iii) A mortgage, A deed of trust, **AN ASSIGNMENT OF RENTS OR AN ASSIGNMENT OF LEASES FOR SECURITY PURPOSES**, or an assignment or A release of a mortgage or A deed of trust prepared by any attorney or one of the parties named in the instrument may be recorded without the certification required under subparagraph (ii) of this paragraph.

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 424

### (House Bill 1084)

AN ACT concerning

#### **Real Property – Recordation of Deeds – Assignments of Rents and Assignments of Leases for Security Purposes**

FOR the purpose of exempting an assignment of rents and a certain assignment of a lease from certain requirements related to recordation; authorizing a certain assignment of rents or a certain assignment of a lease to be recorded without a certain certification; and generally relating to assignments of rents and assignments of leases for security purposes.

BY repealing and reenacting, without amendments,  
Article – Real Property  
Section 1–101(a) and (c)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Article – Real Property  
Section 3–104(f)(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 – Real Property**

1–101.

(a) In this article the following words have the meanings indicated unless otherwise apparent from context.

(c) “Deed” includes any deed, grant, mortgage, deed of trust, lease, assignment, and release, pertaining to land or property or any interest therein or appurtenant thereto, including an interest in rents and profits from rents.

3–104.

(f) (1) (i) In this paragraph, “under the attorney’s supervision” includes review of an instrument by the certifying attorney.

(ii) A deed other than a mortgage, A deed of trust, **AN ASSIGNMENT OF RENTS, AN ASSIGNMENT OF A LEASE FOR SECURITY PURPOSES**, or an assignment or A release of a mortgage or A deed of trust may not be recorded unless it bears:

1. The certification of an attorney admitted to the Bar of this State that the instrument has been prepared by the attorney or under the attorney’s supervision; or

2. A certification by a party named in the instrument that the instrument was prepared by that party.

(iii) A mortgage, A deed of trust, **AN ASSIGNMENT OF RENTS, AN ASSIGNMENT OF A LEASE FOR SECURITY PURPOSES**, or an assignment or A release of a mortgage or A deed of trust prepared by any attorney or one of the parties named in the instrument may be recorded without the certification required under subparagraph (ii) of this paragraph.

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 425

(House Bill 1100)

AN ACT concerning

**Prescription Drug Affordability Board – Meetings, Legal Advisor, Reports, and Technical Changes**

FOR the purpose of altering the frequency at which the Prescription Drug Affordability Board is required to meet; repealing the requirement that the Board hire general counsel; providing that the Attorney General is the legal advisor for the Board; requiring the Attorney General to designate a certain attorney as counsel to the Board; authorizing the Attorney General to assign certain attorneys to the Board under certain circumstances; establishing certain duties for the counsel to the Board; requiring the counsel of the Board to perform certain duties under certain control and supervision; prohibiting the Attorney General from reassigning the counsel to the Board except under certain circumstances; altering certain dates for certain reporting requirements; clarifying that on or after a certain date the Board may set certain upper payment limits in accordance with a certain plan of action; repealing a certain termination provision; and generally relating to the Prescription Drug Affordability Board.

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 21–2C–03(c)(1) and (e)(1)(i), 21–2C–07, and 21–2C–08(a)  
Annotated Code of Maryland  
(2019 Replacement Volume)

BY adding to  
Article – Health – General  
Section 21–2C–03(i)  
Annotated Code of Maryland  
(2019 Replacement Volume)

BY repealing and reenacting, without amendments,  
Article – Health – General  
Section 21–2C–13  
Annotated Code of Maryland  
(2019 Replacement Volume)

BY repealing and reenacting, with amendments,  
Chapter 692 of the Acts of the General Assembly of 2019  
Section 5, 7, and 9

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 21–2C–13 through 21–2C–15  
Annotated Code of Maryland  
(2019 Replacement Volume)  
(As enacted by Chapter 692 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 – Health – General**

21-2C-03.

(c) (1) The chair shall hire an executive director[, general counsel,] and staff for the Board.

(e) (1) (i) Subject to subparagraphs (ii) and (iv) of this paragraph, the Board shall meet in open session at least [once every 6 weeks] **FOUR TIMES A YEAR.**

**(1) (1) THE ATTORNEY GENERAL IS THE LEGAL ADVISER TO THE BOARD.**

**(2) THE ATTORNEY GENERAL SHALL DESIGNATE AN ASSISTANT ATTORNEY GENERAL AS COUNSEL TO THE BOARD.**

**(3) AS NEEDED, THE ATTORNEY GENERAL MAY ASSIGN ADDITIONAL ASSISTANT ATTORNEYS GENERAL TO THE BOARD TO GIVE EFFECTIVE LEGAL ADVICE AND COUNSEL.**

**(4) THE COUNSEL TO THE BOARD MAY NOT HAVE A DUTY OTHER THAN TO:**

**(I) GIVE THE LEGAL AID, ADVICE, AND COUNSEL REQUIRED BY THE BOARD;**

**(II) SUPERVISE THE OTHER ASSISTANT ATTORNEYS GENERAL ASSIGNED TO THE BOARD, IF ANY; AND**

**(III) PERFORM FOR THE ~~DEPARTMENT~~ BOARD THE DUTIES THAT THE ATTORNEY GENERAL ASSIGNS.**

**(5) THE COUNSEL SHALL PERFORM THESE DUTIES SUBJECT TO THE CONTROL AND SUPERVISION OF THE ATTORNEY GENERAL.**

**(6) AFTER THE ATTORNEY GENERAL DESIGNATES THE COUNSEL TO THE BOARD, THE ATTORNEY GENERAL MAY NOT REASSIGN THE COUNSEL WITHOUT CONSULTING THE BOARD.**

21-2C-07.

On or before December 31, [2020] 2021, the Board, in consultation with the Stakeholder Council, shall:

(1) Study:

(i) The entire pharmaceutical distribution and payment system in the State; and

(ii) Policy options being used in other states and countries to lower the list price of pharmaceuticals, including:

1. Setting upper payment limits;
2. Using a reverse auction marketplace; and
3. Implementing a bulk purchasing process; and

(2) Report its findings and recommendations, including findings for each option studied under item (1)(ii) of this section and any legislation required to implement the recommendations, to the Senate Finance Committee and the House Health and Government Operations Committee in accordance with § 2–1257 of the State Government Article.

21–2C–08.

(a) On or before December 31, [2020] 2021, the Board shall:

(1) Collect and review publicly available information regarding prescription drug product manufacturers, health insurance carriers, health maintenance organizations, managed care organizations, wholesale distributors, and pharmacy benefits managers; and

(2) (i) Identify states that require reporting on the cost of prescription drug products; and

(ii) Initiate a process of entering into memoranda of understanding with the states identified under item (i) of this item to aid in the collection of transparency data for prescription drug products.

21–2C–13.

(a) If, under § 21–2C–07 of this subtitle, the Board finds that it is in the best interest of the State to establish a process for setting upper payment limits for prescription drug products that it determines have led or will lead to an affordability challenge, the Board, in conjunction with the Stakeholder Council, shall draft a plan of action for implementing the process that includes the criteria the Board shall use to set upper payment limits.

(b) The criteria for setting upper payment limits shall include consideration of:

- (1) The cost of administering the prescription drug product;

- (2) The cost of delivering the prescription drug product to consumers; and
  - (3) Other relevant administrative costs related to the prescription drug product.
- (c) The process for setting upper payment limits shall:
- (1) Prohibit the application of an upper payment limit for a prescription drug product that is on the federal Food and Drug Administration prescription drug shortage list; and
  - (2) Require the Board to:
    - (i) Monitor the availability of any prescription drug product for which it sets an upper payment limit; and
    - (ii) If there becomes a shortage of the prescription drug product in the State, reconsider or suspend the upper payment limit.
- (d) (1) If a plan of action is drafted under subsection (a) of this section, on or before July 1, 2021, the Board shall submit the plan of action to the Legislative Policy Committee of the General Assembly, in accordance with § 2–1257 of the State Government Article, for its approval.
- (2) The Legislative Policy Committee shall have 45 days to approve the plan of action.
  - (3) If the Legislative Policy Committee does not approve the plan of action, the Board shall submit the plan to the Governor and the Attorney General for approval.
  - (4) The Governor and the Attorney General shall have 45 days to approve the plan of action.
  - (5) The Board may not set upper payment limits unless the plan is approved, in accordance with this subsection, by:
    - (i) The Legislative Policy Committee; or
    - (ii) 1. The Governor; and
    - 2. The Attorney General.

### Chapter 692 of the Acts of 2019

SECTION 5. AND BE IT FURTHER ENACTED, That, on or before June 1, [2020] 2022, the Prescription Drug Affordability Board shall:

(1) conduct a study of the operation of the generic drug market in the United States that includes a review of physician-administered drugs and considers:

- (i) the prices of generic drugs on a year-over-year basis;
- (ii) the degree to which generic drug prices affect yearly insurance premium changes;
- (iii) annual changes in insurance cost-sharing for generic drugs;
- (iv) the potential for and history of drug shortages;
- (v) the degree to which generic drug prices affect yearly State Medicaid spending; and
- (vi) any other relevant study questions; and

(2) report its findings to the General Assembly, in accordance with § 2-1246 of the State Government Article.

SECTION 7. AND BE IT FURTHER ENACTED, That, on or before December 1, [2020] 2021, the State Designated Health Information Exchange and the Prescription Drug Affordability Board established under § 21-2C-02 of the Health – General Article, as enacted by Section 1 of this Act, jointly shall:

(1) study how the Information Exchange can provide de-identified provider and patient data to the Board; and

(2) report their findings and recommendations, including any necessary statutory changes, to the General Assembly, in accordance with § 2-1246 of the State Government Article.

SECTION 9. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect contingent on receipt by the Prescription Drug Affordability Board established under § 21-2C-02 of the Health – General Article, as enacted by Section 1 of this Act of approval by the Legislative Policy Committee of the General Assembly or the Governor and the Attorney General of the plan of action for implementing a process for setting upper payment limits in accordance with § 21-2C-13 of the Health – General Article, as enacted by Section 2 of this Act. The Board, within 5 days after receiving approval from the Legislative Policy Committee or the Governor and the Attorney General, shall forward evidence of the approval to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401. If the Board receives approval for the plan of action on or before January 1, 2023, [Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect and] Section 3 of this Act shall take effect on the date evidence of the approval is received by the Department of Legislative Services in accordance with this section. If the Board does not receive approval of the plan of action on or before January 1, 2023, Section 2 of this Act, with no further action required by the

General Assembly, shall be abrogated and of no further force and effect and Section 3 of this Act shall be null and void.

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

**Article – Health – General**

**[21–2C–13.] 21–2C–14.**

(a) On or after January 1, 2022, the Board, **IN ACCORDANCE WITH THE PLAN OF ACTION APPROVED UNDER § 21–2C–13 OF THIS SUBTITLE**, may set upper payment limits for prescription drug products that are:

(1) Purchased or paid for by a unit of State or local government or an organization on behalf of a unit of State or local government, including:

- (i) State or county correctional facilities;
- (ii) State hospitals; and
- (iii) Health clinics at State institutions of higher education;

(2) Paid for through a health benefit plan on behalf of a unit of State or local government, including a county, bicounty, or municipal employee health benefit plan; or

(3) Purchased for or paid for by the Maryland State Medical Assistance Program.

(b) The upper payment limits set under subsection (a) of this section shall:

(1) Be for prescription drug products that have led or will lead to an affordability challenge; and

(2) Be set in accordance with the criteria established in regulations adopted by the Board.

(c) (1) The Board shall:

(i) Monitor the availability of any prescription drug product for which it sets an upper payment limit; and

(ii) If there becomes a shortage of the prescription drug product in the State, reconsider whether the upper payment limit should be suspended or altered.

(2) An upper payment limit set under subsection (a) of this section may not be applied to a prescription drug product while the prescription drug product is on the federal Food and Drug Administration prescription drug shortage list.

**[21–2C–14.] 21–2C–15.**

(a) A person aggrieved by a decision of the Board may request an appeal of the decision within 30 days after the finding of the Board.

(b) The Board shall hear the appeal and make a final decision within 60 days after the appeal is requested.

(c) Any person aggrieved by a final decision of the Board may petition for judicial review as provided by the Administrative Procedure Act.

**[21–2C–15.] 21–2C–16.**

On or before December 1, 2023, the Board, in consultation with the Stakeholder Council, shall report to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2–1257 of the State Government Article, on:

(1) The legality, obstacles, and benefits of setting upper payment limits on all purchases and payor reimbursements of prescription drug products in the State; and

(2) Recommendations regarding whether the General Assembly should pass legislation to expand the authority of the Board to set upper payment limits to all purchases and payor reimbursements of prescription drug products in the State.

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 426**

**(House Bill 1111)**

AN ACT concerning

**Public Safety – Special Police Officers – Training and Renewal of Commission**

FOR the purpose of repealing the authorization for the Secretary of State Police to require certain training; requiring a certain candidate for a commission as a special police officer to complete certain training and education; exempting a certain candidate for

a commission as a special police officer from completing certain training under certain circumstances; ~~reducing the duration of an initial commission as a special police officer; reducing the duration of a renewed commission as a special police officer;~~ requiring an applicant for the renewal of a commission as a special police officer to receive certain training before applying for renewal; and generally relating to special police officers.

BY repealing and reenacting, with amendments,  
 Article – Public Safety  
 Section 3–303 and 3–312  
 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

3–303.

(a) The following entities may apply for the appointment of special police officers for the following purposes:

(1) a municipal corporation, county, or other governmental body of the State, in order to protect property owned, leased, or regularly used by the governmental body or any of its units;

(2) another state, or subdivision or unit of another state, that has an interest in property located wholly or partly in this State, in order to protect the property;

(3) a college, university, or public school system in the State, in order to protect its property or students; or

(4) a person that exists and functions for a legal business purpose, in order to protect its business property.

(b) The applicant for a commission shall be at least 18 years old.

(c) **(1) [The Secretary may require training and education for special police officers as the Secretary considers necessary] THIS SUBSECTION DOES NOT APPLY TO AN APPLICANT FOR ~~A~~ AN INITIAL COMMISSION WHO, WITHIN 5 YEARS PRIOR TO APPLICATION, HAS:**

**(I) COMPLETED A BASIC TRAINING COURSE FOR POLICE OFFICERS APPROVED BY THE SECRETARY IN CONSULTATION WITH THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION;**

(II) COMPLETED A BASIC TRAINING COURSE FOR POLICE OFFICERS SIMILAR TO THE COURSE DESCRIBED IN ITEM (I) OF THIS PARAGRAPH IN ANOTHER STATE OR FOR THE FEDERAL GOVERNMENT;

(III) SEPARATED FROM A LAW ENFORCEMENT AGENCY IN GOOD STANDING; OR

(IV) COMPLETED TRAINING APPROVED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION FOR A SPECIAL POLICE OFFICER AT A STATE INSTITUTION OF HIGHER EDUCATION.

(2) AN APPLICANT FOR ~~A~~ AN INITIAL COMMISSION SHALL COMPLETE A TRAINING COURSE APPROVED BY THE SECRETARY IN CONSULTATION WITH THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION CONSISTING OF AT LEAST 80 HOURS OF ~~TRAINING AND EDUCATION~~ INSTRUCTION, INCLUDING INSTRUCTION ON:

(I) CRIMINAL LAW;

(II) CONSTITUTIONAL PROCEDURAL REQUIREMENTS RELATING TO SEARCH, SEIZURE, AND ARREST; AND

(III) THE APPROPRIATE USE OF FORCE.

3–312.

(a) An initial commission expires ~~3 years~~ 1 YEAR after its date of issuance.

(b) (1) At the end of the term of a commission, the commission is renewable ~~for a 3-year term~~ ANNUALLY if:

(I) BEFORE SUBMITTING AN APPLICATION FOR RENEWAL, THE SPECIAL POLICE OFFICER HAS COMPLETED 12 HOURS OF IN-SERVICE TRAINING APPROVED BY THE SECRETARY IN CONSULTATION WITH THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION; AND

(II) the employer of the special police officer submits to the Secretary:

(i) 1. an application in the manner and format designated by the Secretary;

(ii) 2. one complete set of the applicant's legible fingerprints taken in a format approved by the Director of the Federal Bureau of Investigation;



~~(iii)~~ **3.** the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check; and

~~(iv)~~ **4.** subject to paragraph (2) of this subsection, a renewal fee of \$60.

(2) A renewal fee may not be charged to a unit of the State.

(c) (1) The Secretary shall apply to the Central Repository for a national criminal history records check for each applicant for a special police commission.

(2) As part of the application for a criminal history records check, the Secretary shall submit to the Central Repository:

(i) a complete set of the applicant's legible fingerprints taken in a format approved by the Director of the Federal Bureau of Investigation; and

(ii) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(3) The Central Repository shall provide a receipt to the applicant for the fees paid in accordance with paragraph (2)(ii) of this subsection.

(4) In accordance with Title 10, Subtitle 2 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Secretary a printed statement of the applicant's criminal history information.

(5) Information obtained from the Central Repository under this section:

(i) is confidential and may not be disseminated; and

(ii) may be used only for the purposes authorized by this section.

(d) The Secretary may set the deadline for submitting a renewal application to the Secretary.

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.**

AN ACT concerning

**Motor Vehicle Administration – Records – Voluntary Disclosure of  
Developmental Disability Voluntary Developmental Disability Self-Disclosure  
Cards – Design and Issuance**

FOR the purpose of ~~authorizing certain persons to voluntarily disclose certain diagnosed developmental disabilities to the Motor Vehicle Administration; requiring the Administration to keep records of a voluntary disclosure separate from other records; prohibiting the Administration from opening a voluntary disclosure to public inspection, subject to certain exceptions; prohibiting the Administration from using a voluntary disclosure by a person as a basis for referring the person to the Medical Advisory Board; and generally relating to voluntary disclosures of developmental disabilities to the Motor Vehicle Administration~~ requiring the Motor Vehicle Administration to design a voluntary developmental disability self-disclosure card; establishing certain requirements for the card; requiring the Administration to consult with certain groups in designing the card; requiring the Administration to make the card available to certain individuals on request; prohibiting the Administration from keeping records relating to the issuance of a card under this Act, subject to a certain exception; and generally relating to voluntary developmental disability self-disclosure cards.

~~BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 12–111(b)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2019 Supplement)~~

BY adding to  
Article – Transportation  
Section 16–118.1  
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 – Transportation**

~~12–111.~~

~~(b) (1) Subject to § 4–320 of the General Provisions Article, and except as otherwise provided by law, all records of the Administration are public records and open to public inspection during office hours.~~

~~(2) Subject to paragraph (4) of this subsection, the Administrator may classify as confidential and not open to public inspection any record or record entry.~~

~~(i) That is over 5 years old; or~~

~~(ii) That relates to any happening that occurred over 5 years earlier.~~

~~(3) Subject to § 4-320 of the General Provisions Article, a record or record entry of any age shall be open to inspection by authorized representatives of any federal, State, or local governmental agency.~~

~~(4) Subject to paragraph (3) of this subsection, the Administrator may not open to public inspection any record or record entry that is:~~

~~(i) All or part of a licensed driver's public driving record; and~~

~~(ii) Over 3 years old.~~

~~(5) Subject to paragraph (6) of this subsection, the Administration may not permit public inspection of a digital photographic image or signature of an individual, or the actual stored data thereof, recorded by the Administration.~~

~~(6) The Administration may make a digital photographic image or signature of an individual, or the actual stored data thereof, recorded by the Administration available to:~~

~~(i) The courts;~~

~~(ii) Criminal justice agencies;~~

~~(iii) Driver license authorities;~~

~~(iv) The individual;~~

~~(v) The individual's attorney;~~

~~(vi) Third parties designated by the individual; and~~

~~(vii) The Child Support Administration.~~

~~(7) (i) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE ADMINISTRATOR MAY NOT OPEN TO PUBLIC INSPECTION A VOLUNTARY DISCLOSURE OF A DEVELOPMENTAL DISABILITY RECORDED UNDER § 16-118.1 OF THIS ARTICLE.~~

~~(ii) THE ADMINISTRATOR MAY SHARE A VOLUNTARY DISCLOSURE UNDER § 16-118.1 OF THIS ARTICLE WITH A LAW ENFORCEMENT AGENCY OR A COURT.~~

~~16-118.1.~~

~~(A) A PERSON AT LEAST 18 YEARS OLD WHO IS DIAGNOSED WITH A DEVELOPMENTAL DISABILITY, INCLUDING AUTISM, MAY VOLUNTARILY DISCLOSE THE DIAGNOSIS TO THE ADMINISTRATION.~~

~~(B) THE ADMINISTRATION SHALL KEEP RECORDS OF A VOLUNTARY DISCLOSURE SEPARATE FROM ANY OTHER RECORDS.~~

~~(C) THE ADMINISTRATION MAY SHARE INFORMATION DISCLOSED UNDER THIS SECTION ONLY WITH A LAW ENFORCEMENT AGENCY OR A COURT.~~

~~(D) THE ADMINISTRATOR MAY NOT USE INFORMATION DISCLOSED BY A PERSON UNDER THIS SECTION AS A BASIS FOR REFERRING THE PERSON TO THE MEDICAL ADVISORY BOARD UNDER § 16-118 OF THIS SUBTITLE.~~

16-118.1.

(A) (1) THE ADMINISTRATION SHALL DEVELOP A FORM FOR A VOLUNTARY DEVELOPMENTAL DISABILITY SELF-DISCLOSURE CARD.

(2) A VOLUNTARY DEVELOPMENTAL DISABILITY SELF-DISCLOSURE CARD SHALL:

(I) BE APPROXIMATELY THE SAME SIZE AS A DRIVER'S LICENSE;

(II) BE PRINTED ON BLUE PAPER;

(III) INCLUDE SPACE FOR AN INDIVIDUAL TO PROVIDE DETAILS ON A DEVELOPMENTAL DISABILITY; AND

(IV) INCLUDE WRITTEN GUIDANCE ON EFFECTIVE COMMUNICATION BETWEEN LAW ENFORCEMENT OFFICERS AND PEOPLE WITH DEVELOPMENTAL DISABILITIES.

(2) IN DEVELOPING THE FORM REQUIRED BY THIS SUBSECTION, THE ADMINISTRATION SHALL CONSULT WITH THE MARYLAND CHIEFS OF POLICE ASSOCIATION AND AT LEAST ONE INDEPENDENT ORGANIZATION THAT ADVOCATES ON BEHALF OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

(B) (1) BEGINNING JANUARY 1, 2021, THE ADMINISTRATION SHALL MAKE A VOLUNTARY DEVELOPMENTAL DISABILITY SELF-DISCLOSURE CARD AVAILABLE TO ANY INDIVIDUAL OF DRIVING AGE WHO REQUESTS ONE.

(2) IF AN INDIVIDUAL WHO REQUESTS A VOLUNTARY DEVELOPMENTAL DISABILITY SELF-DISCLOSURE CARD IS A MINOR, THE ADMINISTRATION SHALL PROVIDE THE CARD TO THE INDIVIDUAL'S PARENT OR GUARDIAN.

(C) EXCEPT AS REQUIRED BY § 16-118 OF THIS SUBTITLE, THE ADMINISTRATION MAY NOT MAINTAIN ANY RECORDS RELATING TO THE ISSUANCE OF A VOLUNTARY DEVELOPMENTAL DISABILITY SELF-DISCLOSURE CARD.

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 428

(House Bill 1120)

AN ACT concerning

### Health Care Providers ~~and Health Benefit Plans~~ – Discrimination in Provision of Services

FOR the purpose of ~~altering the actions with regard to which hospitals and related institutions are prohibited from discriminating against individuals on certain bases;~~ providing that the Secretary of Health or certain units of the Maryland Department of Health have exclusive jurisdiction to enforce certain laws by certain action; establishing that the Commission on Civil Rights and the Secretary or certain units have concurrent jurisdiction over certain discrimination; authorizing the Commission to take certain action when the Secretary or certain units have exclusive jurisdiction; requiring the Secretary or certain units to notify the Commission of certain hearings; requiring the Secretary or certain units to give the Commission certain information regarding certain complaints under certain circumstances; requiring the Secretary or certain units and the Commission to set certain guidelines; altering the characteristics of an individual on the basis of which hospitals and related institutions are prohibited from discriminating against the individual in certain actions; providing that certain provisions of this Act do not prohibit certain persons, hospitals, and related institutions from refusing, withholding from, or denying any person services for certain reasons except under certain circumstances; prohibiting certain persons licensed or regulated by certain

units in the Maryland Department of Health from refusing, withholding from, or denying any person certain services on certain bases; ~~prohibiting certain persons that have a certificate of authority from the Maryland Insurance Administration from refusing, withholding from, or denying any person certain services on certain bases;~~ stating the policy of the State; defining certain terms; ~~altering a certain definition;~~ and generally relating to prohibiting discrimination by health care providers ~~and persons providing health benefit plans.~~

BY adding to

Article – Health – General

Section 2–1001 through 2–1004 to be under the new subtitle “Subtitle 10. Prohibition on Discrimination”

Annotated Code of Maryland

(2019 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 19–355

Annotated Code of Maryland

(2019 Replacement Volume)

~~BY repealing and reenacting, with amendments,~~

~~Article – State Government~~

~~Section 20–101~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2019 Supplement)~~

~~BY adding to~~

~~Article – State Government~~

~~Section 20–4A–01 through 20–4A–03 to be under the new subtitle “Subtitle 4A. Discrimination by Persons Licensed or Regulated by Maryland Department of Health or Maryland Insurance Administration”~~

~~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**

#### **SUBTITLE 10. PROHIBITION ON DISCRIMINATION.**

#### **2–1001.**

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

(B) "COMMISSION" MEANS THE COMMISSION ON CIVIL RIGHTS.

(C) "GENDER IDENTITY" HAS THE MEANING STATED IN § 20-101 OF THE STATE GOVERNMENT ARTICLE.

(D) "SEXUAL ORIENTATION" HAS THE MEANING STATED IN § 20-101 OF THE STATE GOVERNMENT ARTICLE.

(E) "UNIT OF THE DEPARTMENT" MEANS A UNIT DESCRIBED UNDER § 2-106 OF THIS TITLE.

2-1002.

IT IS THE POLICY OF THE STATE TO:

(1) PROVIDE AFFORDABLE HEALTH CARE THROUGHOUT THE STATE TO ALL REGARDLESS OF RACE, COLOR, RELIGION, SEX, AGE, NATIONAL ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY; AND

(2) PROHIBIT DISCRIMINATION WITH RESPECT TO THE PROVISION OF HEALTH CARE BY ANY PERSON, IN ORDER TO PROTECT AND ENSURE THE PEACE, HEALTH, SAFETY, PROSPERITY, AND GENERAL WELFARE OF ALL.

2-1003.

(A) (1) NOTWITHSTANDING ANY OTHER LAW AND EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE SECRETARY OR A UNIT OF THE DEPARTMENT HAS EXCLUSIVE JURISDICTION TO ENFORCE BY ADMINISTRATIVE ACTION THE LAWS OF THE STATE AS PROVIDED FOR UNDER THIS ARTICLE AND THE HEALTH OCCUPATIONS ARTICLE.

(2) THE COMMISSION ON CIVIL RIGHTS HAS CONCURRENT JURISDICTION WITH THE SECRETARY OR A UNIT OF THE DEPARTMENT OVER ALLEGED DISCRIMINATION ON THE BASIS OF RACE, COLOR, RELIGION, SEX, AGE, NATIONAL ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.

(B) WHEN THE SECRETARY OR A UNIT OF THE DEPARTMENT HAS EXCLUSIVE JURISDICTION UNDER SUBSECTION (A) OF THIS SECTION, THE COMMISSION MAY:

(1) REFER COMPLAINTS ABOUT DISCRIMINATORY PRACTICES TO THE SECRETARY OR THE UNIT OF THE DEPARTMENT;

(2) APPEAR BEFORE THE SECRETARY OR THE UNIT OF THE DEPARTMENT AS A PARTY AT A HEARING ABOUT DISCRIMINATORY PRACTICES;

(3) MAKE RECOMMENDATIONS ABOUT DISCRIMINATORY PRACTICES TO THE SECRETARY OR THE UNIT OF THE DEPARTMENT;

(4) REPRESENT A COMPLAINANT IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE OR THE HEALTH OCCUPATIONS ARTICLE THAT IS RELATED TO DISCRIMINATORY PRACTICES; OR

(5) APPEAL AS A PARTY AGGRIEVED BY AN ORDER OR DECISION OF THE SECRETARY OR THE UNIT OF THE DEPARTMENT IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE OR THE HEALTH OCCUPATIONS ARTICLE THAT IS RELATED TO DISCRIMINATORY PRACTICES.

(C) THE SECRETARY OR A UNIT OF THE DEPARTMENT SHALL NOTIFY THE COMMISSION OF ANY HEARING SCHEDULED ON A COMPLAINT ABOUT ALLEGED DISCRIMINATORY PRACTICES.

(D) ON REQUEST OF THE COMMISSION AND UNLESS THE COMPLAINANT OBJECTS, THE SECRETARY OR A UNIT OF THE DEPARTMENT SHALL GIVE THE COMMISSION ALL INFORMATION REGARDING ANY COMPLAINT ALLEGING DISCRIMINATORY PRACTICES RECEIVED BY THE SECRETARY OR UNIT OF THE DEPARTMENT.

(E) THE SECRETARY OR A UNIT OF THE DEPARTMENT AND THE COMMISSION SHALL SET GUIDELINES FOR DETERMINING WHEN ALLEGATIONS OF DISCRIMINATORY PRACTICES IN A COMPLAINT ARE SUFFICIENT TO WARRANT A HEARING.

2-1004.

(A) THIS SECTION DOES NOT PROHIBIT A PERSON THAT IS LICENSED OR OTHERWISE REGULATED BY THE DEPARTMENT OR A UNIT OF THE DEPARTMENT FROM REFUSING, WITHHOLDING FROM, OR DENYING ANY PERSON SERVICES FOR FAILURE TO CONFORM TO THE USUAL AND REGULAR REQUIREMENTS, STANDARDS, AND REGULATIONS IMPOSED BY THE LICENSED OR REGULATED PERSON, UNLESS THE REFUSAL, WITHHOLDING, OR DENIAL IS BASED ON DISCRIMINATION ON THE GROUNDS OF RACE, COLOR, RELIGION, SEX, AGE, NATIONAL ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.

(B) A PERSON THAT IS LICENSED OR OTHERWISE REGULATED BY THE DEPARTMENT OR A UNIT IN THE DEPARTMENT MAY NOT DISCRIMINATE AGAINST ANY PERSON BECAUSE OF THE PERSON'S RACE, COLOR, RELIGION, SEX, AGE,



NATIONAL ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.

19–355.

(a) IN THIS SECTION, “GENDER IDENTITY” AND “SEXUAL ORIENTATION” HAVE THE MEANINGS STATED IN § 20–101 OF THE STATE GOVERNMENT ARTICLE.

(B) THIS SECTION DOES NOT PROHIBIT A HOSPITAL OR RELATED INSTITUTION THAT IS LICENSED OR OTHERWISE REGULATED BY THE DEPARTMENT OR A UNIT OF THE DEPARTMENT FROM REFUSING, WITHHOLDING FROM, OR DENYING ANY PERSON SERVICES FOR FAILURE TO CONFORM TO THE USUAL AND REGULAR REQUIREMENTS, STANDARDS, AND REGULATIONS IMPOSED BY THE LICENSED OR REGULATED HOSPITAL OR RELATED INSTITUTION, UNLESS THE REFUSAL, WITHHOLDING, OR DENIAL IS BASED ON DISCRIMINATION ON THE GROUNDS OF RACE, COLOR, RELIGION, SEX, AGE, NATIONAL ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.

~~(B)~~ (C) A hospital or related institution may not ~~REFUSE, WITHHOLD FROM, OR DENY TO ANY INDIVIDUAL MEDICAL SERVICES OR OTHERWISE~~ discriminate [in providing personal care for an] AGAINST ANY individual WITH RESPECT TO THE INDIVIDUAL’S MEDICAL CARE because of the race, color, RELIGION, SEX, AGE, [or] national origin, MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, ~~GENETIC INFORMATION,~~ OR DISABILITY of the individual.

[(b)] ~~(C)~~ (D) The Commission on Civil Rights shall enforce this section as provided in Title 20 of the State Government Article.

~~Article State Government~~

~~20–101.~~

(a) ~~In Subtitles 1 through 11 of this title the following words have the meanings indicated.~~

(b) ~~“Commission” means the Commission on Civil Rights.~~

(c) ~~“Complainant” means a person that files a complaint alleging a discriminatory act under this title.~~

(d) ~~“Discriminatory act” means an act prohibited under:~~

(1) ~~Subtitle 3 of this title (Discrimination in Places of Public Accommodation);~~

~~(2) Subtitle 4 of this title (Discrimination by Persons Licensed or Regulated by Maryland Department of Labor);~~

~~(3) **SUBTITLE 4A OF THIS TITLE (DISCRIMINATION BY PERSONS LICENSED OR REGULATED BY MARYLAND DEPARTMENT OF HEALTH OR MARYLAND INSURANCE ADMINISTRATION);**~~

~~(4) Subtitle 5 of this title (Discrimination in Leasing of Commercial Property);~~

~~[(4)] (5) Subtitle 6 of this title (Discrimination in Employment);~~

~~[(5)] (6) Subtitle 7 of this title (Discrimination in Housing); or~~

~~[(6)] (7) Subtitle 8 of this title (Aiding, Abetting, or Attempting Discriminatory Act; Obstructing Compliance).~~

~~(e) “Gender identity” means the gender related identity, appearance, expression, or behavior of a person, regardless of the person’s assigned sex at birth, which may be demonstrated by:~~

~~(1) consistent and uniform assertion of the person’s gender identity; or~~

~~(2) any other evidence that the gender identity is sincerely held as part of the person’s core identity.~~

~~(f) (1) “Respondent” means a person accused in a complaint of a discriminatory act.~~

~~(2) “Respondent” includes a person identified during an investigation of a complaint and joined as an additional or substitute respondent.~~

~~(g) “Sexual orientation” means the identification of an individual as to male or female homosexuality, heterosexuality, or bisexuality.~~

~~**SUBTITLE 4A. DISCRIMINATION BY PERSONS LICENSED OR REGULATED BY  
MARYLAND DEPARTMENT OF HEALTH OR MARYLAND INSURANCE  
ADMINISTRATION.**~~

~~**20-4A-01.**~~

~~**IT IS THE POLICY OF THE STATE TO:**~~

~~**(1) PROVIDE AFFORDABLE HEALTH CARE THROUGHOUT THE STATE TO ALL REGARDLESS OF RACE, COLOR, RELIGION, SEX, AGE, NATIONAL ORIGIN,**~~

~~MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, GENETIC INFORMATION, OR DISABILITY; AND~~

~~(2) PROHIBIT DISCRIMINATION WITH RESPECT TO THE PROVISION OF HEALTH CARE BY ANY PERSON, IN ORDER TO PROTECT AND ENSURE THE PEACE, HEALTH, SAFETY, PROSPERITY, AND GENERAL WELFARE OF ALL.~~

~~20-4A-02.~~

~~(A) THIS SECTION DOES NOT PROHIBIT A PERSON THAT IS LICENSED OR OTHERWISE REGULATED BY THE MARYLAND DEPARTMENT OF HEALTH FROM REFUSING, WITHHOLDING FROM, OR DENYING ANY PERSON SERVICES FOR FAILURE TO CONFORM TO THE USUAL AND REGULAR REQUIREMENTS, STANDARDS, AND REGULATIONS IMPOSED BY THE LICENSED OR REGULATED PERSON, UNLESS THE REFUSAL, WITHHOLDING, OR DENIAL IS BASED ON DISCRIMINATION ON THE GROUNDS OF RACE, COLOR, RELIGION, SEX, AGE, NATIONAL ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, GENETIC INFORMATION, OR DISABILITY.~~

~~(B) A PERSON THAT IS LICENSED OR OTHERWISE REGULATED BY A UNIT IN THE MARYLAND DEPARTMENT OF HEALTH DESCRIBED UNDER § 2-106 OF THE HEALTH GENERAL ARTICLE MAY NOT REFUSE, WITHHOLD FROM, OR DENY ANY PERSON ANY SERVICES OF THE LICENSED OR REGULATED PERSON OR OTHERWISE DISCRIMINATE AGAINST ANY PERSON BECAUSE OF THE PERSON'S RACE, COLOR, RELIGION, SEX, AGE, NATIONAL ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, GENETIC INFORMATION, OR DISABILITY.~~

~~20-4A-03.~~

~~(A) THIS SECTION DOES NOT PROHIBIT A PERSON THAT IS REGULATED BY THE MARYLAND INSURANCE ADMINISTRATION FROM REFUSING, WITHHOLDING FROM, OR DENYING ANY PERSON SERVICES FOR FAILURE TO CONFORM TO THE USUAL AND REGULAR REQUIREMENTS, STANDARDS, AND REGULATIONS IMPOSED BY THE REGULATED PERSON, UNLESS THE REFUSAL, WITHHOLDING, OR DENIAL IS BASED ON DISCRIMINATION ON THE GROUNDS OF RACE, COLOR, RELIGION, SEX, AGE, NATIONAL ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, GENETIC INFORMATION, OR DISABILITY.~~

~~(B) A PERSON, INCLUDING A HEALTH MAINTENANCE ORGANIZATION, THAT PROVIDES HEALTH BENEFIT PLANS AND HAS A CERTIFICATE OF AUTHORITY ISSUED BY THE MARYLAND INSURANCE ADMINISTRATION MAY NOT REFUSE, WITHHOLD FROM, OR DENY ANY PERSON ANY SERVICES OF THE PERSON OR OTHERWISE DISCRIMINATE AGAINST ANY PERSON BECAUSE OF THE PERSON'S RACE, COLOR,~~

~~RELIGION, SEX, AGE, NATIONAL ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, GENETIC INFORMATION, OR 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 429

(House Bill 1122)

AN ACT concerning

**State Government – Protection of Personally Identifiable Information –  
~~University System of Maryland~~ Public Institutions of Higher Education**

FOR the purpose of excluding ~~the University System of Maryland~~ public institutions of higher education from certain provisions of law governing protection of information by government agencies; requiring ~~the University System of Maryland~~ a public institution of higher education to review and designate certain systems as systems of record based on certain criteria; requiring ~~the University~~ a public institution of higher education to develop and adopt a certain privacy governance program to govern each system of record; requiring ~~the University~~ a public institution of higher education to develop and adopt a certain information security and risk management program for the protection of personally identifiable information; requiring the ~~publication of University to publish~~ publication of a public institution of higher education a certain privacy notice on the ~~University's~~ University's website of ~~a public institution of higher education~~; requiring the notice to include certain information; requiring ~~the University~~ a public institution of higher education, when destroying certain records, to take certain steps to protect against unauthorized access to or use of personally identifiable information; requiring each public institution of higher education to develop and adopt a policy establishing a certain remedy for certain individuals; requiring ~~the University~~ a public institution of higher education, if it discovers or is notified of a breach of the security of a system, to conduct a certain investigation and, if the ~~University~~ public institution of higher education determines that a certain breach has occurred, provide certain notices to certain individuals in a certain manner; establishing that this Act does not apply to certain personally identifiable information; establishing that compliance with certain provisions of law does not authorize ~~the University~~ a public institution of higher education to fail to comply with certain other provisions of law; defining certain terms; altering a certain definition; providing for a delayed effective date; and generally relating to protection of personally identifiable information by ~~the University System of Maryland~~ a public institution of higher education.

BY repealing and reenacting, without amendments,

Article – State Government  
 Section 10–1301(a)  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
 Article – State Government  
 Section 10–1301(f)  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2019 Supplement)

BY adding to  
 Article – State Government  
 Section 10–13A–01 through 10–13A–04 to be under the new subtitle “Subtitle 13A.  
 Protection of Personally Identifiable Information by ~~the University System of~~  
~~Maryland~~ Public Institutions of Higher Education”  
 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

10–1301.

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

(f) **(1)** “Unit” means:

**[(1)] (I)** an executive agency, or a department, a board, a commission, an authority, ~~a public institution of higher education OTHER THAN THE UNIVERSITY SYSTEM OF MARYLAND~~, a unit, or an instrumentality of the State; or

**[(2)] (II)** a county, municipality, bi-county, regional, or multicounty agency, county board of education, public corporation or authority, or any other political subdivision of the State.

**(2) “UNIT” DOES NOT INCLUDE ~~THE UNIVERSITY SYSTEM OF MARYLAND~~ A PUBLIC INSTITUTION OF HIGHER EDUCATION.**

**SUBTITLE 13A. PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION BY  
~~THE UNIVERSITY SYSTEM OF MARYLAND.~~  
PUBLIC INSTITUTIONS OF HIGHER EDUCATION.**

10–13A–01.

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

(B) (1) “BREACH OF THE SECURITY OF A SYSTEM” MEANS THE UNAUTHORIZED ACQUISITION OF PERSONALLY IDENTIFIABLE INFORMATION MAINTAINED BY ~~THE UNIVERSITY SYSTEM OF MARYLAND~~ A PUBLIC INSTITUTION OF HIGHER EDUCATION THAT CREATES A REASONABLE RISK OF HARM TO THE INDIVIDUAL WHOSE PERSONALLY IDENTIFIABLE INFORMATION WAS SUBJECT TO UNAUTHORIZED ACQUISITION.

(2) “BREACH OF THE SECURITY OF A SYSTEM” DOES NOT INCLUDE:

(I) THE GOOD FAITH ACQUISITION OF PERSONALLY IDENTIFIABLE INFORMATION BY AN EMPLOYEE OR AGENT OF ~~THE UNIVERSITY SYSTEM OF MARYLAND~~ A PUBLIC INSTITUTION OF HIGHER EDUCATION FOR THE PURPOSES OF THE ~~UNIVERSITY~~ PUBLIC INSTITUTION OF HIGHER EDUCATION, PROVIDED THAT THE PERSONALLY IDENTIFIABLE INFORMATION IS NOT USED OR SUBJECT TO FURTHER UNAUTHORIZED DISCLOSURE; OR

(II) PERSONALLY IDENTIFIABLE INFORMATION THAT WAS SECURED BY ENCRYPTION OR REDACTED AND FOR WHICH THE ENCRYPTION KEY HAS NOT BEEN COMPROMISED OR DISCLOSED.

(C) “ENCRYPTION” MEANS THE PROTECTION OF DATA IN ELECTRONIC OR OPTICAL FORM, IN STORAGE OR IN TRANSIT, USING A TECHNOLOGY THAT:

(1) IS CERTIFIED TO MEET OR EXCEED THE LEVEL THAT HAS BEEN ADOPTED BY THE FEDERAL INFORMATION PROCESSING STANDARDS ISSUED BY THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY; AND

(2) RENDERS SUCH DATA INDECIPHERABLE WITHOUT AN ASSOCIATED CRYPTOGRAPHIC KEY NECESSARY TO ENABLE DECRYPTION OF SUCH DATA.

(D) “INDIVIDUAL” MEANS A NATURAL PERSON.

(E) “LEGITIMATE BASIS” MEANS ~~THE UNIVERSITY SYSTEM OF MARYLAND~~ A PUBLIC INSTITUTION OF HIGHER EDUCATION HAS A CONTRACTUAL NEED, PUBLIC INTEREST PURPOSE, BUSINESS PURPOSE, OR LEGAL OBLIGATION FOR PROCESSING OR THAT THE INDIVIDUAL HAS CONSENTED TO THE ~~UNIVERSITY’S~~ PROCESSING OF THE INDIVIDUAL’S PERSONALLY IDENTIFIABLE INFORMATION BY THE PUBLIC INSTITUTION OF HIGHER EDUCATION.

(F) (1) “PERSONALLY IDENTIFIABLE INFORMATION” MEANS ANY INFORMATION THAT, TAKEN ALONE OR IN COMBINATION WITH OTHER INFORMATION, ENABLES THE IDENTIFICATION OF AN INDIVIDUAL, INCLUDING:

(I) A FULL NAME;

(II) A SOCIAL SECURITY NUMBER;

(III) A DRIVER’S LICENSE NUMBER, STATE IDENTIFICATION CARD NUMBER, OR OTHER INDIVIDUAL IDENTIFICATION NUMBER;

(IV) A PASSPORT NUMBER;

(V) BIOMETRIC INFORMATION INCLUDING AN INDIVIDUAL’S PHYSIOLOGICAL, BIOLOGICAL, OR BEHAVIORAL CHARACTERISTICS, INCLUDING AN INDIVIDUAL’S DEOXYRIBONUCLEIC ACID (DNA), THAT CAN BE USED, SINGLY OR IN COMBINATION WITH EACH OTHER OR WITH OTHER IDENTIFYING DATA, TO ESTABLISH INDIVIDUAL IDENTITY;

(VI) GEOLOCATION DATA;

(VII) INTERNET OR OTHER ELECTRONIC NETWORK ACTIVITY INFORMATION, INCLUDING BROWSING HISTORY, SEARCH HISTORY, AND INFORMATION REGARDING AN INDIVIDUAL’S INTERACTION WITH AN INTERNET WEBSITE, APPLICATION, OR ADVERTISEMENT; AND

(VIII) A FINANCIAL OR OTHER ACCOUNT NUMBER, A CREDIT CARD NUMBER, OR A DEBIT CARD NUMBER THAT, IN COMBINATION WITH ANY REQUIRED SECURITY CODE, ACCESS CODE, OR PASSWORD, WOULD PERMIT ACCESS TO AN INDIVIDUAL’S ACCOUNT.

(2) “PERSONALLY IDENTIFIABLE INFORMATION” DOES NOT INCLUDE DATA RENDERED ANONYMOUS THROUGH THE USE OF TECHNIQUES, INCLUDING OBFUSCATION, DELEGATION AND REDACTION, AND ENCRYPTION, SO THAT THE INDIVIDUAL IS NO LONGER IDENTIFIABLE.

(G) “PROCESSING” MEANS ANY OPERATION OR SET OF OPERATIONS THAT IS PERFORMED ON PERSONALLY IDENTIFIABLE INFORMATION OR ON A SET OF PERSONALLY IDENTIFIABLE INFORMATION, WHETHER OR NOT BY AUTOMATED MEANS, INCLUDING COLLECTION, RECORDING, ORGANIZATION, STRUCTURING, STORAGE, ADAPTION OR ALTERATION, RETRIEVAL, CONSULTATION, USE, DISCLOSURE BY TRANSMISSION, DISSEMINATION, OR OTHERWISE MAKING AVAILABLE, ALIGNMENT OR COMBINATION, RESTRICTION, ERASURE, OR DESTRUCTION.

**(H) “PUBLIC INSTITUTION OF HIGHER EDUCATION” MEANS:**

**(1) THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY SYSTEM OF MARYLAND AND THE UNIVERSITY OF MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE;**

**(2) MORGAN STATE UNIVERSITY;**

**(3) ST. MARY’S COLLEGE OF MARYLAND; AND**

**(4) A COMMUNITY COLLEGE ESTABLISHED UNDER TITLE 16 OF THE EDUCATION ARTICLE.**

~~**(H) (I)**~~ **“REASONABLE SECURITY PROCEDURES AND PRACTICES” MEANS SECURITY PROTECTIONS THAT ALIGN WITH THE CURRENT STANDARD OF CARE WITHIN SIMILAR COMMERCIAL ENVIRONMENTS AND WITH APPLICABLE STATE AND FEDERAL LAWS.**

~~**(H) (J)**~~ **“RECORDS” MEANS INFORMATION THAT IS INSCRIBED ON A TANGIBLE MEDIUM OR THAT IS STORED IN AN ELECTRONIC OR OTHER MEDIUM AND IS RETRIEVABLE IN PERCEIVABLE FORM.**

~~**(H) (K)**~~ **“SYSTEM” MEANS AN ELECTRONIC OR OTHER PHYSICAL MEDIUM MAINTAINED OR ADMINISTERED BY ~~THE UNIVERSITY SYSTEM OF MARYLAND~~ A PUBLIC INSTITUTION OF HIGHER EDUCATION AND USED ON A PROCEDURAL BASIS TO STORE INFORMATION IN THE ORDINARY COURSE OF THE BUSINESS OF THE ~~UNIVERSITY~~ PUBLIC INSTITUTION OF HIGHER EDUCATION.**

~~**(K) “UNIVERSITY” MEANS THE UNIVERSITY SYSTEM OF MARYLAND.**~~

10-13A-02.

**(A) THIS SUBTITLE DOES NOT APPLY TO PERSONALLY IDENTIFIABLE INFORMATION THAT:**

**(1) IS PUBLICLY AVAILABLE INFORMATION THAT IS LAWFULLY MADE AVAILABLE TO THE GENERAL PUBLIC FROM FEDERAL, STATE, OR LOCAL GOVERNMENT RECORDS;**

**(2) AN INDIVIDUAL HAS CONSENTED TO HAVE PUBLICLY DISSEMINATED OR LISTED;**



(3) EXCEPT FOR A MEDICAL RECORD THAT A PERSON IS PROHIBITED FROM REDISCLOSING UNDER § 4-302(D) OF THE HEALTH – GENERAL ARTICLE, IS DISCLOSED IN ACCORDANCE WITH THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT;

(4) IS DISCLOSED IN ACCORDANCE WITH THE FEDERAL FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT; ~~OR~~

(5) IS CLINICAL INFORMATION; OR

(6) IS INFORMATION RELATED TO SPONSORED RESEARCH.

(B) COMPLIANCE WITH THIS SUBTITLE DOES NOT AUTHORIZE ~~THE UNIVERSITY SYSTEM OF MARYLAND~~ A PUBLIC INSTITUTION OF HIGHER EDUCATION TO FAIL TO COMPLY WITH ANY OTHER REQUIREMENTS OF STATE OR FEDERAL LAW RELATING TO THE PROTECTION AND PRIVACY OF PERSONALLY IDENTIFIABLE INFORMATION.

10-13A-03.

(A) ~~THE UNIVERSITY SYSTEM OF MARYLAND~~ EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL REVIEW AND DESIGNATE SYSTEMS WITHIN THE ~~UNIVERSITY~~ PUBLIC INSTITUTION OF HIGHER EDUCATION AS SYSTEMS OF RECORD BASED ON THE FOLLOWING CRITERIA:

(1) THE RISK POSED TO INDIVIDUALS BY THE PERSONALLY IDENTIFIABLE INFORMATION PROCESSED AND STORED ON THE SYSTEMS;

(2) THE RELATIONSHIP OF THE SYSTEMS TO THE OVERALL FUNCTION OF THE ~~UNIVERSITY~~ PUBLIC INSTITUTION OF HIGHER EDUCATION; AND

(3) THE TECHNICAL AND FINANCIAL FEASIBILITY OF IMPLEMENTING PRIVACY CONTROLS AND SERVICES WITHIN THE SYSTEM.

(B) ~~THE UNIVERSITY~~ EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL DEVELOP AND ADOPT A PRIVACY GOVERNANCE PROGRAM TO GOVERN EACH SYSTEM OF RECORD THAT:

(1) IDENTIFIES AND DOCUMENTS THE PURPOSE OF THE ~~UNIVERSITY~~ PUBLIC INSTITUTION OF HIGHER EDUCATION IN PROCESSING PERSONALLY IDENTIFIABLE INFORMATION;

(2) PROHIBITS THE DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION TO THIRD PARTIES, OTHER THAN THOSE THIRD PARTIES PROCESSING PERSONALLY IDENTIFIABLE INFORMATION ON BEHALF OF THE ~~UNIVERSITY~~ PUBLIC INSTITUTION OF HIGHER EDUCATION, UNLESS:

(I) THE INDIVIDUAL CONSENTS TO DISCLOSURE OF THE INFORMATION; OR

(II) THE ~~UNIVERSITY~~ PUBLIC INSTITUTION OF HIGHER EDUCATION DETERMINES THAT DISCLOSURE OF THE INFORMATION IS IN THE BEST INTEREST OF THE ~~UNIVERSITY~~ PUBLIC INSTITUTION OF HIGHER EDUCATION;

(3) REQUIRES ALL AGREEMENTS ENTERED INTO WITH THIRD PARTIES ON OR AFTER OCTOBER 1, ~~2022~~ 2024, TO INCLUDE LANGUAGE REQUIRING THE THIRD PARTY TO SUPPORT THE ~~UNIVERSITY'S~~ PRIVACY GOVERNANCE PROGRAM OF THE PUBLIC INSTITUTION OF HIGHER EDUCATION;

(4) ENSURES THAT A THIRD PARTY PROCESSING PERSONALLY IDENTIFIABLE INFORMATION ON BEHALF OF THE ~~UNIVERSITY~~ PUBLIC INSTITUTION OF HIGHER EDUCATION ACTS IN ACCORDANCE WITH THE ~~UNIVERSITY'S~~ PRIVACY GOVERNANCE PROGRAM OF THE PUBLIC INSTITUTION OF HIGHER EDUCATION;

(5) TAKES REASONABLE STEPS TO ENSURE THAT PERSONALLY IDENTIFIABLE INFORMATION PROCESSED BY THE ~~UNIVERSITY~~ PUBLIC INSTITUTION OF HIGHER EDUCATION IS ACCURATE, RELEVANT, TIMELY, AND COMPLETE;

(6) TAKES REASONABLE STEPS TO ENSURE THAT REQUESTS TO ACCESS, MODIFY, OR DELETE INFORMATION AND REQUESTS TO OPT OUT OF THE SHARING OF INFORMATION WITH THIRD PARTIES ARE MADE BY THE SUBJECT OF THE PERSONALLY IDENTIFIABLE INFORMATION OR THE SUBJECT'S AGENT;

(7) TAKES REASONABLE STEPS TO LIMIT THE PERSONALLY IDENTIFIABLE INFORMATION COLLECTED TO THAT INFORMATION NECESSARY TO ADDRESS THE PURPOSE OF THE COLLECTION;

(8) IMPLEMENTS A PROCESS TO PROVIDE INDIVIDUALS WITH ACCESS TO THE PERSONALLY IDENTIFIABLE INFORMATION RELATING TO THE INDIVIDUAL HELD AND PROCESSED BY THE ~~UNIVERSITY~~ PUBLIC INSTITUTION OF HIGHER EDUCATION;

(9) PROVIDES INDIVIDUALS WITH A PROCESS TO REQUEST A CORRECTION TO PERSONALLY IDENTIFIABLE INFORMATION RELATING TO THE INDIVIDUAL;

(10) IN THE CASE OF A DISAGREEMENT BETWEEN THE ~~UNIVERSITY~~ PUBLIC INSTITUTION OF HIGHER EDUCATION AND AN INDIVIDUAL OVER THE ACCURACY OF PERSONALLY IDENTIFIABLE INFORMATION RELATING TO THE INDIVIDUAL, PROVIDES A MEANS FOR THE INDIVIDUAL TO DOCUMENT THE DISAGREEMENT AND PRODUCE THE DOCUMENTATION OF THE DISAGREEMENT WHENEVER THE DISPUTED INFORMATION IS PRODUCED;

(11) PROVIDES A PROCESS FOR INDIVIDUALS TO REQUEST THE DELETION OF PERSONALLY IDENTIFIABLE INFORMATION RELATING TO THE INDIVIDUAL THAT THE ~~UNIVERSITY~~ PUBLIC INSTITUTION OF HIGHER EDUCATION DOES NOT HAVE A LEGITIMATE BASIS TO PROCESS;

(12) PROVIDES A PROCESS FOR INDIVIDUALS TO OPT OUT OF SHARING PERSONALLY IDENTIFIABLE INFORMATION RELATING TO THE INDIVIDUAL WITH THIRD PARTIES, IF THE ~~UNIVERSITY~~ PUBLIC INSTITUTION OF HIGHER EDUCATION WOULD NOT HAVE A LEGITIMATE BASIS TO PROCESS THE INFORMATION; AND

(13) PROVIDES A PROCESS FOR THE ~~UNIVERSITY~~ PUBLIC INSTITUTION OF HIGHER EDUCATION TO CONSIDER REQUESTS MADE UNDER THIS SUBSECTION THAT ALLOWS THE ~~UNIVERSITY~~ PUBLIC INSTITUTION OF HIGHER EDUCATION TO DENY A REQUEST IF THE ~~UNIVERSITY~~ PUBLIC INSTITUTION OF HIGHER EDUCATION REASONABLY CONCLUDES IT HAS A LEGITIMATE BASIS FOR PROCESSING THE PERSONALLY IDENTIFIABLE INFORMATION OR IF THE REQUEST IS NOT TECHNICALLY OR FINANCIALLY FEASIBLE.

(C) ~~THE UNIVERSITY~~ EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL DEVELOP AND ADOPT AN INFORMATION SECURITY AND RISK MANAGEMENT PROGRAM FOR THE PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION THAT SHALL:

(1) IMPLEMENT REASONABLE SECURITY PROCEDURES AND PRACTICES, COMPATIBLE WITH APPLICABLE FEDERAL AND STATE STANDARDS AND GUIDELINES, TO ENSURE THAT THE RISK TO THE CONFIDENTIALITY, INTEGRITY, AND AVAILABILITY OF ALL PERSONALLY IDENTIFIABLE INFORMATION IS PROPERLY MANAGED;

(2) BE PERIODICALLY ASSESSED BY A THIRD PARTY ASSESSOR WITH EXPERTISE IN INFORMATION SECURITY;

(3) BE APPROVED BY AN APPROPRIATE SENIOR OFFICIAL OF THE ~~UNIVERSITY~~ PUBLIC INSTITUTION OF HIGHER EDUCATION WITH AUTHORITY TO ACCEPT RISK FOR THE ~~UNIVERSITY~~ PUBLIC INSTITUTION OF HIGHER EDUCATION;

(4) REQUIRE THAT CONTRACTS WITH THIRD PARTIES INCLUDE PROVISIONS TO ENSURE THAT THIRD PARTIES THAT PROCESS PERSONALLY IDENTIFIABLE INFORMATION ON BEHALF OF THE ~~UNIVERSITY~~ PUBLIC INSTITUTION OF HIGHER EDUCATION MAINTAIN APPROPRIATE SECURITY CONTROLS COMMENSURATE WITH THE RISK POSED TO THE INDIVIDUALS BY THE PERSONALLY IDENTIFIABLE INFORMATION; AND

(5) ENSURE THAT ANY BREACHES BY THE ~~UNIVERSITY~~ PUBLIC INSTITUTION OF HIGHER EDUCATION OR A THIRD PARTY ACTING ON BEHALF OF THE ~~UNIVERSITY~~ PUBLIC INSTITUTION OF HIGHER EDUCATION ARE PROPERLY DOCUMENTED, INVESTIGATED, AND REPORTED TO APPROPRIATE AUTHORITIES WITHIN THE ~~UNIVERSITY~~ PUBLIC INSTITUTION OF HIGHER EDUCATION.

(D) (1) ~~THE UNIVERSITY~~ EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL PUBLISH A PRIVACY NOTICE ON THE ~~UNIVERSITY'S~~ WEBSITE OF THE PUBLIC INSTITUTION OF HIGHER EDUCATION THAT IS:

(I) WRITTEN IN PLAIN LANGUAGE; AND

(II) DIRECTLY ACCESSIBLE FROM THE ~~UNIVERSITY'S~~ HOMEPAGE AND ANY OF THE UNIVERSITY'S WEBPAGES OF THE PUBLIC INSTITUTION OF HIGHER EDUCATION THAT ARE USED TO COLLECT PERSONALLY IDENTIFIABLE INFORMATION.

(2) THE NOTICE PUBLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) THE TYPES OF PERSONALLY IDENTIFIABLE INFORMATION COLLECTED BY THE ~~UNIVERSITY~~ PUBLIC INSTITUTION OF HIGHER EDUCATION;

(II) THE PURPOSE OF THE COLLECTION, USE, AND SHARING OF PERSONALLY IDENTIFIABLE INFORMATION BY THE ~~UNIVERSITY~~ PUBLIC INSTITUTION OF HIGHER EDUCATION; AND

(III) THE PROCESSES BY WHICH AN INDIVIDUAL MAY REQUEST:

1. TO HAVE PERSONALLY IDENTIFIABLE INFORMATION RELATED TO THE INDIVIDUAL CORRECTED;

2. TO HAVE PERSONALLY IDENTIFIABLE INFORMATION RELATED TO THE INDIVIDUAL DELETED;

3. INFORMATION ON THE SHARING OF PERSONALLY IDENTIFIABLE INFORMATION BY THE ~~UNIVERSITY~~ PUBLIC INSTITUTION OF HIGHER EDUCATION WITH THIRD PARTIES, INCLUDING A LISTING OF THE THIRD PARTIES, A LISTING OF THE INFORMATION SHARED, AND THE PURPOSE OF SHARING THE INFORMATION; AND

4. TO OPT OUT OF THE SHARING OF PERSONALLY IDENTIFIABLE INFORMATION WITH A THIRD PARTY.

(3) ~~THE UNIVERSITY~~ EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL ENSURE ACCESS CONTROLS ARE IN PLACE TO ADDRESS ANY SECURITY RISKS POSED BY PROVIDING THE NOTICE REQUIRED UNDER THIS SUBSECTION.

(E) ~~WHEN THE UNIVERSITY~~ A PUBLIC INSTITUTION OF HIGHER EDUCATION IS DESTROYING RECORDS OF AN INDIVIDUAL THAT CONTAIN PERSONALLY IDENTIFIABLE INFORMATION OF THE INDIVIDUAL, THE ~~UNIVERSITY~~ PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL TAKE REASONABLE STEPS TO PROTECT AGAINST UNAUTHORIZED ACCESS TO OR USE OF THE PERSONALLY IDENTIFIABLE INFORMATION, TAKING INTO ACCOUNT:

(1) THE SENSITIVITY OF THE RECORDS;

(2) THE NATURE OF THE ~~UNIVERSITY~~ PUBLIC INSTITUTION OF HIGHER EDUCATION AND ITS OPERATIONS;

(3) THE COSTS AND BENEFITS OF DIFFERENT DESTRUCTION METHODS; AND

(4) AVAILABLE TECHNOLOGY.

(F) EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL DEVELOP AND ADOPT A POLICY ESTABLISHING AN APPROPRIATE REMEDY FOR INDIVIDUALS WHOSE PERSONALLY IDENTIFIABLE INFORMATION HAS BEEN AFFECTED BY A BREACH.

10-13A-04.

(A) IF ~~THE UNIVERSITY~~ A PUBLIC INSTITUTION OF HIGHER EDUCATION COLLECTS PERSONALLY IDENTIFIABLE INFORMATION OF AN INDIVIDUAL AND

DISCOVERS OR IS NOTIFIED OF A BREACH OF THE SECURITY OF A SYSTEM, THE ~~UNIVERSITY~~ PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL CONDUCT IN GOOD FAITH A REASONABLE AND PROMPT INVESTIGATION TO DETERMINE WHETHER THE UNAUTHORIZED ACQUISITION OF PERSONALLY IDENTIFIABLE INFORMATION OF THE INDIVIDUAL HAS OCCURRED.

(B) (1) IF, AFTER THE INVESTIGATION IS CONCLUDED, THE ~~UNIVERSITY~~ PUBLIC INSTITUTION OF HIGHER EDUCATION DETERMINES THAT A BREACH OF THE SECURITY OF THE SYSTEM HAS OCCURRED, THE ~~UNIVERSITY~~ PUBLIC INSTITUTION OF HIGHER EDUCATION OR A THIRD PARTY, IF AUTHORIZED UNDER A WRITTEN CONTRACT OR AGREEMENT WITH THE ~~UNIVERSITY~~ PUBLIC INSTITUTION OF HIGHER EDUCATION, SHALL:

(I) NOTIFY THE INDIVIDUAL OF THE BREACH; AND

(II) NOTIFY THE ~~UNIVERSITY'S~~ CHIEF INFORMATION OFFICER OF THE PUBLIC INSTITUTION OF HIGHER EDUCATION OF THE BREACH.

(2) A NOTIFICATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE, TO THE EXTENT POSSIBLE, A DESCRIPTION OF THE CATEGORIES OF PERSONALLY IDENTIFIABLE INFORMATION THAT WERE, OR ARE REASONABLY BELIEVED TO HAVE BEEN, ACQUIRED BY AN UNAUTHORIZED PERSON, INCLUDING WHICH OF THE ELEMENTS OF PERSONALLY IDENTIFIABLE INFORMATION WERE, OR ARE REASONABLY BELIEVED TO HAVE BEEN, ACQUIRED.

(3) IF THE ~~UNIVERSITY~~ PUBLIC INSTITUTION OF HIGHER EDUCATION DETERMINES THAT A BREACH OF THE SECURITY OF THE SYSTEM HAS OCCURRED INVOLVING THE PERSONALLY IDENTIFIABLE INFORMATION OF 1,000 OR MORE INDIVIDUALS, THE ~~UNIVERSITY~~ PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL POST A NOTICE ON THE SAME WEBPAGE AS THE ~~UNIVERSITY'S~~ PRIVACY NOTICE WEBSITE OF THE PUBLIC INSTITUTION OF HIGHER EDUCATION:

(I) DESCRIBING THE BREACH; AND

(II) THAT REMAINS PUBLICLY AVAILABLE ON THE WEBSITE FOR AT LEAST ~~5 YEARS~~ 1 YEAR FROM THE DATE ON WHICH NOTICE WAS SENT TO INDIVIDUALS AFFECTED BY THE BREACH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, ~~2022~~ 2024.

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

---

## Chapter 430

### (House Bill 1131)

AN ACT concerning

#### Natural Resources – Limited Fishing Guide License – Propulsion of Boats and Vessels

FOR the purpose of altering the manner in which a boat or vessel used under a limited fishing guide license may be propelled; and generally relating to limited fishing guide licenses.

BY repealing and reenacting, with amendments,  
 Article – Natural Resources  
 Section 4–210(g)  
 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 – Natural Resources

4–210.

(g) (1) The Department may issue a limited fishing guide license that is applicable in all waters of the State to allow a license holder to guide:

(i) Anglers in up to 3 boats or vessels that:

1. Have 1 or 2 occupants; and
2. Are propelled by [oars or paddles] **HUMAN POWER**; or

(ii) 1. Except as provided in item 2 of this item, up to 10 anglers fishing from shore or on foot in the water; or

2. Any number of anglers who are participating in an educational or recreational program sponsored by a State, local, or municipal government and who are fishing from shore or on foot in the water.

(2) A person may not accept any consideration for services as a fishing guide licensed under this subsection unless the person and all persons being guided possess, as applicable, an angler's license issued under § 4–604 of this title or a Chesapeake Bay and coastal sport fishing license issued under § 4–745 of this title.

(3) A recreational angler under the guidance of a limited fishing guide in tidal waters may not:

(i) Catch or possess the species of fish known as the striped bass or rockfish in the tidal waters designated in § 4–210.1(f) of this subtitle; and

(ii) From March 1 through May 31, catch or attempt to catch the species of fish known as the striped bass or rockfish in spawning areas and rivers, including all waters north of a line from Abbey Point to Worton Point, including the Sassafras River, Bohemia River, Elk River, Northeast River, Susquehanna River, Susquehanna Flats, and the Chesapeake and Delaware Canal.

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 431

### (Senate Bill 793)

AN ACT concerning

#### **Natural Resources – Limited Fishing Guide License – Propulsion of Boats and Vessels**

FOR the purpose of altering the manner in which a boat or vessel used under a limited fishing guide license may be propelled; and generally relating to limited fishing guide licenses.

BY repealing and reenacting, with amendments,  
Article – Natural Resources  
Section 4–210(g)  
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 – Natural Resources**

4–210.

(g) (1) The Department may issue a limited fishing guide license that is



applicable in all waters of the State to allow a license holder to guide:

- (i) Anglers in up to 3 boats or vessels that:
  - 1. Have 1 or 2 occupants; and
  - 2. Are propelled by [oars or paddles] **HUMAN POWER**; or
- (ii)
  - 1. Except as provided in item 2 of this item, up to 10 anglers fishing from shore or on foot in the water; or
  - 2. Any number of anglers who are participating in an educational or recreational program sponsored by a State, local, or municipal government and who are fishing from shore or on foot in the water.

(2) A person may not accept any consideration for services as a fishing guide licensed under this subsection unless the person and all persons being guided possess, as applicable, an angler's license issued under § 4-604 of this title or a Chesapeake Bay and coastal sport fishing license issued under § 4-745 of this title.

(3) A recreational angler under the guidance of a limited fishing guide in tidal waters may not:

- (i) Catch or possess the species of fish known as the striped bass or rockfish in the tidal waters designated in § 4-210.1(f) of this subtitle; and
- (ii) From March 1 through May 31, catch or attempt to catch the species of fish known as the striped bass or rockfish in spawning areas and rivers, including all waters north of a line from Abbey Point to Worton Point, including the Sassafra River, Bohemia River, Elk River, Northeast River, Susquehanna River, Susquehanna Flats, and the Chesapeake and Delaware Canal.

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 432

(House Bill 1141)

AN ACT concerning

**Labor and Employment – Apprenticeship Career Training Pilot Program for Formerly Incarcerated Individuals – Report**

FOR the purpose of requiring the Maryland Department of Labor to submit to the General Assembly on or before a certain date each year a certain report on the Apprenticeship Career Training Pilot Program for Formerly Incarcerated Individuals; and generally relating to the Apprenticeship Career Training Pilot Program for Formerly Incarcerated Individuals.

BY repealing and reenacting, without amendments,  
Article – Labor and Employment  
Section 11–604(a) through (c)  
Annotated Code of Maryland  
(2016 Replacement Volume and 2019 Supplement)

BY adding to  
Article – Labor and Employment  
Section 11–604(i)  
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**

11–604.

(a) In this section, “Program” means the Apprenticeship Career Training Pilot Program for Formerly Incarcerated Individuals.

(b) There is an Apprenticeship Career Training Pilot Program for Formerly Incarcerated Individuals in the Department.

(c) The purposes of the Program are:

(1) to develop a well–trained, productive construction workforce which meets the needs of the State’s economy;

(2) to encourage employers to hire formerly incarcerated individuals in the construction industry; and

(3) to help employers offset additional costs, if any, associated with hiring apprentices.

**(I) 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, THE FOLLOWING INFORMATION FOR THE IMMEDIATELY PRECEDING CALENDAR YEAR:**

- (1) THE NUMBER AND TYPES OF EMPLOYERS THAT RECEIVED GRANTS UNDER THE PROGRAM;
- (2) THE GRANT AMOUNT RECEIVED BY EACH EMPLOYER;
- (3) THE TOTAL NUMBER OF APPRENTICES AND NUMBER OF APPRENTICES BY EMPLOYER THAT PARTICIPATED IN THE PROGRAM; AND
- (4) THE PROGRESS IN ACHIEVING THE PURPOSES OF THE PROGRAM SPECIFIED UNDER SUBSECTION (C) 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 433

(House Bill 1142)

AN ACT concerning

### Commercial Law – Rental Motor Vehicles – Collision Damage Waivers

FOR the purpose of altering the definition of “passenger car” to include a certain Class E (truck) vehicle for the purposes of the application of certain provisions of law governing collision damage waivers for rental vehicles; and generally relating to collision damage waivers for rental vehicles.

BY repealing and reenacting, with amendments,  
 Article – Commercial Law  
 Section 14–2101  
 Annotated Code of Maryland  
 (2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,  
 Article – Transportation  
 Section 13–917  
 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 – Commercial Law

14–2101.

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

(2) “Car sharing period” has the meaning stated in § 19–520 of the Insurance Article.

(3) “Collision damage waiver” means:

(i) With respect to a rental agreement, any contract, whether separate from or part of a rental agreement, in which the lessor agrees, for a charge, to waive all or part of any claims against the lessee for damages to the rental motor vehicle during the term of the rental agreement; and

(ii) With respect to a peer-to-peer car sharing program agreement, a provision in the peer-to-peer car sharing program agreement in which it is agreed, for a charge, that all or part of any claims against a shared vehicle driver for damages to a shared motor vehicle during a car sharing period are waived.

(4) “Lessee” means any person obtaining the use of a rental motor vehicle from a lessor under the terms of a rental agreement.

(5) “Lessor” means any person in the business of providing rental motor vehicles to the public.

(6) “Passenger car” means any motor vehicle that is [a]:

**(I) A Class A (passenger) vehicle under § 13–912 of the Transportation Article[, or any motor vehicle that is a];**

**(II) A Class M (multipurpose) vehicle under § 13–937 of the Transportation Article if the vehicle is used primarily for transporting passengers; OR**

**(III) A CLASS E (TRUCK) VEHICLE THAT IS USED PRIMARILY FOR PERSONAL, HOUSEHOLD, FAMILY, OR AGRICULTURAL PURPOSES AND THAT, UNDER § 13–917 OF THE TRANSPORTATION ARTICLE, DOES NOT EXCEED A THREE-QUARTER TON CAPACITY OR 7,000 POUNDS GROSS VEHICLE WEIGHT.**

(7) “Peer-to-peer car sharing program agreement” has the meaning stated in § 19–520 of the Insurance Article.

(8) “Rental agreement” means a written agreement setting forth the terms and conditions governing the use of a rental motor vehicle by a lessee for a period of less

than 180 days.

(9) “Rental motor vehicle” means a passenger car which, on execution of a rental agreement, is made available to a lessee for the lessee’s use.

(10) “Shared motor vehicle” has the meaning stated in § 19–520 of the Insurance Article.

(11) “Shared vehicle driver” has the meaning stated in § 19–520 of the Insurance Article.

(b) The Division shall develop a form for collision damage waivers for lessors and for peer-to-peer car sharing programs, and shall make it available to all lessors and peer-to-peer car sharing programs in the State.

(c) The form shall meet the requirements specified in subsection (e) of this section.

(d) (1) A lessor may not deliver or issue for delivery in this State a rental motor vehicle agreement containing a collision damage waiver, unless the lessor uses a separate collision damage waiver form provided by the Division that meets the requirements specified in subsection (e) of this section.

(2) A peer-to-peer car sharing program may not deliver or issue for delivery in the State a peer-to-peer car sharing program agreement containing a collision damage waiver, unless the peer-to-peer car sharing program uses a separate collision damage waiver form provided by the Division that meets the requirements specified in subsection (e) of this section.

(e) The collision damage waiver form shall contain the following requirements:

(1) The collision damage waiver shall be understandable and written in simple and readable plain language;

(2) The terms of the collision damage waiver, including, but not limited to, any conditions or exclusions applicable to the collision damage waiver, shall be prominently displayed;

(3) All restrictions, conditions, or provisions in, or endorsed on, the collision damage waiver are printed in type at least as large as Brevier or 10 point type;

(4) The collision damage waiver shall include a statement of the total charge for the anticipated rental period or car sharing period or the anticipated total daily charge;

(5) The agreement containing the collision damage waiver shall display the following notice on the face of the agreement, set apart and in boldface type, and in type at

least as large as 10 point type:

“Notice:

This contract offers, for an additional charge, a collision damage waiver to cover your responsibility for damage to the vehicle. Before deciding whether to purchase the collision damage waiver, you may wish to determine whether your own automobile insurance affords you coverage for damage to the rental vehicle or shared motor vehicle and the amount of the deductible under your own insurance coverage. The purchase of this collision damage waiver is not mandatory and may be waived. Maryland law requires that all Maryland residents’ insurance policies with collision coverage automatically extend that collision coverage to passenger cars rented or motor vehicles shared by the insureds named in the policy for a period of 30 days or less.”; and

(6) Any additional information that the Division considers reasonable and necessary to carry out the provisions of this subtitle.

(f) A failure by a lessor to comply with subsection (d) of this section is an unfair or deceptive trade practice within the meaning of Title 13, Subtitle 3 of this article.

### **Article – Transportation**

13–917.

Notwithstanding § 13–916(b) of this subtitle, for any Class E (truck) vehicle, the annual registration fee is \$63.75 if:

- (1) The manufacturer’s rated capacity is 3/4 ton or less; and
- (2) The maximum gross vehicle weight is 7,000 pounds or less.

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 434**

### **(House Bill 1150)**

AN ACT concerning

**State Health and Welfare Benefits Program – Maryland Competitive Pharmacy  
Benefits Manager Marketplace Act**

FOR the purpose of requiring the Department of Budget and Management to use a reverse auction, as provided for in certain provisions of law established by this Act, to select a pharmacy benefits manager or other entity to administer the State Rx Program; requiring the Department of Budget and Management to procure a certain platform and associated services in a certain manner a certain period of time before a certain reverse auction is scheduled to be completed; requiring that the platform have certain capabilities; prohibiting a responsive offeror from proposing to subcontract certain services; requiring the Department of Budget and Management to consult with the Department of Information Technology and the Department of General Services in conducting a certain procurement; prohibiting the Department of Budget and Management from awarding a certain contract to certain entities; authorizing the Department of Budget and Management to structure a certain contract in a certain manner; requiring the Department of Budget and Management, in consultation with a certain vendor and with consideration of certain recommendations by the Maryland Prescription Drug Affordability Board, to specify certain terms of a certain participant bidding agreement; prohibiting the terms of a certain agreement from being modified except under certain circumstances; requiring the Department of Budget and Management to select a pharmacy benefits manager for the State Health and Welfare Benefits Program by conducting a certain reverse auction within a certain period of time before the expiration of a certain contract; authorizing the Department of Budget and Management to perform a certain market ~~check~~ checks during the term of a certain contract for a certain purpose; requiring certain market checks to include a certain evaluation of the effects of certain pricing metrics; requiring the Department of Budget and Management to make certain payments within certain time periods based on a certain adjudication; authorizing certain health plans to use a certain reverse auction process in a certain manner; establishing that a certain health plan retains certain autonomy but requiring the health plan to agree to accept a certain pricing plan; requiring a certain pharmacy benefits manager to provide access to certain data for certain purposes; authorizing a certain prospective bidder or offeror, a bidder, or an offeror to submit a certain protest in a certain manner; authorizing a prescription benefits manager to submit a contract claim in a certain manner under certain circumstances; authorizing the Department of Budget and Management to delay implementation of certain provisions of law established by this Act if the Department of Budget and Management and the Department of General Services make a certain determination; authorizing the Board of Public Works to approve a certain request for an exemption from certain provisions of procurement law under certain circumstances; stating the intent of the General Assembly; defining certain terms; providing for the application of this Act; and generally relating to pharmacy benefits managers and the State Health and Welfare Benefits Program.

BY repealing and reenacting, without amendments,

Article – Insurance

Section 15–1601(l) and (m)

Annotated Code of Maryland

(2017 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 2–502.1(f) and (g)

Annotated Code of Maryland

(2015 Replacement Volume and 2019 Supplement)

BY adding to

Article – State Personnel and Pensions

Section 2–502.2

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 – Insurance**

15–1601.

(l) (1) “Pharmacy benefits management services” means:

(i) the procurement of prescription drugs at a negotiated rate for dispensation within the State to beneficiaries;

(ii) the administration or management of prescription drug coverage provided by a purchaser for beneficiaries; and

(iii) any of the following services provided with regard to the administration of prescription drug coverage:

1. mail service pharmacy;
2. claims processing, retail network management, and payment of claims to pharmacies for prescription drugs dispensed to beneficiaries;
3. clinical formulary development and management services;
4. rebate contracting and administration;
5. patient compliance, therapeutic intervention, and generic substitution programs; or
6. disease management programs.

(2) “Pharmacy benefits management services” does not include any service provided by a nonprofit health maintenance organization that operates as a group model, provided that the service:



(i) is provided solely to a member of the nonprofit health maintenance organization; and

(ii) is furnished through the internal pharmacy operations of the nonprofit health maintenance organization.

(m) “Pharmacy benefits manager” means a person that performs pharmacy benefits management services.

### Article – State Personnel and Pensions

#### 2-502.1.

(f) The Department may:

(1) charge an administrative fee to an entity sufficient to offset the administrative costs resulting from the entity’s participation in the Maryland Rx Program; and

(2) contract with a pharmacy benefit manager or other entity to administer the Maryland Rx Program].

(g) [If the] THE Department [contracts with] SHALL USE A REVERSE AUCTION, AS PROVIDED FOR IN § 2-502.2 OF THIS SUBTITLE, TO SELECT a pharmacy benefit manager or other entity to administer the Maryland Rx Program[, the Department shall consider contracting with a nonprofit entity].

#### **2-502.2.**

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

**(2) “MARKET CHECK” MEANS A TECHNOLOGY-DRIVEN EVALUATION OF PRESCRIPTION DRUG PRICING BASED ON BENCHMARKS DERIVED FROM PHARMACY BENEFITS MANAGERS’ REVERSE AUCTION PROCESSES CONDUCTED IN THE UNITED STATES OVER THE IMMEDIATELY PRECEDING 12 MONTHS.**

**(3) “PHARMACY BENEFITS MANAGER” HAS THE MEANING STATED IN § 15-1601 OF THE INSURANCE ARTICLE.**

**(4) “PRICE” MEANS THE PROJECTED COST OF A BID FOR PROVIDING SERVICES OVER THE DURATION OF THE CONTRACT.**

(5) “REVERSE AUCTION” MEANS AN AUTOMATED BIDDING PROCESS CONDUCTED ONLINE THAT STARTS WITH AN OPENING PRICE AND ALLOWS QUALIFIED BIDDERS TO COUNTEROFFER A LOWER PRICE FOR MULTIPLE ROUNDS OF BIDDING.

(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO OPTIMIZE PRESCRIPTION DRUG SAVINGS BY THE STATE THROUGH:

(1) ADOPTION OF A REVERSE AUCTION PROCESS FOR THE SELECTION OF A PHARMACY BENEFITS MANAGER FOR THE PROGRAM;

(2) ELECTRONIC REVIEW AND VALIDATION OF PHARMACY BENEFITS MANAGER CLAIMS INVOICES AS THE FOUNDATION FOR RECONCILING PHARMACY BILLS; ~~AND~~

(3) MARKET CHECKS OF THE INCUMBENT PHARMACY BENEFITS MANAGER’S PRESCRIPTION DRUG PRICING; AND

(4) LIMITING INDEPENDENT PHARMACIES FROM UNSUSTAINABLE REIMBURSEMENT PRACTICES WHILE PREVENTING A REDUCTION IN EMPLOYEE BENEFITS.

(C) (1) AT LEAST 3 MONTHS BEFORE A PHARMACY BENEFITS MANAGER REVERSE AUCTION IS SCHEDULED TO BE COMPLETED, THE DEPARTMENT SHALL PROCURE, THROUGH A COMPETITIVE SEALED PROPOSAL CONDUCTED IN ACCORDANCE WITH § 13-104 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, A TECHNOLOGY PLATFORM, AND ANY ASSOCIATED PROFESSIONAL SERVICES NECESSARY TO OPERATE THE PLATFORM, TO:

(I) EVALUATE THE QUALIFICATIONS OF PROSPECTIVE PHARMACY BENEFITS MANAGERS FOR THE PROGRAM; ~~AND~~

(II) AUTOMATICALLY ADJUDICATE PRESCRIPTION DRUG CLAIMS; AND

(III) COLLECT DATA ON PHARMACY REIMBURSEMENT.

(2) THE PLATFORM PROCURED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL HAVE THE CAPABILITY TO:

(I) HOST AND CONDUCT AN ONLINE AUTOMATED REVERSE AUCTION;

(II) AUTOMATE REPRICING OF DIVERSE AND COMPLEX PHARMACY BENEFITS MANAGER PRESCRIPTION DRUG PRICING PROPOSALS TO ENABLE DIRECT COMPARISONS OF THE PRICE OF BIDS USING ALL ANNUAL CLAIMS DATA AVAILABLE FOR STATE-FUNDED HEALTH PLANS OR MULTIPLE HEALTH PLAN PRESCRIPTION DRUG PURCHASING GROUPS USING CODE-BASED CLASSIFICATION OF PRESCRIPTION DRUGS FROM NATIONALLY ACCEPTED DRUG SOURCES;

(III) PRODUCE AN AUTOMATED REPORT AND ANALYSIS OF BIDS, INCLUDING THE RANKING OF BIDS BASED ON THE COMPARATIVE COSTS AND QUALITATIVE ASPECTS OF THE COSTS WITHIN 48 HOURS AFTER THE CLOSE OF EACH ROUND OF REVERSE AUCTION BIDDING; ~~AND~~

(IV) AFTER THE CLOSE OF A REVERSE AUCTION, PERFORM ELECTRONIC, LINE BY LINE, CLAIM BY CLAIM REVIEW OF ALL INVOICED PHARMACY BENEFITS MANAGER CLAIMS WITHIN 12 HOURS OF RECEIPT AND IDENTIFY ALL DEVIATIONS FROM THE SPECIFIC TERMS OF THE SERVICES CONTRACT RESULTING FROM THE REVERSE AUCTION PROCESS; AND

(V) IF AVAILABLE, AFTER THE CLOSE OF A REVERSE AUCTION, PERFORM COMPARISONS OF THE FINANCIAL EFFECTS ON THE STATE OF ALTERNATIVE DRUG-PRICING METRICS, SUCH AS THE NATIONAL AVERAGE DRUG ACQUISITION COST AND AVERAGE WHOLESALE PRICE.

(3) A RESPONSIVE OFFEROR UNDER PARAGRAPH (2) OF THIS SUBSECTION MAY NOT SUBCONTRACT ANY PART OF THE REVERSE AUCTION OR A REVIEW DESCRIBED UNDER PARAGRAPH (2)(IV) OF THIS SUBSECTION.

(4) THE DEPARTMENT SHALL CONSULT WITH THE DEPARTMENT OF INFORMATION TECHNOLOGY AND DEPARTMENT OF GENERAL SERVICES IN CONDUCTING THE PROCUREMENT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(5) THE DEPARTMENT MAY NOT AWARD A CONTRACT UNDER PARAGRAPH (1) OF THIS SUBSECTION TO:

(I) A PHARMACY BENEFITS MANAGER;

(II) A SUBSIDIARY OR AFFILIATE OF A PHARMACY BENEFITS MANAGER; OR

(III) A VENDOR THAT IS MANAGED BY A PHARMACY BENEFITS MANAGER OR RECEIVES, DIRECTLY OR INDIRECTLY, REMUNERATION FROM A PHARMACY BENEFITS MANAGER FOR AGGREGATING CLIENTS INTO A CONTRACTUAL RELATIONSHIP WITH A PHARMACY BENEFITS MANAGER.

(6) THE DEPARTMENT MAY STRUCTURE A CONTRACT AWARDED UNDER THIS SUBSECTION TO REQUIRE THE PHARMACY BENEFITS MANAGER SELECTED UNDER SUBSECTION (E) OF THIS SECTION TO PAY THE COST OF THE TECHNOLOGY PLATFORM AND ASSOCIATED PROFESSIONAL SERVICES CONTRACTED UNDER THIS SUBSECTION BY ASSESSING A PER-PRESCRIPTION FEE PAID BY THE PHARMACY BENEFITS MANAGER DIRECTLY TO THE TECHNOLOGY PLATFORM VENDOR.

(D) (1) IN CONSULTATION WITH THE VENDOR SELECTED UNDER SUBSECTION (C) OF THIS SECTION, ~~THE DEPARTMENT SHALL SPECIFY THE TERMS OF A PARTICIPANT BIDDING AGREEMENT, INCLUDING COMMON DEFINITIONS, PRESCRIPTION DRUG CLASSIFICATIONS, RULES, WHETHER THE VENDOR WILL BE ASSESSED A PLATFORM VENDOR FEE DESCRIBED UNDER SUBSECTION (C)(6) OF THIS SECTION, AND OTHER CONTRACT TERMS THAT ALL BIDDERS MUST ACCEPT AS A PREREQUISITE FOR PARTICIPATION IN THE REVERSE AUCTION~~ AND WITH CONSIDERATION OF RECOMMENDATIONS THAT MAY BE OFFERED BY THE MARYLAND PRESCRIPTION DRUG AFFORDABILITY BOARD, THE DEPARTMENT SHALL SPECIFY THE TERMS OF A PARTICIPANT BIDDING AGREEMENT THAT ALL BIDDERS MUST ACCEPT AS A PREREQUISITE FOR PARTICIPATION IN THE REVERSE AUCTION, INCLUDING:

(I) COMMON DEFINITIONS;

(II) PRESCRIPTION DRUG CLASSIFICATIONS;

(III) RULES THAT MAY INCLUDE RETAIL PRICING RULES SUCH AS MAXIMUM ALLOWABLE COST PRICE LISTS AND DISPENSING FEES;

(IV) WHETHER THE VENDOR WILL BE ASSESSED A PLATFORM VENDOR FEE DESCRIBED UNDER SUBSECTION (C)(6) OF THIS SECTION; AND

(V) ANY OTHER CONTRACT TERMS THE DEPARTMENT DETERMINES ARE NECESSARY TO FURTHER THE INTENT OF THE GENERAL ASSEMBLY AS ESTABLISHED IN SUBSECTION (B) OF THIS SECTION.

(2) THE TERMS OF A PARTICIPANT BIDDING AGREEMENT SPECIFIED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE MODIFIED EXCEPT BY AFFIRMATIVE APPROVAL BY THE DEPARTMENT.

~~(E) NOT LATER THAN 6 MONTHS BEFORE THE EXPIRATION OF A CONTRACT FOR PHARMACY BENEFITS MANAGER SERVICES FOR THE PROGRAM, THE DEPARTMENT SHALL SELECT A PHARMACY BENEFITS MANAGER FOR THE PROGRAM BY CONDUCTING A REVERSE AUCTION.~~

~~(F)~~ (E) (1) (I) THE DEPARTMENT MAY PERFORM ~~A MARKET CHECK~~ ANNUAL MARKET CHECKS OF PHARMACY BENEFITS MANAGER SERVICES DURING THE TERM OF A PHARMACY BENEFITS MANAGER CONTRACT TO ENSURE CONTINUING COMPETITIVENESS OF PRESCRIPTION DRUG PRICING OVER THE LIFE OF THE CONTRACT.

(II) A MARKET CHECK PERFORMED UNDER THIS PARAGRAPH SHALL INCLUDE AN EVALUATION OF THE EFFECT OF ALTERNATIVE DRUG-PRICING METRICS, SUCH AS THE NATIONAL AVERAGE DRUG ACQUISITION COST AND AVERAGE WHOLESALE PRICE, ON THE COST OF PRESCRIPTION DRUGS AND SAVINGS TO THE STATE.

(2) THE DEPARTMENT SHALL MAKE REGULAR, PERIODIC PAYMENT OF INVOICES WITHIN THE TIME PERIODS SPECIFIED IN A CONTRACT BASED ON THE AUTOMATED ADJUDICATION OF INVOICED CLAIMS USING THE TECHNOLOGY PLATFORM TO VALIDATE THAT CLAIMS PAYMENTS COMPLY WITH THE TERMS OF THE CONTRACT.

~~(G)~~ (F) (1) THE FOLLOWING HEALTH PLANS IN THE STATE MAY USE THE REVERSE AUCTION PROCESS ESTABLISHED UNDER THIS SECTION INDIVIDUALLY OR COLLECTIVELY AS A JOINT PURCHASING GROUP WITH THE PROGRAM:

(I) A STATE-FUNDED HEALTH PLAN OTHER THAN THE PROGRAM;

(II) A SELF-FUNDED COUNTY, MUNICIPAL, OR OTHER LOCAL GOVERNMENT EMPLOYEE HEALTH PLAN;

(III) A PUBLIC SCHOOL EMPLOYEE HEALTH PLAN; AND

(IV) A HEALTH PLAN OF A PUBLIC INSTITUTION OF HIGHER EDUCATION.

(2) A HEALTH PLAN THAT PARTICIPATES IN A REVERSE AUCTION PURCHASING GROUP UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) RETAIN FULL AUTONOMY OVER DETERMINATION OF THE ENTITY'S PRESCRIPTION DRUG FORMULARY AND PHARMACY BENEFIT DESIGNS; BUT

(II) AGREE, BEFORE PARTICIPATING IN THE REVERSE AUCTION, TO ACCEPT THE PRESCRIPTION DRUG PRICING PLAN THAT IS SELECTED THROUGH THE REVERSE AUCTION PROCESS.

~~(H)~~ (G) A PHARMACY BENEFITS MANAGER THAT SUBMITS A BID UNDER SUBSECTION (E) OF THIS SECTION OR ENTERS INTO A CONTRACT WITH THE DEPARTMENT OR A HEALTH PLAN DESCRIBED UNDER SUBSECTION (G)(1) OF THIS SECTION SHALL PROVIDE THE DEPARTMENT AND HEALTH PLAN ACCESS TO COMPLETE PHARMACY CLAIMS DATA NECESSARY FOR THE DEPARTMENT AND HEALTH PLAN TO:

- (1) CONDUCT THE REVERSE AUCTION; AND
- (2) CARRY OUT ADMINISTRATIVE AND MANAGEMENT DUTIES.

~~(H)~~ (H) (1) A PROSPECTIVE BIDDER OR OFFEROR, A BIDDER, OR AN OFFEROR MAY SUBMIT A PROTEST AS PROVIDED UNDER TITLE 15, SUBTITLE 2 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) IF THE PRESCRIPTION BENEFITS MANAGER SELECTED UNDER SUBSECTION (E) OF THIS SECTION ASSERTS THAT THE DEPARTMENT HAS UNDERPAID ON A CLAIM, THE PRESCRIPTION BENEFITS MANAGER MAY SUBMIT A CONTRACT CLAIM AS PROVIDED UNDER TITLE 15, SUBTITLE 2 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(I) (1) IF THE DEPARTMENT AND THE DEPARTMENT OF GENERAL SERVICES DETERMINE THAT THE IMPLEMENTATION OF THIS SECTION IS NOT ADMINISTRATIVELY FEASIBLE FOR THE BENEFIT YEAR BEGINNING AFTER DECEMBER 31, 2020, THE DEPARTMENT MAY DELAY IMPLEMENTATION OF THIS SECTION TO THE BENEFIT YEAR BEGINNING AFTER DECEMBER 31, 2021.

(2) FOR PURPOSES OF CARRYING OUT THE PROVISIONS OF SUBSECTIONS (C) AND (D) OF THIS SECTION BEFORE JANUARY 1, 2021, THE BOARD OF PUBLIC WORKS MAY APPROVE A REQUEST FROM THE DEPARTMENT FOR AN EXEMPTION FROM SPECIFIC PROVISIONS OF DIVISION II OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

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 contract for pharmacy benefits management services entered into 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 435****(House Bill 1161)**

AN ACT concerning

**Washington County – Mobile Home Tax – Authorization**

FOR the purpose of providing that Washington County may not impose a certain tax on the amounts paid for certain purposes to a mobile home park; authorizing Washington County to impose, by ordinance, a tax on the use of a mobile home in the county; providing for the application, manner of calculation, payment, and collection of the tax; providing that the tax constitutes a lien on the mobile home and may be collected in a certain manner; requiring the Director of the State Department of Assessments and Taxation to direct the Department to assess the value of certain mobile homes in Washington County under certain circumstances; authorizing Washington County to provide, by ordinance, for certain matters related to the tax; defining a certain term; and generally relating to a mobile home tax in Washington County.

BY repealing and reenacting, without amendments,

Article – Local Government  
Section 20–501(a)  
Annotated Code of Maryland  
(2013 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Local Government  
Section 20–501(b)  
Annotated Code of Maryland  
(2013 Volume and 2019 Supplement)

BY adding to

Article – Local Government  
Section 20–503  
Annotated Code of Maryland  
(2013 Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,

Article – Tax – Property  
Section 1–101(a) and (j)  
Annotated Code of Maryland  
(2019 Replacement Volume)

BY adding to

Article – Tax – Property  
Section 2–202.1

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 – Local Government**

20–501.

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

(2) “Camping shelter” means a tent or other collapsible structure that provides temporary living quarters for recreational, camping, or travel use.

(3) “Mobile home park” means a mobile home court or park or a trailer park.

(4) “Recreational vehicle” means a trailer or other vehicle that provides temporary living quarters for recreational, camping, or travel use.

(b) **(1) THIS SUBSECTION DOES NOT APPLY TO A MOBILE HOME IN WASHINGTON COUNTY.**

**[(1)] (2)** By resolution or ordinance, a county or municipality may impose a tax on the amount paid for:

(i) the rental, leasing, or use of any space, facility, or accommodation in a mobile home park; or

(ii) services provided by a mobile home park.

**[(2)] (3)** The tax authorized under this subsection does not apply to a recreational vehicle or camping shelter if:

(i) the recreational vehicle or camping shelter is intended and used only for temporary occupancy of 30 days or less; or

(ii) the county or municipality imposes the tax authorized under subsection (c) of this section.

20–503.

**(A) IN THIS SECTION, “MOBILE HOME” MEANS A FORM OF HOUSING THAT:**

**(1) IS COMMONLY KNOWN AS A TRAILER, HOUSE TRAILER, OR**



**MANUFACTURED HOME;**

**(2) IS OR CAN BE USED FOR RESIDENTIAL PURPOSES; AND**

**(3) (I) IS PERMANENTLY ATTACHED TO LAND; OR**

**(II) IS CONNECTED TO WATER, GAS, ELECTRIC, OR SEWAGE FACILITIES.**

**(B) BY ORDINANCE, WASHINGTON COUNTY MAY IMPOSE A TAX ON THE USE OF A MOBILE HOME LOCATED IN THE COUNTY.**

**(C) THE TAX AUTHORIZED UNDER THIS SECTION DOES NOT APPLY TO A MOBILE HOME THAT IS HELD FOR SALE ON A SALES LOT.**

**(D) THE TAX AUTHORIZED UNDER THIS SECTION SHALL BE APPLIED ON THE ASSESSED VALUE OF THE MOBILE HOME.**

**(E) (1) AN OWNER OF PROPERTY ON WHICH A MOBILE HOME SUBJECT TO THE TAX UNDER THIS SECTION IS LOCATED SHALL PAY THE TAX TO THE COUNTY OFFICE THAT THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY DESIGNATE BY ORDINANCE.**

**(2) (I) IF THE OCCUPANT OF A MOBILE HOME SUBJECT TO THE TAX UNDER THIS SECTION RENTS FROM THE PROPERTY OWNER THE MOBILE HOME OR THE PROPERTY ON WHICH THE MOBILE HOME IS LOCATED, THE PROPERTY OWNER MAY COLLECT THE TAX FROM THE OCCUPANT OF THE MOBILE HOME.**

**(II) THE PROPERTY OWNER MAY COLLECT THE TAX FROM THE OCCUPANT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH AS A PART OF THE RENTAL FEES.**

**(III) IF THE PROPERTY OWNER CHOOSES TO COLLECT THE TAX FROM THE OCCUPANT OF THE MOBILE HOME UNDER PARAGRAPH (1) OF THIS SUBSECTION AND THE OCCUPANT FAILS TO PAY THE TAX, THE PROPERTY OWNER MAY EXERCISE ANY RIGHT AVAILABLE TO THE PROPERTY OWNER FOR NONPAYMENT OF RENTAL FEES.**

**(F) IF THE COUNTY IMPOSES THE TAX AUTHORIZED UNDER THIS SECTION, THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION SHALL ASSESS THE VALUE OF MOBILE HOMES IN WASHINGTON COUNTY SUBJECT TO THE TAX.**

**(G) A TAX IMPOSED UNDER THIS SECTION CONSTITUTES A LIEN ON THE**

MOBILE HOME AND MAY BE COLLECTED IN THE SAME MANNER AS PROPERTY TAXES MAY BE COLLECTED.

(H) IF THE COUNTY IMPOSES THE TAX AUTHORIZED UNDER THIS SECTION, THE COUNTY, BY ORDINANCE, MAY PROVIDE FOR:

(1) COLLECTION OF THE TAX AS OF THE DATE OF FINALITY FOR THE REAL PROPERTY TAXES OF THE PROPERTY OWNER;

(2) MAINTENANCE OF RECORDS RELATING TO THE TAX AND ITS COLLECTION;

(3) OTHER REQUIREMENTS RELATING TO THE ADMINISTRATION OF THE TAX; AND

(4) PENALTIES FOR FAILURE TO COMPLY WITH THE REQUIREMENTS RELATING TO THE TAX.

#### Article – Tax – Property

1–101.

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

(j) (1) “Department” means the State Department of Assessments and Taxation.

(2) “Department” includes, unless the context requires otherwise, a supervisor.

2–202.1.

IN ACCORDANCE WITH § 20–503 OF THE LOCAL GOVERNMENT ARTICLE, THE DIRECTOR SHALL DIRECT THAT THE DEPARTMENT ASSESS THE VALUE OF MOBILE HOMES IN WASHINGTON COUNTY SUBJECT TO THE TAX IMPOSED UNDER THAT 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 436

(House Bill 1169)

AN ACT concerning

### ~~Hospitals~~ Health Services Cost Review Commission – Community Benefits – Reporting

FOR the purpose of repealing certain provisions governing the identification of community health care needs by nonprofit hospitals; repealing certain provisions of law requiring nonprofit hospitals to submit a certain annual community benefits report to the Health Services Cost Review Commission; requiring the Commission to establish a Community Benefit Reporting Workgroup; providing for the composition of the workgroup; requiring the Commission to adopt certain regulations relating to the community health needs of nonprofit hospitals and reporting by nonprofit hospitals regarding community health needs and benefits provided by the hospital; requiring the Commission to establish a method through which State and local governing bodies are made aware of certain meetings; requiring the Commission, on or before a certain date, to ~~issue a certain report, conduct a certain assessment, issue certain recommendations,~~ certain information and submit a copy of a certain report to certain committees of the General Assembly; altering certain definitions; making conforming changes; and generally relating to community benefits provided by nonprofit hospitals.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 19–303

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

19–303.

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

(2) “Commission” means the Health Services Cost Review Commission.

(3) **(1)** “Community benefit” means ~~an activity that is intended to address community needs and priorities primarily through disease prevention and improvement of health status, including:~~

~~(i) [Health] NONREIMBURSABLE HEALTH services provided to vulnerable or underserved populations such as Medicaid, Medicare, or Maryland Children's Health Program enrollees;~~

~~(ii) Financial or in-kind support of public health programs;~~

~~(iii) Donations of funds, property, or other resources that contribute to a community priority;~~

~~(iv) Health care cost containment activities;~~

~~(v) Health education, screening, and prevention services; and~~

~~(vi) Financial or in-kind support of the Maryland Behavioral Health Crisis Response System.~~ A PLANNED, ORGANIZED, AND MEASURED ACTIVITY THAT IS INTENDED TO MEET IDENTIFIED COMMUNITY HEALTH NEEDS WITHIN A SERVICE AREA.

**(II) “COMMUNITY BENEFIT” MAY INCLUDE:**

**1. A COMMUNITY HEALTH SERVICE;**

**2. HEALTH PROFESSIONAL EDUCATION;**

**3. RESEARCH;**

**4. A FINANCIAL CONTRIBUTION;**

**5. A COMMUNITY-BUILDING ACTIVITY, INCLUDING PARTNERSHIPS WITH COMMUNITY-BASED ORGANIZATIONS;**

**6. CHARITY CARE;**

**7. AN ACTIVITY DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH THAT IS FUNDED BY A FOUNDATION;**

**8. A MISSION-DRIVEN HEALTH SERVICE;**

**9. AN OPERATION RELATED TO AN ACTIVITY DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH; AND**

**10. FINANCIAL OR IN-KIND SUPPORT OF THE MARYLAND BEHAVIORAL HEALTH CRISIS RESPONSE SYSTEM.**

(4) **“COMMUNITY BENEFIT REPORTING WORKGROUP” MEANS THE COMMUNITY BENEFIT REPORTING WORKGROUP ESTABLISHED IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.**

(5) **“Community HEALTH needs assessment” means ~~the process REQUIRED BY THE AFFORDABLE CARE ACT by which unmet community health care needs and priorities are identified~~ ~~A COMMUNITY HEALTH NEEDS ASSESSMENT CONDUCTED BY A NONPROFIT HOSPITAL IN ACCORDANCE WITH § 501(R)(3) OF THE INTERNAL REVENUE CODE.~~**

(b) In identifying community health care needs, a nonprofit hospital:

(1) Shall consider, if available, the most recent community needs assessment developed by the Department or the local health department for the county in which the nonprofit hospital is located;

(2) May consult with community leaders and local health care providers;  
and

(3) May consult with any appropriate person that can assist the hospital in identifying community health needs.

(c) (1) Each nonprofit hospital shall submit an annual community benefit report to the Health Services Cost Review Commission detailing the community benefits provided by the hospital during the preceding year.

(2) The community benefit report shall include:

(i) The mission statement of the hospital;

(ii) A list of the initiatives that were undertaken by the hospital;

(iii) The cost to the hospital of each community benefit initiative;

(iv) The objectives of each community benefit initiative;

(v) A description of efforts taken to evaluate the effectiveness of each community benefit initiative;

(vi) A description of gaps in the availability of specialist providers to serve the uninsured in the hospital; and

(vii) A description of the hospital’s efforts to track and reduce health disparities in the community that the hospital serves.

(d) (1) The Commission shall compile the reports required under subsection (c) of this section and issue an annual Nonprofit Hospital Community Health Benefit Report.

(2) In addition to the information required under paragraph (1) of this subsection, the Nonprofit Hospital Community Health Benefit Report shall contain a list of the unmet community health care needs identified in the most recent community needs assessment prepared by the Department or local health department for each county.

(3) The Nonprofit Hospital Community Health Benefit Report shall be made available to the public free of charge.

(4) The Commission shall submit a copy of the annual Nonprofit Hospital Community Health Benefit Report, subject to § 2–1257 of the State Government Article, to the House Health and Government Operations Committee and the Senate Finance Committee.

(e) The Commission shall adopt regulations, in consultation with representatives of nonprofit hospitals, that establish:

(1) A standard format for reporting the information required under this section;

(2) The date on which nonprofit hospitals must submit the annual community benefit reports; and

(3) The period of time that the annual community benefit report must cover.]

**(B) (1) THE COMMISSION SHALL ESTABLISH A COMMUNITY BENEFIT REPORTING WORKGROUP.**

**(2) THE COMMUNITY BENEFIT REPORTING WORKGROUP SHALL BE COMPOSED OF INDIVIDUALS AND STAKEHOLDER GROUPS THAT HAVE KNOWLEDGE OF AND ARE IMPACTED BY HOSPITAL COMMUNITY BENEFIT SPENDING.**

**(C) ~~THE COMMISSION SHALL ADOPT REGULATIONS, IN CONSULTATION WITH REPRESENTATIVES OF NONPROFIT HOSPITALS AND TO IMPLEMENT THE RECOMMENDATIONS OF THE COMMUNITY BENEFIT REPORTING WORKGROUP,~~ THAT:**

**(1) ESTABLISH A STANDARD FORMAT FOR REPORTING THE INFORMATION REQUIRED UNDER THIS SUBSECTION;**

~~(2) SPECIFY THE DATE BY WHICH EACH NONPROFIT HOSPITAL IS REQUIRED TO SUBMIT THE REPORTS REQUIRED UNDER THIS SUBSECTION TO THE COMMISSION ANNUAL COMMUNITY BENEFIT REPORT;~~

~~(3) REQUIRE EACH NONPROFIT HOSPITAL TO IDENTIFY THE HOSPITAL'S COMMUNITY HEALTH NEEDS WHEN PREPARING ITS COMMUNITY HEALTH NEEDS ASSESSMENT BY CONSULTING WITH:~~

~~(I) CONSUMERS AND OTHER MEMBERS OF THE PUBLIC;~~

~~(II) HEALTH CARE PROVIDERS THAT ARE NOT EMPLOYED BY A HOSPITAL;~~

~~(III) FAITH LEADERS;~~

~~(IV) COMMUNITY LEADERS;~~

~~(V) LOCAL HEALTH CARE PROVIDERS;~~

~~(VI) THE PUBLIC HEALTH DEPARTMENTS OF THE COUNTIES WITHIN THE NONPROFIT HOSPITAL'S SERVICE AREA; AND~~

~~(VII) ANY OTHER PERSON THAT CAN ASSIST THE NONPROFIT HOSPITAL IN IDENTIFYING COMMUNITY HEALTH NEEDS SOLICIT AND TAKE INTO ACCOUNT INPUT RECEIVED FROM INDIVIDUALS WHO REPRESENT THE BROAD INTERESTS OF THAT COMMUNITY, INCLUDING INDIVIDUALS WITH SPECIAL KNOWLEDGE OF OR EXPERTISE IN PUBLIC AND BEHAVIORAL HEALTH IN ACCORDANCE WITH § 501(R)(3) OF THE INTERNAL REVENUE CODE;~~

~~(4) REQUIRE EACH NONPROFIT HOSPITAL TO HOLD MEETINGS FOR THE PURPOSE OF SOLICITING COMMENTS AND FEEDBACK FROM THE GENERAL PUBLIC ON THE NONPROFIT HOSPITAL'S PROPOSED COMMUNITY BENEFIT INITIATIVES MEANT TO ADDRESS THE IDENTIFIED COMMUNITY HEALTH NEEDS FOR THE FOLLOWING YEAR; AND~~

~~(5) REQUIRE EACH NONPROFIT HOSPITAL TO SUBMIT AN ANNUAL COMMUNITY BENEFIT REPORT TO THE COMMISSION THAT DETAILS THE COMMUNITY BENEFITS PROVIDED BY THE HOSPITAL DURING THE IMMEDIATELY PRECEDING YEAR AND THAT INCLUDES:~~

(4) REQUIRE EACH NONPROFIT HOSPITAL TO CONDUCT ITS COMMUNITY HEALTH NEEDS ASSESSMENT IN CONSULTATION WITH COMMUNITY MEMBERS AS RECOMMENDED BY THE COMMUNITY BENEFIT REPORTING WORKGROUP AND TO SUBMIT AN ANNUAL COMMUNITY BENEFITS REPORT TO THE

COMMISSION DETAILING THE COMMUNITY BENEFITS PROVIDED BY THE HOSPITAL DURING THE PRECEDING YEAR THAT INCLUDES:

- (I) THE MISSION STATEMENT OF THE HOSPITAL;
- (II) ~~A LIST OF THE COMMUNITY BENEFIT INITIATIVES UNDERTAKEN BY THE HOSPITAL~~ ACTIVITIES THAT WERE UNDERTAKEN BY THE HOSPITAL TO ADDRESS THE IDENTIFIED COMMUNITY HEALTH NEEDS WITHIN THE HOSPITAL'S COMMUNITY;
- (III) ~~THE COST TO THE HOSPITAL OF EACH COMMUNITY BENEFIT INITIATIVE~~ ACTIVITY;
- (IV) ~~THE IMPACT OF EACH COMMUNITY BENEFIT INITIATIVE ON IDENTIFIED COMMUNITY HEALTH NEEDS AND AN ITEMIZED ACCOUNTING OF THE COSTS OF EACH COMMUNITY BENEFIT INITIATIVE~~ A DESCRIPTION OF HOW EACH OF THE LISTED ACTIVITIES ADDRESSES THE COMMUNITY HEALTH NEEDS OF THE HOSPITAL'S COMMUNITY;
- (V) ~~A DESCRIPTION OF THE HOSPITAL'S EFFORTS TO EVALUATE THE EFFECTIVENESS OF EACH COMMUNITY BENEFIT INITIATIVE~~ EFFORTS TAKEN TO EVALUATE THE EFFECTIVENESS OF EACH COMMUNITY BENEFIT ACTIVITY;
- (VI) A DESCRIPTION OF GAPS IN THE AVAILABILITY OF PROVIDERS TO SERVE ~~UNINSURED INDIVIDUALS AT THE HOSPITAL~~ THE COMMUNITY;
- (VII) A DESCRIPTION OF THE HOSPITAL'S EFFORTS TO TRACK AND REDUCE HEALTH DISPARITIES IN THE COMMUNITY THAT THE HOSPITAL SERVES;
- (VIII) A LIST OF THE UNMET COMMUNITY HEALTH NEEDS IDENTIFIED IN THE MOST RECENT COMMUNITY HEALTH NEEDS ASSESSMENT; AND
- (IX) A LIST OF TAX EXEMPTIONS THE HOSPITAL CLAIMED DURING THE IMMEDIATELY PRECEDING TAXABLE YEAR, IN ACCORDANCE WITH STATE LAW.
- (D) THE COMMISSION SHALL ESTABLISH A METHOD THROUGH WHICH STATE AND LOCAL GOVERNING BODIES ARE MADE AWARE OF THE MEETINGS OF THE COMMUNITY BENEFIT REPORTING WORKGROUP.

SECTION 2. AND BE IT FURTHER ENACTED, That:



(a) On or before ~~October~~ December 1, 2020, the Health Services Cost Review Commission shall compile a report on the steps taken to update the community benefit reporting process that includes:

~~(1) issue a report on the steps taken to assess the extent to which each nonprofit hospital's community benefit spending addresses the community health needs of its service area;~~

~~(2) conduct an assessment of each nonprofit hospital's process for soliciting public comments on the health needs of the hospital's community and the hospital's process for incorporating the public comments into its community health needs assessment;~~

~~(3) issue recommendations for methodologies and processes for the Maryland Department of Health and local health departments to certify whether a hospital's spending on community benefit initiatives has been directed to a community health need identified in the hospital's community health needs assessment; and~~

~~(4) issue recommendations on the process to develop a community health needs assessment.~~

(1) a description of each hospital's process for soliciting input in the development of the community health needs assessment for the purpose of § 501(r)(3) of the Internal Revenue Code; and

(2) recommendations for the Maryland Department of Health and the local health departments to assess the effectiveness of hospitals' community benefit spending to address the community health needs.

(b) On or before ~~October~~ December 1, 2020, the Commission shall submit a copy of the ~~report required under subsection (a) of this section~~ annual Nonprofit Hospital Community Health Benefit Report to the House Health and Government Operations Committee and the Senate Finance 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 437

(Senate Bill 774)

AN ACT concerning

~~Hospitals~~ **Health Services Cost Review Commission – Community Benefits – Reporting**

FOR the purpose of repealing certain provisions governing the identification of community health care needs by nonprofit hospitals; repealing certain provisions of law requiring nonprofit hospitals to submit a certain annual community benefits report to the Health Services Cost Review Commission; requiring the Commission to establish a Community Benefit Reporting Workgroup; providing for the composition of the workgroup; requiring the Commission to adopt certain regulations relating to the community health needs of nonprofit hospitals and reporting by nonprofit hospitals regarding community health needs and benefits provided by the hospital; requiring the Commission to establish a method through which State and local governing bodies are made aware of certain meetings; requiring the Commission, on or before a certain date, to ~~issue a certain report, conduct a certain assessment, issue certain recommendations,~~ certain information and submit a copy of a certain report to certain committees of the General Assembly; altering certain definitions; making conforming changes; and generally relating to community benefits provided by nonprofit hospitals.

BY repealing and reenacting, with amendments,  
 Article – Health – General  
 Section 19–303  
 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**

19–303.

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

(2) “Commission” means the Health Services Cost Review Commission.

(3) **(1)** “Community benefit” means ~~an activity that is intended to address community needs and priorities primarily through disease prevention and improvement of health status, including:~~

(i) ~~[Health] NONREIMBURSABLE HEALTH services provided to vulnerable or underserved populations such as Medicaid, Medicare, or Maryland Children’s Health Program enrollees;~~

(ii) ~~Financial or in-kind support of public health programs;~~

~~(iii) Donations of funds, property, or other resources that contribute to a community priority;~~

~~(iv) Health care cost containment activities;~~

~~(v) Health education, screening, and prevention services; and~~

~~(vi) Financial or in-kind support of the Maryland Behavioral Health Crisis Response System~~ **A PLANNED, ORGANIZED, AND MEASURED ACTIVITY THAT IS INTENDED TO MEET IDENTIFIED COMMUNITY HEALTH NEEDS WITHIN A SERVICE AREA.**

**(II) “COMMUNITY BENEFIT” MAY INCLUDE:**

**1. A COMMUNITY HEALTH SERVICE;**

**2. HEALTH PROFESSIONAL EDUCATION;**

**3. RESEARCH;**

**4. A FINANCIAL CONTRIBUTION;**

**5. A COMMUNITY-BUILDING ACTIVITY, INCLUDING PARTNERSHIPS WITH COMMUNITY-BASED ORGANIZATIONS;**

**6. CHARITY CARE;**

**7. AN ACTIVITY DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH THAT IS FUNDED BY A FOUNDATION;**

**8. A MISSION-DRIVEN HEALTH SERVICE;**

**9. AN OPERATION RELATED TO AN ACTIVITY DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH; AND**

**10. FINANCIAL OR IN-KIND SUPPORT OF THE MARYLAND BEHAVIORAL HEALTH CRISIS RESPONSE SYSTEM.**

(4) “COMMUNITY BENEFIT REPORTING WORKGROUP” MEANS THE COMMUNITY BENEFIT REPORTING WORKGROUP ESTABLISHED IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

(5) “Community HEALTH needs assessment” means ~~the process~~ **REQUIRED BY THE AFFORDABLE CARE ACT** by which unmet community health care needs and priorities are identified. ~~A COMMUNITY HEALTH NEEDS ASSESSMENT~~

~~CONDUCTED~~ BY A NONPROFIT HOSPITAL IN ACCORDANCE WITH § 501(R)(3) OF THE INTERNAL REVENUE CODE.

[(b) In identifying community health care needs, a nonprofit hospital:

(1) Shall consider, if available, the most recent community needs assessment developed by the Department or the local health department for the county in which the nonprofit hospital is located;

(2) May consult with community leaders and local health care providers;  
and

(3) May consult with any appropriate person that can assist the hospital in identifying community health needs.

(c) (1) Each nonprofit hospital shall submit an annual community benefit report to the Health Services Cost Review Commission detailing the community benefits provided by the hospital during the preceding year.

(2) The community benefit report shall include:

(i) The mission statement of the hospital;

(ii) A list of the initiatives that were undertaken by the hospital;

(iii) The cost to the hospital of each community benefit initiative;

(iv) The objectives of each community benefit initiative;

(v) A description of efforts taken to evaluate the effectiveness of each community benefit initiative;

(vi) A description of gaps in the availability of specialist providers to serve the uninsured in the hospital; and

(vii) A description of the hospital's efforts to track and reduce health disparities in the community that the hospital serves.

(d) (1) The Commission shall compile the reports required under subsection (c) of this section and issue an annual Nonprofit Hospital Community Health Benefit Report.

(2) In addition to the information required under paragraph (1) of this subsection, the Nonprofit Hospital Community Health Benefit Report shall contain a list of the unmet community health care needs identified in the most recent community needs assessment prepared by the Department or local health department for each county.

(3) The Nonprofit Hospital Community Health Benefit Report shall be made available to the public free of charge.

(4) The Commission shall submit a copy of the annual Nonprofit Hospital Community Health Benefit Report, subject to § 2-1257 of the State Government Article, to the House Health and Government Operations Committee and the Senate Finance Committee.

(e) The Commission shall adopt regulations, in consultation with representatives of nonprofit hospitals, that establish:

(1) A standard format for reporting the information required under this section;

(2) The date on which nonprofit hospitals must submit the annual community benefit reports; and

(3) The period of time that the annual community benefit report must cover.]

**(B) (1) THE COMMISSION SHALL ESTABLISH A COMMUNITY BENEFIT REPORTING WORKGROUP.**

**(2) THE COMMUNITY BENEFIT REPORTING WORKGROUP SHALL BE COMPOSED OF INDIVIDUALS AND STAKEHOLDER GROUPS THAT HAVE KNOWLEDGE OF AND ARE IMPACTED BY HOSPITAL COMMUNITY BENEFIT SPENDING.**

**(C) THE COMMISSION SHALL ADOPT REGULATIONS, ~~IN CONSULTATION WITH REPRESENTATIVES OF NONPROFIT HOSPITALS AND~~ TO IMPLEMENT THE RECOMMENDATIONS OF THE COMMUNITY BENEFIT REPORTING WORKGROUP, THAT:**

**(1) ESTABLISH A STANDARD FORMAT FOR REPORTING THE INFORMATION REQUIRED UNDER THIS SUBSECTION;**

**(2) SPECIFY THE DATE BY WHICH EACH NONPROFIT HOSPITAL IS REQUIRED TO SUBMIT THE ~~REPORTS REQUIRED UNDER THIS SUBSECTION TO THE COMMISSION~~ ANNUAL COMMUNITY BENEFIT REPORT;**

**(3) REQUIRE EACH NONPROFIT HOSPITAL TO ~~IDENTIFY THE HOSPITAL'S COMMUNITY HEALTH NEEDS WHEN PREPARING ITS COMMUNITY HEALTH NEEDS ASSESSMENT BY CONSULTING WITH:~~**

**~~(i) CONSUMERS AND OTHER MEMBERS OF THE PUBLIC;~~**

~~(II) HEALTH CARE PROVIDERS THAT ARE NOT EMPLOYED BY A HOSPITAL;~~

~~(III) FAITH LEADERS;~~

~~(IV) COMMUNITY LEADERS;~~

~~(V) LOCAL HEALTH CARE PROVIDERS;~~

~~(VI) THE PUBLIC HEALTH DEPARTMENTS OF THE COUNTIES WITHIN THE NONPROFIT HOSPITAL'S SERVICE AREA; AND~~

~~(VII) ANY OTHER PERSON THAT CAN ASSIST THE NONPROFIT HOSPITAL IN IDENTIFYING COMMUNITY HEALTH NEEDS~~ SOLICIT AND TAKE INTO ACCOUNT INPUT RECEIVED FROM INDIVIDUALS WHO REPRESENT THE BROAD INTERESTS OF THAT COMMUNITY, INCLUDING INDIVIDUALS WITH SPECIAL KNOWLEDGE OF OR EXPERTISE IN PUBLIC AND BEHAVIORAL HEALTH IN ACCORDANCE WITH § 501(R)(3) OF THE INTERNAL REVENUE CODE;

~~(4) REQUIRE EACH NONPROFIT HOSPITAL TO HOLD MEETINGS FOR THE PURPOSE OF SOLICITING COMMENTS AND FEEDBACK FROM THE GENERAL PUBLIC ON THE NONPROFIT HOSPITAL'S PROPOSED COMMUNITY BENEFIT INITIATIVES MEANT TO ADDRESS THE IDENTIFIED COMMUNITY HEALTH NEEDS FOR THE FOLLOWING YEAR; AND~~

~~(5) REQUIRE EACH NONPROFIT HOSPITAL TO SUBMIT AN ANNUAL COMMUNITY BENEFIT REPORT TO THE COMMISSION THAT DETAILS THE COMMUNITY BENEFITS PROVIDED BY THE HOSPITAL DURING THE IMMEDIATELY PRECEDING YEAR AND THAT INCLUDES:~~

(4) REQUIRE EACH NONPROFIT HOSPITAL TO CONDUCT ITS COMMUNITY HEALTH NEEDS ASSESSMENT IN CONSULTATION WITH COMMUNITY MEMBERS AS RECOMMENDED BY THE COMMUNITY BENEFIT REPORTING WORKGROUP AND TO SUBMIT AN ANNUAL COMMUNITY BENEFITS REPORT TO THE COMMISSION DETAILING THE COMMUNITY BENEFITS PROVIDED BY THE HOSPITAL DURING THE PRECEDING YEAR THAT INCLUDES:

(I) THE MISSION STATEMENT OF THE HOSPITAL;

(II) A LIST OF THE COMMUNITY BENEFIT INITIATIVES UNDERTAKEN BY THE HOSPITAL ACTIVITIES THAT WERE UNDERTAKEN BY THE HOSPITAL TO ADDRESS THE IDENTIFIED COMMUNITY HEALTH NEEDS WITHIN THE HOSPITAL'S COMMUNITY;

(III) ~~THE COST TO THE HOSPITAL OF EACH COMMUNITY BENEFIT INITIATIVE~~ ACTIVITY;

(IV) ~~THE IMPACT OF EACH COMMUNITY BENEFIT INITIATIVE ON IDENTIFIED COMMUNITY HEALTH NEEDS AND AN ITEMIZED ACCOUNTING OF THE COSTS OF EACH COMMUNITY BENEFIT INITIATIVE~~ A DESCRIPTION OF HOW EACH OF THE LISTED ACTIVITIES ADDRESSES THE COMMUNITY HEALTH NEEDS OF THE HOSPITAL'S COMMUNITY;

(V) ~~A DESCRIPTION OF THE HOSPITAL'S EFFORTS TO EVALUATE THE EFFECTIVENESS OF EACH COMMUNITY BENEFIT INITIATIVE~~ EFFORTS TAKEN TO EVALUATE THE EFFECTIVENESS OF EACH COMMUNITY BENEFIT ACTIVITY;

(VI) ~~A DESCRIPTION OF GAPS IN THE AVAILABILITY OF PROVIDERS TO SERVE UNINSURED INDIVIDUALS AT THE HOSPITAL~~ THE COMMUNITY;

(VII) ~~A DESCRIPTION OF THE HOSPITAL'S EFFORTS TO TRACK AND REDUCE HEALTH DISPARITIES IN THE COMMUNITY THAT THE HOSPITAL SERVES;~~

(VIII) ~~A LIST OF THE UNMET COMMUNITY HEALTH NEEDS IDENTIFIED IN THE MOST RECENT COMMUNITY HEALTH NEEDS ASSESSMENT; AND~~

(IX) ~~A LIST OF TAX EXEMPTIONS THE HOSPITAL CLAIMED DURING THE IMMEDIATELY PRECEDING TAXABLE YEAR,~~ IN ACCORDANCE WITH STATE LAW.

(D) THE COMMISSION SHALL ESTABLISH A METHOD THROUGH WHICH STATE AND LOCAL GOVERNING BODIES ARE MADE AWARE OF THE MEETINGS OF THE COMMUNITY BENEFIT REPORTING WORKGROUP.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) On or before ~~October~~ December 1, 2020, the Health Services Cost Review Commission shall compile a report on the steps taken to update the community benefit reporting process that includes:

~~(1) issue a report on the steps taken to assess the extent to which each nonprofit hospital's community benefit spending addresses the community health needs of its service area;~~

~~(2) conduct an assessment of each nonprofit hospital's process for soliciting public comments on the health needs of the hospital's community and the hospital's process for incorporating the public comments into its community health needs assessment;~~

~~(3) issue recommendations for methodologies and processes for the Maryland Department of Health and local health departments to certify whether a hospital's spending on community benefit initiatives has been directed to a community health need identified in the hospital's community health needs assessment; and~~

~~(4) issue recommendations on the process to develop a community health needs assessment.~~

(1) a description of each hospital's process for soliciting input in the development of the community health needs assessment for the purpose of § 501(r)(3) of the Internal Revenue Code; and

(2) recommendations for the Maryland Department of Health and the local health departments to assess the effectiveness of hospitals' community benefit spending to address the community health needs.

(b) On or before ~~October~~ December 1, 2020, the Commission shall submit a copy of the ~~report required under subsection (a) of this section~~ annual Nonprofit Hospital Community Health Benefit Report to the House Health and Government Operations Committee and the Senate Finance 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 438

(House Bill 1177)

AN ACT concerning

### Sheriff of Harford County – Salary

FOR the purpose of altering the annual salary of the Sheriff of Harford County; providing for the application of this Act; and generally relating to the salary of the Sheriff of Harford County.

BY repealing and reenacting, without amendments,  
 Article – Courts and Judicial Proceedings  
 Section 2-326(a)  
 Annotated Code of Maryland  
 (2013 Replacement Volume and 2019 Supplement)



BY repealing

Article – Courts and Judicial Proceedings  
 Section 2–326(b)  
 Annotated Code of Maryland  
 (2013 Replacement Volume and 2019 Supplement)

BY adding to

Article – Courts and Judicial Proceedings  
 Section 2–326(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 – Courts and Judicial Proceedings**

2–326.

(a) This section applies only in Harford County.

[(b) (1) Beginning December 1, 2018, the Sheriff of Harford County shall receive an annual salary of \$136,000, thereafter to be adjusted annually on July 1 in accordance with paragraph (2) of this subsection.

(2) (i) 1. On July 1, 2019, and each July 1 thereafter, the annual salary of the Sheriff shall be adjusted annually to reflect the annual change in the “Consumer Price Index” for “All urban consumers” for the expenditure category “All items not seasonally adjusted”, and for all regions.

2. The Annual Consumer Price Index for the period ending each December, as published by the Bureau of Labor Statistics of the U.S. Department of Labor, shall be used to adjust the annual salary of the Sheriff while in office.

(ii) Notwithstanding subparagraph (i) of this paragraph, the adjustment to the annual salary of the Sheriff may not exceed 3 percent in any fiscal year.]

**(B) (1) THE SALARY FOR THE SHERIFF OF HARFORD COUNTY IS EQUAL TO THE SALARY OF A DEPARTMENT OF STATE POLICE LIEUTENANT COLONEL, AT THE HIGHEST AVAILABLE STEP FOR A LIEUTENANT COLONEL UNDER THE DEPARTMENT OF STATE POLICE PAY PLAN IN EFFECT ON THE DAY PRIOR TO THE DAY THAT THE SHERIFF BEGINS A TERM OF OFFICE.**

**(2) ANY CHANGE IN THE SALARY PAID UNDER THE DEPARTMENT OF STATE POLICE PAY PLAN DURING THE TERM OF OFFICE OF THE SHERIFF MAY NOT**

**APPLY TO THE INCUMBENT SHERIFF, BUT THE CHANGED RATE SHALL TAKE EFFECT AT THE BEGINNING OF THE NEXT FOLLOWING TERM OF OFFICE.**

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 salary or compensation of the Sheriff of Harford County while serving in a term of office beginning before the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the Sheriff of Harford County 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 October 1, 2020.

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

---

## **Chapter 439**

### **(Senate Bill 599)**

AN ACT concerning

#### **Sheriff of Harford County – Salary**

FOR the purpose of altering the annual salary of the Sheriff of Harford County; providing for the application of this Act; and generally relating to the salary of the Sheriff of Harford County.

BY repealing and reenacting, without amendments,  
Article – Courts and Judicial Proceedings  
Section 2–326(a)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2019 Supplement)

BY repealing  
Article – Courts and Judicial Proceedings  
Section 2–326(b)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2019 Supplement)

BY adding to  
Article – Courts and Judicial Proceedings  
Section 2–326(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 – Courts and Judicial Proceedings**

2–326.

(a) This section applies only in Harford County.

[(b) (1) Beginning December 1, 2018, the Sheriff of Harford County shall receive an annual salary of \$136,000, thereafter to be adjusted annually on July 1 in accordance with paragraph (2) of this subsection.

(2) (i) 1. On July 1, 2019, and each July 1 thereafter, the annual salary of the Sheriff shall be adjusted annually to reflect the annual change in the “Consumer Price Index” for “All urban consumers” for the expenditure category “All items not seasonally adjusted”, and for all regions.

2. The Annual Consumer Price Index for the period ending each December, as published by the Bureau of Labor Statistics of the U.S. Department of Labor, shall be used to adjust the annual salary of the Sheriff while in office.

(ii) Notwithstanding subparagraph (i) of this paragraph, the adjustment to the annual salary of the Sheriff may not exceed 3 percent in any fiscal year.]

**(B) (1) THE SALARY FOR THE SHERIFF OF HARFORD COUNTY IS EQUAL TO THE SALARY OF A DEPARTMENT OF STATE POLICE LIEUTENANT COLONEL, AT THE HIGHEST AVAILABLE STEP FOR A LIEUTENANT COLONEL UNDER THE DEPARTMENT OF STATE POLICE PAY PLAN IN EFFECT ON THE DAY PRIOR TO THE DAY THAT THE SHERIFF BEGINS A TERM OF OFFICE.**

**(2) ANY CHANGE IN THE SALARY PAID UNDER THE DEPARTMENT OF STATE POLICE PAY PLAN DURING THE TERM OF OFFICE OF THE SHERIFF MAY NOT APPLY TO THE INCUMBENT SHERIFF, BUT THE CHANGED RATE SHALL TAKE EFFECT AT THE BEGINNING OF THE NEXT FOLLOWING TERM OF OFFICE.**

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 salary or compensation of the Sheriff of Harford County while serving in a term of office beginning before the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the Sheriff of Harford County 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

October 1, 2020.

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

---

## Chapter 440

### (House Bill 1181)

AN ACT concerning

#### **Property Tax – Tax Sales – Data Collection**

FOR the purpose of altering and expanding certain data collection and reporting responsibilities of the State Department of Assessments and Taxation concerning tax sales; requiring each county to provide the Department with certain information on the form that the Department provides; requiring the Department, through a certain annual survey, to obtain certain data concerning certain categories of properties that are subject to tax sale; requiring the Department to obtain certain information concerning each county's tax sale process; requiring the Department to issue a report each year that includes an analysis and summary of certain information collected through a certain annual survey and certain information concerning the activities of the State Tax Sale Ombudsman; requiring the Department to publish the report on its website and submit the report to certain committees of the General Assembly on or before a certain date each year; requiring the Department to collaborate with counties to obtain certain disaggregated data on properties that are owner-occupied that are subject to the tax sale process; requiring the Department to use a certain list to help identify certain owner-occupied properties that are subject to the tax sale process; requiring the Department to include certain information in a certain report if any county is unable to report certain disaggregated data on properties that are owner-occupied that are subject to the tax sale process; requiring the Department to collaborate with counties and the Administrative Office of the Courts to obtain data on properties for which the right of redemption has been foreclosed by a private holder of a tax sale certificate; requiring the Department to inquire into whether certain procedures should allow counties to report data on properties for which the right of redemption has been foreclosed by a private holder of a tax sale certificate; requiring the Department to include certain information in a certain report if any county is unable to report certain data on properties for which the right of redemption has been foreclosed by a private holder of a tax sale certificate; and generally relating to data collection on tax sales.

BY repealing and reenacting, with amendments,  
Article – Tax – Property  
Section 14-879  
Annotated Code of Maryland

(2019 Replacement Volume)

BY repealing

Article – Tax – Property

Section 14–880

Annotated Code of Maryland

(2019 Replacement Volume)

BY adding to

Article – Tax – Property

Section 14–880

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**

14–879.

(a) **(1)** The Department shall conduct an annual survey of each county [and any municipal corporation] that conducts a tax sale under Part III of this subtitle to obtain the [data] **INFORMATION** specified in this section.

**(2) EACH COUNTY SHALL PROVIDE THE DEPARTMENT ALL THE INFORMATION SPECIFIED IN THIS SECTION ON THE FORM THAT THE DEPARTMENT PROVIDES.**

(b) **(1)** The Department shall obtain the [following information] **DATA SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION** concerning **THE FOLLOWING CATEGORIES OF** properties subject to sale under Part III of this subtitle:

**(I) PROPERTIES THAT ARE ADVERTISED FOR SALE IN THE FIRST NOTICE REQUIRED TO BE PUBLISHED UNDER § 14–813 OF THIS SUBTITLE;**

**[(1) (II) [the total number of tax sale certificates] PROPERTIES** offered for sale;

**[(2) the number of certificates offered for sale that are for property owned by a homeowner as defined in § 9–105 of this article;**

**(3) the number of certificates offered for sale that are for properties that are vacant and abandoned;]**

[(4)] (III) [the number of certificates] **PROPERTIES** offered for sale that [are for properties that] are subject to liens for water or sewer services only;

[(5)] (IV) [the number of certificates] **PROPERTIES** offered for sale that are sold;

[(6)] the average amount of the lien for unpaid taxes on properties offered for sale;]

(V) **PROPERTIES FOR WHICH THERE IS NO PRIVATE PURCHASER AND THE COUNTY OBTAINS THE TAX SALE CERTIFICATE IN ACCORDANCE WITH § 14-824 OF THIS SUBTITLE;**

[(7)] (VI) [the number of] properties that are redeemed before foreclosure [and the number of years that elapse between the sale of the certificate and redemption of each property]; [and]

[(8)] (VII) [the number of] properties that are subject to foreclosure **BY THE COUNTY; AND**

(VIII) **PROPERTIES FOR WHICH THE RIGHT OF REDEMPTION HAS BEEN FORECLOSED BY A PRIVATE HOLDER OF A TAX SALE CERTIFICATE.**

(2) **FOR EACH OF THE CATEGORIES OF PROPERTIES SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL OBTAIN THE FOLLOWING DATA FOR THE PRECEDING TAXABLE YEAR:**

(I) **THE TOTAL NUMBER OF PROPERTIES;**

(II) **THE TOTAL LIEN AMOUNT FOR ALL PROPERTIES;**

(III) **THE AVERAGE LIEN AMOUNT FOR ALL PROPERTIES; AND**

(IV) **FOR EACH OF THE DATA CATEGORIES SPECIFIED IN ITEMS (I) THROUGH (III) OF THIS PARAGRAPH, DISAGGREGATED DATA FOR PROPERTIES THAT ARE OWNED BY A HOMEOWNER AS DEFINED IN § 9-105 OF THIS ARTICLE.**

(C) **THE DEPARTMENT SHALL OBTAIN THE FOLLOWING INFORMATION CONCERNING EACH COUNTY'S TAX SALE PROCESS FOR THE PRECEDING TAXABLE YEAR:**

(1) **EACH TYPE OF CHARGE THAT THE COUNTY COLLECTS THROUGH ITS TAX SALE PROCESS, INCLUDING PROPERTY TAXES, WATER AND SEWER**

CHARGES, ENVIRONMENTAL CHARGES, AND ANY OTHER LOCAL GOVERNMENT CHARGES;

(2) THE LENGTH OF TIME THE TAX ON A PROPERTY IS REQUIRED TO BE OVERDUE BEFORE THE COUNTY BEGINS THE PROCESS TO SELL THE PROPERTY UNDER PART III OF THIS SUBTITLE;

(3) HOW FREQUENTLY THE COUNTY CONDUCTS A TAX SALE AND THE TIME OF YEAR WHEN THE TAX SALE OCCURS;

(4) WHETHER THE COUNTY CONDUCTS TAX SALES ON BEHALF OF MUNICIPAL CORPORATIONS IN THE COUNTY AND, IF APPLICABLE, WHICH MUNICIPAL CORPORATIONS;

(5) THE RATE OF INTEREST THE COUNTY CHARGES ON OVERDUE PROPERTY TAXES UNDER § 14-603 OF THIS TITLE;

(6) THE RATE OF REDEMPTION INTEREST A PROPERTY OWNER IS REQUIRED TO PAY TO REDEEM A PROPERTY AFTER A TAX SALE UNDER § 14-820 OF THIS SUBTITLE;

(7) THE MINIMUM THRESHOLD AMOUNT OF UNPAID TAXES ON A RESIDENTIAL PROPERTY THAT WILL CAUSE THE COUNTY TO PUT THE PROPERTY IN TAX SALE UNDER § 14-811(B) OF THIS SUBTITLE;

(8) REGARDING BID BALANCE MONEY IN EXCESS OF THE AMOUNT REQUIRED FOR THE PAYMENT OF TAXES, INTEREST, PENALTIES, AND COSTS OF THE SALE OF A PROPERTY:

(I) THE TOTAL AGGREGATE AMOUNT OF ALL BID BALANCE MONEY HELD BY THE COUNTY IN A SPECIAL FUND PENDING DISTRIBUTION TO PROPERTY OWNERS UNDER § 14-819(A) OF THIS SUBTITLE;

(II) THE TOTAL AGGREGATE AMOUNT OF BID BALANCE MONEY DISTRIBUTED TO PROPERTY OWNERS UNDER § 14-819(A) OF THIS SUBTITLE; AND

(III) THE TOTAL AGGREGATE AMOUNT OF BID BALANCE MONEY TRANSFERRED TO THE COUNTY UNDER § 14-819(B) AND (C) OF THIS SUBTITLE;

(9) WHETHER THE COUNTY HAS ESTABLISHED A COUNTY TAX SALE OMBUDSMAN UNDER § 2-112(E) OF THIS ARTICLE; AND

(10) A COPY OF THE SEPARATE INSERT REQUIRED TO BE MAILED TO PROPERTY OWNERS UNDER § 14-812(B) OF THIS SUBTITLE.

**[(c)] (D)** The Department shall obtain:

- (1) the number of counties and municipal corporations that have withheld from sale under § 14–811(e) of this subtitle a dwelling owned by a homeowner who is low-income, at least 65 years old, or disabled;
- (2) the eligibility criteria used by each county and municipal corporation to withhold a dwelling from sale under § 14–811(e) of this subtitle; and
- (3) the number of dwellings withheld from sale by each county and municipal corporation under § 14–811(e) of this subtitle.

[14–880.

The Department shall analyze and summarize the information collected through the survey under § 14–879 of this part annually in a report and:

- (1) publish the report on the Department’s website; and
- (2) on or before December 31 each year, submit the report, in accordance with § 2–1257 of the State Government Article, to the Senate Budget and Taxation Committee and the House Committee on Ways and Means.]

**14–880.**

**(A) EACH YEAR, THE DEPARTMENT SHALL ISSUE A REPORT THAT INCLUDES:**

**(1) AN ANALYSIS AND SUMMARY OF THE INFORMATION COLLECTED THROUGH THE SURVEY UNDER § 14–879 OF THIS PART; AND**

**(2) THE FOLLOWING INFORMATION CONCERNING THE ACTIVITIES OF THE STATE TAX SALE OMBUDSMAN ESTABLISHED UNDER § 2–112 OF THIS ARTICLE IN THE PRECEDING TAXABLE YEAR:**

**(I) THE NUMBER OF HOMEOWNERS WHO CONTACTED THE OMBUDSMAN;**

**(II) THE NUMBER OF HOMEOWNERS ASSISTED BY THE OMBUDSMAN TO APPLY FOR EACH OF THE TAX CREDITS UNDER § 9–104 OR § 9–105 OF THIS ARTICLE;**



(III) THE NUMBER OF HOMEOWNERS ASSISTED BY THE OMBUDSMAN TO APPLY FOR OTHER DISCOUNT PROGRAMS OR PUBLIC BENEFITS AND A BRIEF SUMMARY OF THOSE PROGRAMS AND BENEFITS;

(IV) THE NUMBER OF HOMEOWNERS REFERRED BY THE OMBUDSMAN TO LEGAL SERVICES, HOUSING COUNSELING, AND OTHER SOCIAL SERVICES, AND A BRIEF SUMMARY OF THOSE SERVICES; AND

(V) ANY OTHER RELEVANT INFORMATION.

(B) ON OR BEFORE NOVEMBER 15 EACH YEAR, THE DEPARTMENT SHALL:

(1) PUBLISH THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION ON THE DEPARTMENT'S WEBSITE; AND

(2) SUBMIT THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE COMMITTEE ON WAYS AND MEANS.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) In this section, "Department" means the Department of Assessments and Taxation.

(b) (1) The Department shall collaborate with counties to obtain disaggregated data on properties that are owner-occupied and are subject to the tax sale process, as required under § 14-879(b)(2)(iv) of the Tax – Property Article as enacted by this Act.

(2) The Department shall use the list of properties that have an approved application for the homestead tax credit under § 9-105 of the Tax – Property Article to help counties identify owner-occupied properties that are subject to the tax sale process.

(3) If any county cannot report disaggregated data on properties that are owner-occupied and are subject to the tax sale process in the report due on or before November 15, 2020, under § 14-880 of the Tax – Property Article as enacted by this Act, the Department shall include in that report a description of its efforts under this subsection and why the efforts were insufficient to obtain disaggregated data on properties that are owner-occupied that are subject to the tax sale process.

(c) (1) The Department shall collaborate with counties and the Administrative Office of the Courts to obtain data on properties for which the right of redemption has been foreclosed by a private holder of a tax sale certificate, as required under § 14-879(b)(1)(viii) of the Tax – Property Article as enacted by this Act.

(2) The Department shall inquire into whether the procedures required under § 14–847 of the Tax – Property Article should allow counties to report data on properties for which the right of redemption has been foreclosed by a private holder of a tax sale certificate.

(3) If any county cannot report data on properties for which the right of redemption has been foreclosed by a private holder of a tax sale certificate in the report due on or before November 15, 2020, under § 14–880 of the Tax – Property Article as enacted by this Act, the Department shall include in that report a description of its efforts under this subsection and why the efforts were insufficient to obtain data on properties for which the right of redemption has been foreclosed by a private holder of a tax sale certificate.

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 441

### (House Bill 1182)

AN ACT concerning

#### **Real Property – Redemption or Extinguishment of Ground Rents**

FOR the purpose of altering a certain provision relating to the effect of a redemption or extinguishment of a certain ground rent to provide that it is effective to conclusively ~~merge~~ divest a certain ground lease holder of a certain reversion into a certain title and vest the reversion in a certain leasehold tenant, and eliminate certain rights, title, or interest of certain individuals; and generally relating to ground leases on residential property.

BY repealing and reenacting, without amendments,  
Article – Real Property  
Section 8–801 and 8–804(f)(7)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Article – Real Property  
Section 8–804(f)(8)  
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**

8–801.

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

(b) “Ground lease” means a residential lease or sublease for a term of years renewable forever subject to the payment of a periodic ground rent.

(c) (1) “Ground lease holder” means the holder of the reversionary interest under a ground lease.

(2) “Ground lease holder” includes an agent of the ground lease holder.

(d) “Ground rent” means a rent issuing out of, or collectible in connection with, the reversionary interest under a ground lease.

(e) “Leasehold interest” means the tenancy in real property created under a ground lease.

(f) “Leasehold tenant” means the holder of the leasehold interest under a ground lease.

8–804.

(f) (7) Upon receipt of the documentation, fees, and, where applicable, the redemption amount and 3 years’ past due ground rent to the extent required under this section and § 8–806 of this subtitle, the Department shall issue to the leasehold tenant a ground rent redemption certificate or a ground rent extinguishment certificate, as appropriate.

(8) The redemption or extinguishment of the ground rent is effective to conclusively [vest a fee simple title in the leasehold tenant, free and clear of any and] ~~MERGE THE REVERSION INTO THE TITLE~~ **DIVEST THE GROUND LEASE HOLDER OF THE REVERSION AND VEST THE REVERSION IN THE LEASEHOLD TENANT, AND ELIMINATE** all right, title, or interest of the ground lease holder, any lien of a creditor of the ground lease holder, and any person claiming by, through, or under the ground lease holder when the leasehold tenant records the certificate in the land records of the county in which the property is located.

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 442****(Senate Bill 806)**

AN ACT concerning

**Real Property – Redemption or Extinguishment of Ground Rents**

FOR the purpose of altering a certain provision relating to the effect of a redemption or extinguishment of a certain ground rent to provide that it is effective to conclusively ~~merge~~ divest a certain ground lease holder of a certain reversion into a certain title and vest the reversion in a certain leasehold tenant, and eliminate certain rights, title, or interest of certain individuals; and generally relating to ground leases on residential property.

BY repealing and reenacting, without amendments,  
Article – Real Property  
Section 8–801 and 8–804(f)(7)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Article – Real Property  
Section 8–804(f)(8)  
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**

8–801.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Ground lease” means a residential lease or sublease for a term of years renewable forever subject to the payment of a periodic ground rent.
- (c) (1) “Ground lease holder” means the holder of the reversionary interest under a ground lease.  
(2) “Ground lease holder” includes an agent of the ground lease holder.
- (d) “Ground rent” means a rent issuing out of, or collectible in connection with, the reversionary interest under a ground lease.

(e) “Leasehold interest” means the tenancy in real property created under a ground lease.

(f) “Leasehold tenant” means the holder of the leasehold interest under a ground lease.

8–804.

(f) (7) Upon receipt of the documentation, fees, and, where applicable, the redemption amount and 3 years’ past due ground rent to the extent required under this section and § 8–806 of this subtitle, the Department shall issue to the leasehold tenant a ground rent redemption certificate or a ground rent extinguishment certificate, as appropriate.

(8) The redemption or extinguishment of the ground rent is effective to conclusively [vest a fee simple title in the leasehold tenant, free and clear of any and] ~~MERGE THE REVERSION INTO THE TITLE~~ DIVEST THE GROUND LEASE HOLDER OF THE REVERSION AND VEST THE REVERSION IN THE LEASEHOLD TENANT, AND ELIMINATE all right, title, or interest of the ground lease holder, any lien of a creditor of the ground lease holder, and any person claiming by, through, or under the ground lease holder when the leasehold tenant records the certificate in the land records of the county in which the property is located.

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 443

(House Bill 1196)

AN ACT concerning

### **Financial Institutions – Check Cashing Services – Registration and Dissemination of Information**

FOR the purpose of repealing an exemption for certain check cashing services from certain provisions of law governing the licensure of check cashing services; authorizing a person to provide check cashing services without obtaining a certain license by registering each year with the Commissioner of Financial Regulation under certain circumstances; requiring a person to obtain and maintain a certain identifier to register as a check cashing service; requiring a person to provide the ~~Commissioner~~

~~Commissioner with certain information in a certain form through the Nationwide Multistate Licensing System and Registry (NMLS) to register as a check cashing service; requiring a person who registers submitting an initial registration or a registration renewal under certain provisions of this Act to reregister on or before a certain date each year apply through NMLS on or after a certain date for the initial registration and each year thereafter for registration renewal; requiring a person submitting an initial registration or a registration renewal under certain provisions of this Act to pay to NMLS certain fees; providing that certain provisions of law do not apply to a person who registers under certain provisions of this Act; altering the information that a certain licensee is required to post conspicuously in a certain manner at certain locations; requiring a certain licensee to post a certain brochure in a certain manner at certain locations; requiring that the brochure include a certain link; making a conforming change; requiring the Office of the Commissioner of Financial Regulation to provide certain notice to certain persons; authorizing the Commissioner to order a registrant to cease and desist from a course of conduct under certain circumstances; authorizing the Commissioner to suspend or revoke the registration of a registrant under certain circumstances; requiring the Commissioner to consider certain factors before suspending or revoking the registration of a registrant; requiring the Commissioner, before taking a certain action, to provide a registrant an opportunity for a hearing; providing for the effective dates of this Act; and generally relating to check cashing services.~~

BY repealing and reenacting, with amendments,

Article – Financial Institutions

Section 12–102, 12–105(a), 12–118, 12–121, 12–122, and 12–123

Annotated Code of Maryland

(2011 Replacement Volume and 2019 Supplement)

BY adding to

Article – Financial Institutions

Section 12–105.1

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**

12–102.

(a) This subtitle does not apply to check cashing services:

(1) [(i) For which a fee of up to 1.5% of the face amount of the payment instrument is charged per payment instrument; and

(ii) That are incidental to the retail sale of goods or services by the person that is providing the check cashing services;

(2) In which a customer presents a payment instrument for the exact amount of a purchase; or

[(3)] (2) Involving foreign currency exchange services or the cashing of a payment instrument drawn on a financial institution other than a federal, State, or other state financial institution.

(b) (1) This subtitle does not apply to a transaction that is subject to the Maryland Consumer Loan Law (Title 12, Subtitle 3 of the Commercial Law Article and Title 11, Subtitle 2 of this article), including a transaction in which an additional fee is charged to defer the presentment or deposit of a payment instrument until a subsequent date.

(2) A check cashing service is not subject to the Maryland Consumer Loan Law if:

(i) The fee charged for the check cashing service does not exceed the fee permitted under this subtitle;

(ii) No additional fee is charged to defer the presentment or deposit of the payment instrument; and

(iii) The check cashing service is not subject to renewal or extension by any means.

12-105.

(a) Except as provided in § 12-102(a) **OR § 12-105.1** of this subtitle, a person may not provide check cashing services unless the person is licensed under this subtitle or is an exempt entity.

**12-105.1.**

**(A) A PERSON MAY PROVIDE CHECK CASHING SERVICES WITHOUT OBTAINING A LICENSE UNDER THIS SUBTITLE BY REGISTERING EACH YEAR WITH THE COMMISSIONER ~~AS A CHECK CASHING SERVICE~~ UNDER THIS SECTION IF THE PERSON:**

**(1) CHARGES A FEE OF UP TO 1.5% OR \$1, WHICHEVER IS GREATER, OF THE FACE AMOUNT OF THE PAYMENT INSTRUMENT PER PAYMENT INSTRUMENT;**

**(2) PROVIDES CHECK CASHING SERVICES ~~FOR FEWER THAN 10 CHECKS PER MONTH PER BUSINESS LOCATION~~ THAT ARE INCIDENTAL TO THE**

**RETAIL SALE OF GOODS OR SERVICES BY THE PERSON THAT IS PROVIDING THE CHECK CASHING SERVICES;**

**(3) IS REGISTERED AS A CHECK CASHER MONEY SERVICE BUSINESS WITH THE U.S. DEPARTMENT OF TREASURY;**

**(4) CONDUCTS CHECK CASHING SERVICE TRANSACTIONS WITHIN THE INTERIOR OF THE BUSINESS LOCATION AND NOT THROUGH THE USE OF A MOBILE UNIT OR AN EXTERIOR DRIVE-UP OR WALK-UP WINDOW;**

~~**(5) DOES NOT ADVERTISE CHECK CASHING SERVICES IN ANY MANNER OTHER THAN IN THE INTERIOR OF THE BUSINESS LOCATION;**~~

~~**(6)**~~ **(5) HAS CONSPICUOUSLY POSTED A NOTICE WITH THE FOLLOWING INFORMATION, IN 48 POINT TYPE OR LARGER, AT EACH BUSINESS LOCATION AT WHICH THE PERSON PROVIDES CHECK CASHING SERVICES:**

**(I) THE FEES CHARGED FOR CHECK CASHING SERVICES; AND**

**(II) HOW TO CONTACT THE OFFICE OF THE COMMISSIONER OF FINANCIAL REGULATION WITH COMMENTS OR COMPLAINTS; AND**

~~**(7)**~~ **(6) PROVIDES A RECEIPT TO EACH CHECK CASHING SERVICES CUSTOMER THAT INCLUDES:**

**(I) THE DATE OF THE TRANSACTION;**

**(II) THE FACE VALUE OF THE CHECK CASHED;**

**(III) THE FEE CHARGED; AND**

**(IV) THE NET DOLLAR AMOUNT PAID TO THE CUSTOMER.**

**(B) TO REGISTER AS A CHECK CASHING SERVICE, A PERSON SHALL:**

**(1) OBTAIN AND MAINTAIN A VALID UNIQUE IDENTIFIER ISSUED BY NMLS WHEN AN ACCOUNT IS CREATED WITH NMLS; AND**

~~**(2) PROVIDE TO THE COMMISSIONER, IN A FORM PROVIDE INFORMATION REQUIRED BY THE COMMISSIONER THROUGH NMLS, INCLUDING:**~~

~~**(1)**~~ **(1) THE PERSON'S NAME AND ADDRESS AND, IF THE PERSON IS NOT AN INDIVIDUAL:**



~~(H)~~ 1. THE NAMES AND ADDRESSES OF EACH OWNER WHO OWNS MORE THAN 5% OF THE PERSON; AND

~~(H)~~ 2. THE OFFICERS AND DIRECTOR OR PRINCIPAL OF THE PERSON;

~~(2)~~ (II) THE ADDRESSES AT WHICH CHECK CASHING SERVICES WILL BE PROVIDED; AND

~~(3)~~ (III) ANY OTHER INFORMATION DETERMINED TO BE NECESSARY BY THE COMMISSIONER.

~~(C) A PERSON WHO REGISTERS UNDER THIS SECTION SHALL REREGISTER ON OR BEFORE DECEMBER 31 EACH YEAR, BEGINNING IN THE YEAR FOLLOWING INITIAL REGISTRATION~~ SUBMITTING AN INITIAL REGISTRATION OR A REGISTRATION RENEWAL UNDER THIS SECTION SHALL APPLY THROUGH NMLS:

(1) FOR THE INITIAL REGISTRATION, ON OR AFTER NOVEMBER 1, 2020; AND

(2) FOR REGISTRATION RENEWAL, EACH YEAR THEREAFTER.

(D) A PERSON SUBMITTING AN INITIAL REGISTRATION OR A REGISTRATION RENEWAL UNDER THIS SECTION SHALL PAY TO NMLS ANY FEES THAT NMLS IMPOSES IN CONNECTION WITH THE ISSUANCE OF THE REGISTRATION OR THE RENEWAL OF THE REGISTRATION.

(E) SECTIONS 12-106 THROUGH 12-120 OF THIS SUBTITLE DO NOT APPLY TO A PERSON WHO REGISTERS UNDER THIS SECTION.

12-118.

~~(A)~~ A licensee shall conspicuously post, in 48 point or larger type, at each place of business at which, or mobile unit from which, the licensee provides check cashing services[, a]:

(1) A notice of the fees for check cashing services; AND

(2) THE PHONE NUMBER OF THE COMMISSIONER FOR CUSTOMERS TO FILE COMPLAINTS.

~~(B) (1) A LICENSEE SHALL CONSPICUOUSLY POST AT EACH PLACE OF BUSINESS AT WHICH, OR MOBILE UNIT FROM WHICH, THE LICENSEE PROVIDES CHECK CASHING SERVICES, A BROCHURE THAT STATES THE FOLLOWING:~~

~~“WHAT YOU NEED TO KNOW AS A MARYLAND CONSUMER~~

~~CHECK CASHING SERVICES BUSINESSES CASH CHECKS FOR CONSUMERS WHO MAY OR MAY NOT HAVE AN ACCOUNT WITH A FINANCIAL INSTITUTION. WITH THE EXCEPTION OF FINANCIAL INSTITUTIONS, MARYLAND REQUIRES ALL CHECK CASHERS TO BE LICENSED. LICENSED CHECK CASHERS AND FINANCIAL INSTITUTIONS ARE LIMITED TO THE FOLLOWING AMOUNTS OF FEES THAT THEY CAN CHARGE TO CASH CHECKS:~~

~~2% OF THE FACE AMOUNT OF THE PAYMENT INSTRUMENT OR \$3, IF THE PAYMENT INSTRUMENT IS ISSUED BY THE FEDERAL GOVERNMENT OR A STATE OR LOCAL GOVERNMENT;~~

~~10% OF THE FACE AMOUNT OF A PAYMENT INSTRUMENT OR \$5, IF THE PAYMENT INSTRUMENT IS A PERSONAL CHECK; OR~~

~~4% OF THE FACE AMOUNT OF THE PAYMENT INSTRUMENT OR \$5, FOR ANY OTHER PAYMENT INSTRUMENT.~~

~~AND A ONE-TIME MEMBERSHIP FEE MAY NOT EXCEED \$5.~~

~~CHECK CASHING SERVICES~~

~~YOU CAN ALSO SHOP AROUND FOR ALTERNATIVES TO CASH YOUR CHECK SUCH AS OPENING A DEPOSIT ACCOUNT WITH A LOCAL FINANCIAL INSTITUTION. ALTHOUGH HAVING A DEPOSIT ACCOUNT OFFERS CONVENIENCE AND SECURITY, IT IS IMPORTANT TO REMEMBER THAT FEES AND CHARGES CAN REDUCE THE AMOUNT OF MONEY YOU HAVE ON DEPOSIT. FINANCIAL INSTITUTIONS MUST DISCLOSE THEIR FEES TO YOU AT THE TIME OF OPENING AN ACCOUNT. THE MOST EFFECTIVE WAYS NOT TO BE CHARGED FEES OR TO LIMIT THESE FEES ARE TO READ ALL THE DISCLOSURES THAT COME WITH YOUR ACCOUNT, ASK QUESTIONS DURING THE ACCOUNT OPENING PROCESS, AND PAY CLOSE ATTENTION TO YOUR AVAILABLE BALANCE”.~~

~~(2) THE BROCHURE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL ALSO INCLUDE A LINK TO A WEBSITE THAT PROVIDES A LIST OF LICENSED CHECK CASHING SERVICE BUSINESSES.~~

12-121.

Subject to the hearing provisions of § 12-123 of this subtitle, the Commissioner may order a licensee OR REGISTRANT to cease and desist from a course of conduct if the course

of conduct results in an evasion or violation of the subtitle or a regulation adopted under this subtitle.

12–122.

(a) Subject to the hearing provisions of § 12–123 of this subtitle, the Commissioner may suspend or revoke the license of any licensee **OR REGISTRATION OF ANY REGISTRANT** if the licensee **OR REGISTRANT**, or any owner, director, officer, member, partner, stockholder, employee, or agent of the licensee **OR REGISTRANT**:

(1) Makes any material misstatement in an application for a license **OR REGISTRATION**;

(2) Is convicted under the laws of the United States or of any other state of:

(i) A felony; or

(ii) A misdemeanor that is directly related to the fitness and qualification of the person to provide check cashing services;

(3) In connection with any check cashing service:

(i) Commits any fraud;

(ii) Engages in any illegal or dishonest activities; or

(iii) Misrepresents or fails to disclose any material facts to anyone entitled to that information;

(4) Violates any provision of this subtitle or any rule or regulation adopted under this subtitle, or any other law regulating check cashing services in the State; or

(5) Otherwise demonstrates unworthiness, bad faith, dishonesty, or any other quality that indicates that the business of the licensee **OR REGISTRANT** has not been or will not be conducted honestly, fairly, equitably, and efficiently.

(b) In determining whether the license of the licensee **OR REGISTRATION OF THE REGISTRANT** should be suspended or revoked for a reason listed in subsection (a)(2) of this section, the Commissioner shall consider:

(1) The nature of the crime;

(2) The relationship of the crime to the activities authorized by the license **OR REGISTRATION**;

- (3) With respect to a felony, the relevance of the conviction to the fitness and qualification of the licensee **OR REGISTRANT** to provide check cashing services;
- (4) The length of time since the conviction; and
- (5) The behavior and activities of the licensee **OR REGISTRANT** since the conviction.

12–123.

(a) Before the Commissioner takes any action under § 12–121, § 12–122, or § 12–126 of this subtitle, the Commissioner shall give the licensee **OR REGISTRANT** an opportunity for a hearing before the Commissioner.

(b) Notice of the hearing shall be given and the hearing shall be held in accordance with Title 10, Subtitle 2 of the State Government Article.

SECTION 2. AND BE IT FURTHER ENACTED, That the Office of the Commissioner of Financial Regulation shall notify any person affected by Section 1 of this Act of the requirements provided in Section 1 of this Act.

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

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect July 1, 2020.

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

---

## Chapter 444

**(Senate Bill 939)**

AN ACT concerning

### **Financial Institutions – Check Cashing Services – Registration and Dissemination of Information**

FOR the purpose of repealing an exemption for certain check cashing services from certain provisions of law governing the licensure of check cashing services; authorizing a person to provide check cashing services without obtaining a certain license by registering each year with the Commissioner of Financial Regulation under certain circumstances; requiring a person to obtain and maintain a certain identifier to register as a check cashing service; requiring a person to provide the ~~Commissioner~~ Commissioner with certain information ~~in a certain form~~ through the Nationwide

Multistate Licensing System and Registry (NMLS) to register as a check cashing service; requiring a person ~~who registers~~ submitting an initial registration or a registration renewal under certain provisions of this Act to ~~reregister on or before a certain date each year~~ apply through NMLS on or after a certain date for the initial registration and each year thereafter for registration renewal; requiring a person submitting an initial registration or a registration renewal under certain provisions of this Act to pay to NMLS certain fees; providing that certain provisions of law do not apply to a person who registers under certain provisions of this Act; altering the information that a certain licensee is required to post conspicuously in a certain manner at certain locations; ~~requiring a certain licensee to post a certain brochure in a certain manner at certain locations; requiring that the brochure include a certain link;~~ making a conforming change; requiring the Office of the Commissioner of Financial Regulation to provide certain notice to certain persons; authorizing the Commissioner to order a registrant to cease and desist from a course of conduct under certain circumstances; authorizing the Commissioner to suspend or revoke the registration of a registrant under certain circumstances; requiring the Commissioner to consider certain factors before suspending or revoking the registration of a registrant; requiring the Commissioner, before taking a certain action, to provide a registrant an opportunity for a hearing; providing for the effective dates of this Act; and generally relating to check cashing services.

BY repealing and reenacting, with amendments,

Article – Financial Institutions

Section 12–102, 12–105(a), ~~and 12–118~~ 12–118, 12–121, 12–122, and 12–123

Annotated Code of Maryland

(2011 Replacement Volume and 2019 Supplement)

BY adding to

Article – Financial Institutions

Section 12–105.1

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**

12–102.

(a) This subtitle does not apply to check cashing services:

(1) [(i) For which a fee of up to 1.5% of the face amount of the payment instrument is charged per payment instrument; and

(ii) That are incidental to the retail sale of goods or services by the person that is providing the check cashing services;

(2)] In which a customer presents a payment instrument for the exact amount of a purchase; or

[(3)] (2) Involving foreign currency exchange services or the cashing of a payment instrument drawn on a financial institution other than a federal, State, or other state financial institution.

(b) (1) This subtitle does not apply to a transaction that is subject to the Maryland Consumer Loan Law (Title 12, Subtitle 3 of the Commercial Law Article and Title 11, Subtitle 2 of this article), including a transaction in which an additional fee is charged to defer the presentment or deposit of a payment instrument until a subsequent date.

(2) A check cashing service is not subject to the Maryland Consumer Loan Law if:

(i) The fee charged for the check cashing service does not exceed the fee permitted under this subtitle;

(ii) No additional fee is charged to defer the presentment or deposit of the payment instrument; and

(iii) The check cashing service is not subject to renewal or extension by any means.

12-105.

(a) Except as provided in § 12-102(a) **OR § 12-105.1** of this subtitle, a person may not provide check cashing services unless the person is licensed under this subtitle or is an exempt entity.

**12-105.1.**

**(A) A PERSON MAY PROVIDE CHECK CASHING SERVICES WITHOUT OBTAINING A LICENSE UNDER THIS SUBTITLE BY REGISTERING EACH YEAR WITH THE COMMISSIONER ~~AS A CHECK CASHING SERVICE~~ UNDER THIS SECTION IF THE PERSON:**

**(1) CHARGES A FEE OF UP TO 1.5% OR \$1, WHICHEVER IS GREATER, OF THE FACE AMOUNT OF THE PAYMENT INSTRUMENT PER PAYMENT INSTRUMENT;**

**(2) PROVIDES CHECK CASHING SERVICES ~~FOR FEWER THAN 10 CHECKS PER MONTH PER BUSINESS LOCATION~~ THAT ARE INCIDENTAL TO THE RETAIL SALE OF GOODS OR SERVICES BY THE PERSON THAT IS PROVIDING THE CHECK CASHING SERVICES;**

(3) IS REGISTERED AS A CHECK CASHER MONEY SERVICE BUSINESS WITH THE U.S. DEPARTMENT OF TREASURY;

(4) CONDUCTS CHECK CASHING SERVICE TRANSACTIONS WITHIN THE INTERIOR OF THE BUSINESS LOCATION AND NOT THROUGH THE USE OF A MOBILE UNIT OR AN EXTERIOR DRIVE-UP OR WALK-UP WINDOW;

~~(5) DOES NOT ADVERTISE CHECK CASHING SERVICES IN ANY MANNER OTHER THAN IN THE INTERIOR OF THE BUSINESS LOCATION;~~

~~(6)~~ (5) HAS CONSPICUOUSLY POSTED A NOTICE WITH THE FOLLOWING INFORMATION, IN 48 POINT TYPE OR LARGER, AT EACH BUSINESS LOCATION AT WHICH THE PERSON PROVIDES CHECK CASHING SERVICES:

(I) THE FEES CHARGED FOR CHECK CASHING SERVICES; AND

(II) HOW TO CONTACT THE OFFICE OF THE COMMISSIONER OF FINANCIAL REGULATION WITH COMMENTS OR COMPLAINTS; AND

~~(7)~~ (6) PROVIDES A RECEIPT TO EACH CHECK CASHING SERVICES CUSTOMER THAT INCLUDES:

(I) THE DATE OF THE TRANSACTION;

(II) THE FACE VALUE OF THE CHECK CASHED;

(III) THE FEE CHARGED; AND

(IV) THE NET DOLLAR AMOUNT PAID TO THE CUSTOMER.

(B) TO REGISTER AS A CHECK CASHING SERVICE, A PERSON SHALL:

(1) OBTAIN AND MAINTAIN A VALID UNIQUE IDENTIFIER ISSUED BY NMLS WHEN AN ACCOUNT IS CREATED WITH NMLS; AND

~~(2) PROVIDE TO THE COMMISSIONER, IN A FORM~~ PROVIDE INFORMATION REQUIRED BY THE COMMISSIONER THROUGH NMLS, INCLUDING:

~~(1)~~ (1) THE PERSON'S NAME AND ADDRESS AND, IF THE PERSON IS NOT AN INDIVIDUAL:

~~(1)~~ 1. THE NAMES AND ADDRESSES OF EACH OWNER WHO OWNS MORE THAN 5% OF THE PERSON; AND

~~(H)~~ 2. THE OFFICERS AND DIRECTOR OR PRINCIPAL OF THE PERSON;

~~(2)~~ (II) THE ADDRESSES AT WHICH CHECK CASHING SERVICES WILL BE PROVIDED; AND

~~(3)~~ (III) ANY OTHER INFORMATION DETERMINED TO BE NECESSARY BY THE COMMISSIONER.

(C) ~~A PERSON WHO REGISTERS UNDER THIS SECTION SHALL REREGISTER ON OR BEFORE DECEMBER 31 EACH YEAR, BEGINNING IN THE YEAR FOLLOWING INITIAL REGISTRATION~~ SUBMITTING AN INITIAL REGISTRATION OR A REGISTRATION RENEWAL UNDER THIS SECTION SHALL APPLY THROUGH NMLS:

(1) FOR THE INITIAL REGISTRATION, ON OR AFTER NOVEMBER 1, 2020; AND

(2) FOR REGISTRATION RENEWAL, EACH YEAR THEREAFTER.

(D) A PERSON SUBMITTING AN INITIAL REGISTRATION OR A REGISTRATION RENEWAL UNDER THIS SECTION SHALL PAY TO NMLS ANY FEES THAT NMLS IMPOSES IN CONNECTION WITH THE ISSUANCE OF THE REGISTRATION OR THE RENEWAL OF THE REGISTRATION.

(E) ~~SECTIONS 12-105 12-106 THROUGH 12-127 12-120~~ OF THIS SUBTITLE DO NOT APPLY TO A PERSON WHO REGISTERS UNDER THIS SECTION.

12-118.

~~(A)~~ A licensee shall conspicuously post, in 48 point or larger type, at each place of business at which, or mobile unit from which, the licensee provides check cashing services[, a]:

(1) A notice of the fees for check cashing services; AND

(2) THE PHONE NUMBER OF THE COMMISSIONER FOR CUSTOMERS TO FILE COMPLAINTS.

~~(B) (1) A LICENSEE SHALL CONSPICUOUSLY POST AT EACH PLACE OF BUSINESS AT WHICH, OR MOBILE UNIT FROM WHICH, THE LICENSEE PROVIDES CHECK CASHING SERVICES, A BROCHURE THAT STATES THE FOLLOWING:~~

~~“WHAT YOU NEED TO KNOW AS A MARYLAND CONSUMER~~



~~CHECK CASHING SERVICES BUSINESSES CASH CHECKS FOR CONSUMERS WHO MAY OR MAY NOT HAVE AN ACCOUNT WITH A FINANCIAL INSTITUTION. WITH THE EXCEPTION OF FINANCIAL INSTITUTIONS, MARYLAND REQUIRES ALL CHECK CASHERS TO BE LICENSED. LICENSED CHECK CASHERS AND FINANCIAL INSTITUTIONS ARE LIMITED TO THE FOLLOWING AMOUNTS OF FEES THAT THEY CAN CHARGE TO CASH CHECKS:~~

~~2% OF THE FACE AMOUNT OF THE PAYMENT INSTRUMENT OR \$3, IF THE PAYMENT INSTRUMENT IS ISSUED BY THE FEDERAL GOVERNMENT OR A STATE OR LOCAL GOVERNMENT;~~

~~10% OF THE FACE AMOUNT OF A PAYMENT INSTRUMENT OR \$5, IF THE PAYMENT INSTRUMENT IS A PERSONAL CHECK; OR~~

~~4% OF THE FACE AMOUNT OF THE PAYMENT INSTRUMENT OR \$5, FOR ANY OTHER PAYMENT INSTRUMENT.~~

~~AND A ONE-TIME MEMBERSHIP FEE MAY NOT EXCEED \$5.~~

### ~~CHECK CASHING SERVICES~~

~~YOU CAN ALSO SHOP AROUND FOR ALTERNATIVES TO CASH YOUR CHECK SUCH AS OPENING A DEPOSIT ACCOUNT WITH A LOCAL FINANCIAL INSTITUTION. ALTHOUGH HAVING A DEPOSIT ACCOUNT OFFERS CONVENIENCE AND SECURITY, IT IS IMPORTANT TO REMEMBER THAT FEES AND CHARGES CAN REDUCE THE AMOUNT OF MONEY YOU HAVE ON DEPOSIT. FINANCIAL INSTITUTIONS MUST DISCLOSE THEIR FEES TO YOU AT THE TIME OF OPENING AN ACCOUNT. THE MOST EFFECTIVE WAYS NOT TO BE CHARGED FEES OR TO LIMIT THESE FEES ARE TO READ ALL THE DISCLOSURES THAT COME WITH YOUR ACCOUNT, ASK QUESTIONS DURING THE ACCOUNT OPENING PROCESS, AND PAY CLOSE ATTENTION TO YOUR AVAILABLE BALANCE”.~~

~~(2) THE BROCHURE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL ALSO INCLUDE A LINK TO A WEBSITE THAT PROVIDES A LIST OF LICENSED CHECK CASHING SERVICE BUSINESSES.~~

12-121.

Subject to the hearing provisions of § 12-123 of this subtitle, the Commissioner may order a licensee OR REGISTRANT to cease and desist from a course of conduct if the course of conduct results in an evasion or violation of this subtitle or a regulation adopted under this subtitle.

12-122.

(a) Subject to the hearing provisions of § 12–123 of this subtitle, the Commissioner may suspend or revoke the license of any licensee OR REGISTRATION OF ANY REGISTRANT if the licensee OR REGISTRANT, or any owner, director, officer, member, partner, stockholder, employee, or agent of the licensee OR REGISTRANT:

(1) Makes any material misstatement in an application for a license OR REGISTRATION;

(2) Is convicted under the laws of the United States or of any other state of:

(i) A felony; or

(ii) A misdemeanor that is directly related to the fitness and qualification of the person to provide check cashing services;

(3) In connection with any check cashing service:

(i) Commits any fraud;

(ii) Engages in any illegal or dishonest activities; or

(iii) Misrepresents or fails to disclose any material facts to anyone entitled to that information;

(4) Violates any provision of this subtitle or any rule or regulation adopted under this subtitle, or any other law regulating check cashing services in the State; or

(5) Otherwise demonstrates unworthiness, bad faith, dishonesty, or any other quality that indicates that the business of the licensee OR REGISTRANT has not been or will not be conducted honestly, fairly, equitably, and efficiently.

(b) In determining whether the license of the licensee OR REGISTRATION OF THE REGISTRANT should be suspended or revoked for a reason listed in subsection (a)(2) of this section, the Commissioner shall consider:

(1) The nature of the crime;

(2) The relationship of the crime to the activities authorized by the license OR REGISTRATION;

(3) With respect to a felony, the relevance of the conviction to the fitness and qualification of the licensee OR REGISTRANT to provide check cashing services;

(4) The length of time since the conviction; and

(5) The behavior and activities of the licensee OR REGISTRANT since the conviction.

12-123.

(a) Before the Commissioner takes any action under § 12-121, § 12-122, or § 12-126 of this subtitle, the Commissioner shall give the licensee OR REGISTRANT an opportunity for a hearing before the Commissioner.

(b) Notice of the hearing shall be given and the hearing shall be held in accordance with Title 10, Subtitle 2 of the State Government Article.

SECTION 2. AND BE IT FURTHER ENACTED, That the Office of the Commissioner of Financial Regulation shall notify any person affected by Section 1 of this Act of the requirements provided in Section 1 of this Act.

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

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect July 1, 2020.

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

---

## Chapter 445

(House Bill 1200)

AN ACT concerning

### **Property Tax – Credit to Offset Increases in Local Income Tax Revenues – Eligibility**

FOR the purpose of requiring a homeowner to have a certain application on file with the State Department of Assessments and Taxation in order to be eligible for a certain credit against the county or municipal corporation property tax to offset certain increases in local income tax revenues resulting from a certain county income tax rate; providing that any increase in county property tax revenue that results from this Act may not be counted toward a certain county limitation on county property tax revenue; providing for the application of this Act; providing for a delayed effective date; and generally relating to a property tax credit to offset increases in local income tax revenues.

BY repealing and reenacting, with amendments,

Article – Tax – Property  
Section 9–221  
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**

9–221.

(a) The Mayor and City Council of Baltimore or the governing body of a county or municipal corporation may grant, by law, a property tax credit against the county or municipal corporation property tax imposed on real property in order to offset in whole or in part increases in the county or municipal corporation income tax revenues resulting from a county income tax rate in excess of 2.6%.

(b) The credit granted under this section is available only to the owner–occupied property of a homeowner as defined in § 9–105 of this title **IF THE HOMEOWNER HAS AN APPLICATION FOR THE HOMESTEAD PROPERTY TAX CREDIT UNDER § 9–105 OF THIS TITLE ON FILE WITH THE DEPARTMENT.**

(c) The Mayor and City Council of Baltimore or the governing body of a county or municipal corporation may provide by law for:

- (1) the amount of a property tax credit under this section; and
- (2) any other provisions necessary to carry out this section.

SECTION 2. AND BE IT FURTHER ENACTED, That any increase in county property tax revenue that results from this Act may not be counted toward any limit in that county’s charter on the county’s total property tax revenue.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, ~~2020~~ 2022, and shall be applicable to all taxable years beginning after June 30, ~~2020~~ 2022.

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

---

**Chapter 446**

**(House Bill 1202)**

AN ACT concerning

**Labor and Employment – Use of Facial Recognition Services – Prohibition**

FOR the purpose of prohibiting an employer from using certain facial recognition services during an applicant’s interview for employment unless the applicant consents under a certain provision of this Act; authorizing an applicant to consent to the use of certain facial recognition service technologies during an interview by signing a waiver; providing for the contents of a certain waiver; defining certain terms; and generally relating to employer use of facial recognition service technologies during job interviews.

BY adding to

Article – Labor and Employment

Section 3–717

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****3–717.**

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

(2) “FACIAL RECOGNITION SERVICE” MEANS TECHNOLOGY THAT ANALYZES FACIAL FEATURES AND IS USED FOR RECOGNITION OR PERSISTENT TRACKING OF INDIVIDUALS IN STILL OR VIDEO IMAGES.

(3) “FACIAL TEMPLATE” MEANS THE MACHINE–INTERPRETABLE PATTERN OF FACIAL FEATURES THAT IS EXTRACTED FROM ONE OR MORE IMAGES OF AN INDIVIDUAL BY A FACIAL RECOGNITION SERVICE.

(B) AN EMPLOYER MAY NOT USE A FACIAL RECOGNITION SERVICE FOR THE PURPOSE OF CREATING A FACIAL TEMPLATE DURING AN APPLICANT’S INTERVIEW FOR EMPLOYMENT UNLESS AN APPLICANT CONSENTS UNDER SUBSECTION (C) OF THIS SECTION.

(C) (1) AN APPLICANT MAY CONSENT TO THE USE OF FACIAL RECOGNITION SERVICE TECHNOLOGY DURING AN INTERVIEW BY SIGNING A WAIVER.

(2) THE WAIVER SIGNED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL STATE IN PLAIN LANGUAGE:

(I) THE APPLICANT’S NAME;

(II) THE DATE OF THE INTERVIEW;

(III) THAT THE APPLICANT CONSENTS TO THE USE OF FACIAL RECOGNITION DURING THE INTERVIEW; AND

(IV) WHETHER THE APPLICANT READ THE CONSENT WAIVER.

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 447

(House Bill 1205)

AN ACT concerning

### **Universities at Shady Grove Regional Higher Education Center**

FOR the purpose of establishing the Universities at Shady Grove Regional Higher Education Center; establishing the purpose of the Center; requiring certain programs to be offered at the Center; providing for the funding of the Center; altering a certain definition; and generally relating to the Universities at Shady Grove Regional Higher Education Center.

BY repealing and reenacting, without amendments,  
Article – Education  
Section 12–101(b)(1)  
Annotated Code of Maryland  
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Article – Education  
Section 12–101(b)(3)  
Annotated Code of Maryland  
(2018 Replacement Volume and 2019 Supplement)

BY adding to  
Article – Education  
Section 12–119

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**

12–101.

(b) (1) In this title the following words have the meanings indicated.

(3) “Centers” or “institutes” means the following components of the System under the jurisdiction of the Board of Regents:

(i) University of Maryland Center for Environmental Science;

(ii) Cooperative Extension Service and the Agricultural Experiment Station;

(iii) Statewide Medical Education and Training System;

(iv) Fire and Rescue Institute;

(v) Center for Maryland Advanced Ventures;

(vi) University of Maryland Center for Economic and Entrepreneurship Development;

**(VII) UNIVERSITIES AT SHADY GROVE REGIONAL HIGHER EDUCATION CENTER; and**

**[(vii)] (VIII)** Any other center, component, or institute established and operated by the System in accordance with its mission.

12–119.

**(A) THERE IS A UNIVERSITIES AT SHADY GROVE REGIONAL HIGHER EDUCATION CENTER WITHIN THE UNIVERSITY SYSTEM OF MARYLAND.**

**(B) THE PURPOSE OF THE UNIVERSITIES AT SHADY GROVE REGIONAL HIGHER EDUCATION CENTER IS TO PROVIDE STUDENTS ACCESS TO ESTABLISHED, CUTTING EDGE, AND HIGH-DEMAND ACADEMIC PROGRAMS OF DEGREE-GRANTING INSTITUTIONS.**

**(C) THE ACADEMIC PROGRAMS OFFERED AT THE UNIVERSITIES AT SHADY**

**GROVE REGIONAL HIGHER EDUCATION CENTER SHALL BE UPPER DIVISION UNDERGRADUATE AND GRADUATE LEVEL PROGRAMS.**

**(D) FUNDING FOR THE UNIVERSITIES AT SHADY GROVE REGIONAL HIGHER EDUCATION CENTER SHALL BE AS PROVIDED IN THE STATE BUDGET.**

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 448**

**(Senate Bill 553)**

AN ACT concerning

### **Universities at Shady Grove Regional Higher Education Center**

FOR the purpose of establishing the Universities at Shady Grove Regional Higher Education Center; establishing the purpose of the Center; requiring certain programs to be offered at the Center; providing for the funding of the Center; altering a certain definition; and generally relating to the Universities at Shady Grove Regional Higher Education Center.

BY repealing and reenacting, without amendments,  
Article – Education  
Section 12–101(b)(1)  
Annotated Code of Maryland  
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Article – Education  
Section 12–101(b)(3)  
Annotated Code of Maryland  
(2018 Replacement Volume and 2019 Supplement)

BY adding to  
Article – Education  
Section 12–119  
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**

12–101.

(b) (1) In this title the following words have the meanings indicated.

(3) “Centers” or “institutes” means the following components of the System under the jurisdiction of the Board of Regents:

(i) University of Maryland Center for Environmental Science;

(ii) Cooperative Extension Service and the Agricultural Experiment Station;

(iii) Statewide Medical Education and Training System;

(iv) Fire and Rescue Institute;

(v) Center for Maryland Advanced Ventures;

(vi) University of Maryland Center for Economic and Entrepreneurship Development;

**(VII) UNIVERSITIES AT SHADY GROVE REGIONAL HIGHER EDUCATION CENTER;** and

[(vii)] **(VIII)** Any other center, component, or institute established and operated by the System in accordance with its mission.

12–119.

**(A) THERE IS A UNIVERSITIES AT SHADY GROVE REGIONAL HIGHER EDUCATION CENTER WITHIN THE UNIVERSITY SYSTEM OF MARYLAND.**

**(B) THE PURPOSE OF THE UNIVERSITIES AT SHADY GROVE REGIONAL HIGHER EDUCATION CENTER IS TO PROVIDE STUDENTS ACCESS TO ESTABLISHED, CUTTING EDGE, AND HIGH-DEMAND ACADEMIC PROGRAMS OF DEGREE-GRANTING INSTITUTIONS.**

**(C) THE ACADEMIC PROGRAMS OFFERED AT THE UNIVERSITIES AT SHADY GROVE REGIONAL HIGHER EDUCATION CENTER SHALL BE UPPER DIVISION UNDERGRADUATE AND GRADUATE LEVEL PROGRAMS AND PROGRAMS FOR ADVANCED POSTGRADUATE CERTIFICATES AND CREDENTIALS.**

**(D) FUNDING FOR THE UNIVERSITIES AT SHADY GROVE REGIONAL HIGHER EDUCATION CENTER SHALL BE AS PROVIDED IN THE STATE BUDGET.**

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 449**

**(House Bill 1222)**

AN ACT concerning

**State Board of Elections – Campaign Finance Enforcement and Compliance –  
New State Positions**

FOR the purpose of requiring the Department of Budget and Management to create a certain number of new State positions for the State Board of Elections for a certain purpose for a certain year; and generally relating to new State positions at the State Board of Elections.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, for fiscal year 2021, the Department of Budget and Management shall create two new State positions for the State Board of Elections for the purpose of employing staff to enforce campaign finance violations and to ensure compliance with campaign finance law.

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 450**

**(House Bill 1229)**

AN ACT concerning

**Public Health – Disposition of Remains – Authorizing Agent**

FOR the purpose of clarifying that a certain document through the execution of which a certain individual may decide the disposition of the individual's own body without certain consent includes a document designating a person to act as an authorizing agent; providing that an authorizing agent is bound by certain documents in making certain decisions; clarifying the order of priority of persons that have the right to serve as the authorizing agent for a decedent; making conforming changes; defining a certain term; and generally relating to the final disposition of the body of a decedent.

BY repealing and reenacting, with amendments,

Article – Health – General  
Section 5–408.1 and 5–509  
Annotated Code of Maryland  
(2019 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Health – General  
Section 5–508(a), (b), (f), and (g)  
Annotated Code of Maryland  
(2019 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Health Occupations  
Section 7–101(a) and (v)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2019 Supplement)

BY adding to

Article – Health Occupations  
Section 7–101(c–1)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations  
Section 7–410  
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**

5–408.1.

Except as provided in § 5–408(a)(2) of this subtitle, this subtitle does not deny the

right of a donor to provide by [last will and testament or by contract] **A DOCUMENT DESCRIBED IN § 5–509 OF THIS TITLE** for the ultimate disposition and repose of the donor’s last remains.

5–508.

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

(b) “Authorizing agent” means the individual who has legal authority to arrange for and make decisions regarding the final disposition of a dead human body, including by cremation.

(f) “Practitioner” means a person who is licensed by the State as a funeral director, mortician, or surviving spouse licensee to practice mortuary science.

(g) “Pre–need contract” means an agreement prior to the time of death between a consumer and a practitioner to provide any goods and services regarding the final disposition of a dead human body.

5–509.

(a) (1) Any individual who is 18 years of age or older may decide the disposition of the individual’s own body after that individual’s death without the predeath or post–death consent of another person by [executing]:

(I) **EXECUTING** a document that expresses the individual’s wishes regarding disposition of the body, **INCLUDING A DOCUMENT DESIGNATING A PERSON TO ACT AS AUTHORIZING AGENT**; or [by entering]

(II) **ENTERING** into a pre–need contract.

(2) The person designated on a United States Department of Defense Record of Emergency Data (DD Form 93), or its successor form, as the person authorized to direct disposition may [arrange for the final disposition of the body of a decedent, including by cremation under § 5–502 of this subtitle] **SERVE AS THE AUTHORIZING AGENT FOR A DECEDENT**, if the decedent:

(i) Died while serving in the United States armed forces; and

(ii) Executed the United States Department of Defense Record of Emergency Data (DD Form 93), or its successor form.

**(3) AN AUTHORIZING AGENT IS BOUND BY ANY VALID DOCUMENT EXECUTED UNDER THIS SUBSECTION IN MAKING DECISIONS REGARDING THE FINAL DISPOSITION OF THE DECEDENT’S BODY.**

(b) In order to be valid, any document executed under subsection (a) of this section must be written and signed by the individual in the presence of a witness, who, in turn, shall sign the document in the presence of the individual.

(c) **THE FOLLOWING PERSONS, IN THE ORDER OF PRIORITY STATED, HAVE THE RIGHT TO SERVE AS THE AUTHORIZING AGENT FOR A DECEDENT:**

**(1) IF THE DECEDENT EXECUTED A VALID DOCUMENT UNDER SUBSECTION (A) OF THIS SECTION:**

**(I) THE PERSON DESIGNATED ON THE UNITED STATES DEPARTMENT OF DEFENSE RECORD OF EMERGENCY DATA (DD FORM 93), OR ITS SUCCESSOR FORM, AS THE PERSON AUTHORIZED TO DIRECT DISPOSITION; OR**

**(II) THE PERSON DESIGNATED AS AN AUTHORIZING AGENT BY A DECEDENT IN THE VALID DOCUMENT EXECUTED UNDER SUBSECTION (A)(1) OF THIS SECTION; OR**

**(2)** Unless a person has knowledge that contrary directions have been given by the decedent, if a decedent has not executed a document under subsection (a) of this section[, the following persons, in the order of priority stated, have the right to arrange for the final disposition of the body of the decedent, including by cremation under § 5–502 of this subtitle]:

[(1)] **(I)** The surviving spouse or domestic partner of the decedent;

[(2)] **(II)** An adult child of the decedent;

[(3)] **(III)** A parent of the decedent;

[(4)] **(IV)** An adult brother or sister of the decedent;

[(5)] **(V)** An adult grandchild of the decedent;

[(6)] **(VI)** A person acting as a representative of the decedent under a signed authorization of the decedent **THAT DOES NOT MEET THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION;**

[(7)] **(VII)** The guardian of the person of the decedent at the time of the decedent's death, if one has been appointed; or

[(8)] **(VIII)** In the absence of any person under items [(1) through (7)] **(I) THROUGH (VII)** of this [subsection] **ITEM**, any other person willing to assume the responsibility to act as the authorizing agent [for purposes of arranging the final disposition

of the decedent's body], including the personal representative of the decedent's estate, after attesting in writing that a good faith effort has been made to no avail to contact the individuals under items [(1) through (7)] **(I) THROUGH (VII)** of this [subsection] **ITEM**.

(d) (1) Subject to paragraph (2) of this subsection, if a decedent has more than one survivor under subsection [(c)(1) through (5)] **(C)(2)(I) THROUGH (V)** of this section, any adult child, parent, adult brother or sister, or adult grandchild of the decedent who confirms in writing to a practitioner that all of the other members of the same class have been notified may serve as the authorizing agent for purposes of § 5–502 of this subtitle unless the practitioner receives a written objection to the cremation from another member of that class within 24 hours.

(2) If a decedent has more than one survivor under subsection [(c)(1) through (5)] **(C)(2)(I) THROUGH (V)** of this section, the majority of a class may serve as the authorizing agent.

(e) In the case of an individual whose final disposition is the responsibility of the State or any of its instrumentalities, a public administrator, medical examiner, coroner, State-appointed guardian, or any other public official charged with arranging the final disposition of the decedent may serve as the authorizing agent [for purposes of § 5–502 of this subtitle].

(f) In the case of an individual who has donated the individual's body to medical science or whose death occurred in a nursing home or other private institution, a representative of the institution to which the body was donated or in which the decedent died shall authorize cremation for purposes of § 5–502 of this subtitle if the decedent executed cremating authorization forms and the institution is charged with making arrangements for the final disposition of the body.

(g) (1) This subsection may not be construed to require a licensed mortician, licensed funeral director, or licensed funeral establishment to make any notification regarding the right of disposition.

(2) A person shall forfeit the right of final disposition of the body of a decedent under subsection (c) of this section and the right shall pass to the next qualifying person, if the person:

(i) Does not exercise the right of disposition within 7 days after notification by a funeral establishment of the death of the decedent, or within 10 days after the decedent's death, whichever is earlier;

(ii) Subject to paragraph (3) of this subsection, is charged with first- or second-degree murder or voluntary manslaughter in connection with the decedent's death and the charges are known to the funeral director; or

(iii) Is the subject of an active interim, temporary, or final protective

order and the decedent was a person eligible for relief, as defined under § 4–501 of the Family Law Article, under the order and a copy of the order is presented to the funeral director.

(3) A person whose right of disposition was forfeited under paragraph (2)(ii) of this subsection shall have the right restored, if:

- (i) The criminal charges are dismissed; or
- (ii) The person is acquitted of the criminal charges.

(4) A person may waive the right of final disposition of the body of a decedent under subsection (c) of this section and the right shall pass to the next qualifying person, if:

- (i) The person waives the right of disposition in writing; and
- (ii) The writing is submitted to the practitioner or funeral establishment.

(5) A practitioner or funeral establishment may not be held civilly liable for acting in reliance on this subsection.

### Article – Health Occupations

7–101.

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

**(C–1) “AUTHORIZING AGENT” MEANS THE INDIVIDUAL WHO HAS LEGAL AUTHORITY TO ARRANGE FOR AND MAKE DECISIONS REGARDING THE FINAL DISPOSITION OF A DEAD HUMAN BODY, INCLUDING BY CREMATION.**

(v) “Pre–need contract” means an agreement between a consumer and a licensed funeral director, licensed mortician, or surviving spouse to provide any goods and services purchased prior to the time of death. Goods and services shall include:

(1) A service, including any form of preservation and disposition or cremation, that a mortician normally provides in the ordinary course of business; or

(2) Merchandise, including a casket, vault, or clothing, that a mortician normally provides in the ordinary course of business.

7–410.

- (a) **(1)** Any individual who is 18 years of age or older may decide the disposition

of the individual's own body after the individual's death without the pre-death or post-death consent of another person by [executing]:

**(I) EXECUTING a document that expresses the individual's wishes, INCLUDING A DOCUMENT DESIGNATING A PERSON TO ACT AS AUTHORIZING AGENT; or [by entering]**

**(II) ENTERING into a pre-need contract.**

**(2) THE PERSON DESIGNATED ON A UNITED STATES DEPARTMENT OF DEFENSE RECORD OF EMERGENCY DATA (DD FORM 93), OR ITS SUCCESSOR FORM, AS THE PERSON AUTHORIZED TO DIRECT DISPOSITION MAY SERVE AS THE AUTHORIZING AGENT FOR A DECEDENT, IF THE DECEDENT:**

**(I) DIED WHILE SERVING IN THE UNITED STATES ARMED FORCES; AND**

**(II) EXECUTED THE UNITED STATES DEPARTMENT OF DEFENSE RECORD OF EMERGENCY DATA (DD FORM 93), OR ITS SUCCESSOR FORM.**

**(3) AN AUTHORIZING AGENT IS BOUND BY ANY VALID DOCUMENT EXECUTED UNDER THIS SUBSECTION IN MAKING DECISIONS REGARDING THE FINAL DISPOSITION OF THE DECEDENT'S BODY.**

(b) In order to be valid, any document executed under subsection (a) of this section must be written and signed by the individual in the presence of a witness, who, in turn, shall sign the document in the presence of the individual.

**(c) THE FOLLOWING PERSONS, IN THE ORDER OF PRIORITY STATED, HAVE THE RIGHT TO SERVE AS THE AUTHORIZING AGENT FOR A DECEDENT:**

**(1) IF THE DECEDENT EXECUTED A VALID DOCUMENT UNDER SUBSECTION (A) OF THIS SECTION:**

**(I) THE PERSON DESIGNATED ON THE UNITED STATES DEPARTMENT OF DEFENSE RECORD OF EMERGENCY DATA (DD FORM 93), OR ITS SUCCESSOR FORM, AS THE PERSON AUTHORIZED TO DIRECT DISPOSITION; OR**

**(II) THE PERSON DESIGNATED BY A DECEDENT IN THE VALID DOCUMENT EXECUTED UNDER SUBSECTION (A)(1) OF THIS SECTION; OR**

**(2) Unless a person has knowledge that contrary directions have been given by the decedent, if a decedent has not executed a document under subsection (a) of this section[, the following persons, in the order of priority stated, have the right to arrange**



for the final disposition of the body of the decedent under this section and are liable for the reasonable costs of preparation, care, and disposition of the decedent]:

[(1)] (I) The surviving spouse or domestic partner, as defined in § 1–101 of the Health – General Article, of the decedent;

[(2)] (II) An adult child of the decedent;

[(3)] (III) A parent of the decedent;

[(4)] (IV) An adult brother or sister of the decedent;

[(5)] (V) An adult grandchild of the decedent;

[(6)] (VI) A person acting as a representative of the decedent under a signed authorization of the decedent **THAT DOES NOT MEET THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION**;

[(7)] (VII) The guardian of the person of the decedent at the time of the decedent's death, if a guardian has been appointed; or

[(8)] (VIII) In the absence of any person under items [(1) through (7)] (I) **THROUGH (VII)** of this [subsection] **ITEM**, any other person willing to assume the responsibility to act as the authorizing agent [for purposes of arranging the final disposition of the decedent's body], including the personal representative of the decedent's estate, after attesting in writing that a good faith effort has been made to no avail to contact the persons described in items [(1) through (7)] (I) **THROUGH (VII)** of this [subsection] **ITEM**.

(d) (1) Subject to paragraph (2) of this subsection, if a decedent has more than one survivor under subsection [(c)(1) through (5)] (C)(2)(I) **THROUGH (V)** of this section, any adult child, parent, adult brother or sister, or adult grandchild of the decedent who confirms in writing to a licensee that all of the other members of the same class have been notified may serve as the authorizing agent unless the licensee receives a written objection from another member of that class **WITHIN 24 HOURS**.

(2) If a decedent has more than one survivor under subsection [(c)(1) through (5)] (C)(2)(I) **THROUGH (V)** of this section, the majority of a class may serve as the authorizing agent.

(e) For an individual whose final disposition is the responsibility of the State or any of its instrumentalities, a public administrator, medical examiner, coroner, State-appointed guardian, or any other public official charged with arranging the final disposition of the body of the individual may serve as the authorizing agent [for purposes of this section].

(f) For an individual who has donated the individual's body to medical science or whose death occurred in a nursing home or other private institution, a representative of the institution to which the body was donated or in which the decedent died may serve as the authorizing agent of the decedent and the institution is charged with making arrangements for the final disposition of the body.

(g) (1) This subsection may not be construed to require a licensed mortician, licensed funeral director, or licensed funeral establishment to make any notification regarding the right of final disposition of the body of a decedent.

(2) A person shall forfeit the right of final disposition of the body of a decedent under subsection (c) of this section and the right shall pass to the next qualifying person, if the person:

(i) Does not exercise the right of disposition within 7 days after notification by a funeral establishment of the death of the decedent, or within 10 days after the decedent's death, whichever is earlier;

(ii) Subject to paragraph (3) of this subsection, is charged with first- or second-degree murder or voluntary manslaughter in connection with the decedent's death and the charges are known to the funeral director; or

(iii) Is the subject of an active interim, temporary, or final protective order and the decedent was a person eligible for relief, as defined under § 4-501 of the Family Law Article, under the order and a copy of the order is presented to the funeral director.

(3) A person whose right of disposition was forfeited under paragraph (2)(ii) of this subsection shall have the right restored, if:

(i) The criminal charges are dismissed; or

(ii) The person is acquitted of the criminal charges.

(4) A person may waive the right of final disposition of the body of a decedent under subsection (c) of this section and the right shall pass to the next qualifying person, if:

(i) The person waives the right of disposition in writing; and

(ii) The writing is submitted to the practitioner or funeral establishment.

(5) A licensed mortician, licensed funeral director, or licensed funeral establishment may not be held civilly liable for acting in reliance on 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 451**

### **(Senate Bill 528)**

AN ACT concerning

#### **Public Health – Disposition of Remains – Authorizing Agent**

FOR the purpose of clarifying that a certain document through the execution of which a certain individual may decide the disposition of the individual's own body without certain consent includes a document designating a person to act as an authorizing agent; providing that an authorizing agent is bound by certain documents in making certain decisions; clarifying the order of priority of persons that have the right to serve as the authorizing agent for a decedent; making conforming changes; defining a certain term; and generally relating to the final disposition of the body of a decedent.

BY repealing and reenacting, with amendments,

Article – Health – General  
Section 5–408.1 and 5–509  
Annotated Code of Maryland  
(2019 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Health – General  
Section 5–508(a), (b), (f), and (g)  
Annotated Code of Maryland  
(2019 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Health Occupations  
Section 7–101(a) and (v)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2019 Supplement)

BY adding to

Article – Health Occupations  
Section 7–101(c–1)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Article – Health Occupations  
Section 7–410  
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**

5–408.1.

Except as provided in § 5–408(a)(2) of this subtitle, this subtitle does not deny the right of a donor to provide by [last will and testament or by contract] **A DOCUMENT DESCRIBED IN § 5–509 OF THIS TITLE** for the ultimate disposition and repose of the donor’s last remains.

5–508.

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

(b) “Authorizing agent” means the individual who has legal authority to arrange for and make decisions regarding the final disposition of a dead human body, including by cremation.

(f) “Practitioner” means a person who is licensed by the State as a funeral director, mortician, or surviving spouse licensee to practice mortuary science.

(g) “Pre–need contract” means an agreement prior to the time of death between a consumer and a practitioner to provide any goods and services regarding the final disposition of a dead human body.

5–509.

(a) (1) Any individual who is 18 years of age or older may decide the disposition of the individual’s own body after that individual’s death without the predeath or post–death consent of another person by [executing]:

(I) **EXECUTING** a document that expresses the individual’s wishes regarding disposition of the body, **INCLUDING A DOCUMENT DESIGNATING A PERSON TO ACT AS AUTHORIZING AGENT;** or [by entering]

(II) **ENTERING** into a pre–need contract.

(2) The person designated on a United States Department of Defense

Record of Emergency Data (DD Form 93), or its successor form, as the person authorized to direct disposition may [arrange for the final disposition of the body of a decedent, including by cremation under § 5–502 of this subtitle] **SERVE AS THE AUTHORIZING AGENT FOR A DECEDENT**, if the decedent:

(i) Died while serving in the United States armed forces; and

(ii) Executed the United States Department of Defense Record of Emergency Data (DD Form 93), or its successor form.

**(3) AN AUTHORIZING AGENT IS BOUND BY ANY VALID DOCUMENT EXECUTED UNDER THIS SUBSECTION IN MAKING DECISIONS REGARDING THE FINAL DISPOSITION OF THE DECEDENT’S BODY.**

(b) In order to be valid, any document executed under subsection (a) of this section must be written and signed by the individual in the presence of a witness, who, in turn, shall sign the document in the presence of the individual.

(c) **THE FOLLOWING PERSONS, IN THE ORDER OF PRIORITY STATED, HAVE THE RIGHT TO SERVE AS THE AUTHORIZING AGENT FOR A DECEDENT:**

**(1) IF THE DECEDENT EXECUTED A VALID DOCUMENT UNDER SUBSECTION (A) OF THIS SECTION:**

**(I) THE PERSON DESIGNATED ON THE UNITED STATES DEPARTMENT OF DEFENSE RECORD OF EMERGENCY DATA (DD FORM 93), OR ITS SUCCESSOR FORM, AS THE PERSON AUTHORIZED TO DIRECT DISPOSITION; OR**

**(II) THE PERSON DESIGNATED AS AN AUTHORIZING AGENT BY A DECEDENT IN THE VALID DOCUMENT EXECUTED UNDER SUBSECTION (A)(1) OF THIS SECTION; OR**

**(2) Unless a person has knowledge that contrary directions have been given by the decedent, if a decedent has not executed a document under subsection (a) of this section[, the following persons, in the order of priority stated, have the right to arrange for the final disposition of the body of the decedent, including by cremation under § 5–502 of this subtitle]:**

**[(1)] (I) The surviving spouse or domestic partner of the decedent;**

**[(2)] (II) An adult child of the decedent;**

**[(3)] (III) A parent of the decedent;**

**[(4)] (IV) An adult brother or sister of the decedent;**

[(5)] (V) An adult grandchild of the decedent;

[(6)] (VI) A person acting as a representative of the decedent under a signed authorization of the decedent **THAT DOES NOT MEET THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION**;

[(7)] (VII) The guardian of the person of the decedent at the time of the decedent's death, if one has been appointed; or

[(8)] (VIII) In the absence of any person under items [(1) through (7)] **(I) THROUGH (VII)** of this [subsection] **ITEM**, any other person willing to assume the responsibility to act as the authorizing agent [for purposes of arranging the final disposition of the decedent's body], including the personal representative of the decedent's estate, after attesting in writing that a good faith effort has been made to no avail to contact the individuals under items [(1) through (7)] **(I) THROUGH (VII)** of this [subsection] **ITEM**.

(d) (1) Subject to paragraph (2) of this subsection, if a decedent has more than one survivor under subsection [(c)(1) through (5)] **(C)(2)(I) THROUGH (V)** of this section, any adult child, parent, adult brother or sister, or adult grandchild of the decedent who confirms in writing to a practitioner that all of the other members of the same class have been notified may serve as the authorizing agent for purposes of § 5–502 of this subtitle unless the practitioner receives a written objection to the cremation from another member of that class within 24 hours.

(2) If a decedent has more than one survivor under subsection [(c)(1) through (5)] **(C)(2)(I) THROUGH (V)** of this section, the majority of a class may serve as the authorizing agent.

(e) In the case of an individual whose final disposition is the responsibility of the State or any of its instrumentalities, a public administrator, medical examiner, coroner, State-appointed guardian, or any other public official charged with arranging the final disposition of the decedent may serve as the authorizing agent [for purposes of § 5–502 of this subtitle].

(f) In the case of an individual who has donated the individual's body to medical science or whose death occurred in a nursing home or other private institution, a representative of the institution to which the body was donated or in which the decedent died shall authorize cremation for purposes of § 5–502 of this subtitle if the decedent executed cremating authorization forms and the institution is charged with making arrangements for the final disposition of the body.

(g) (1) This subsection may not be construed to require a licensed mortician, licensed funeral director, or licensed funeral establishment to make any notification regarding the right of disposition.

(2) A person shall forfeit the right of final disposition of the body of a decedent under subsection (c) of this section and the right shall pass to the next qualifying person, if the person:

(i) Does not exercise the right of disposition within 7 days after notification by a funeral establishment of the death of the decedent, or within 10 days after the decedent's death, whichever is earlier;

(ii) Subject to paragraph (3) of this subsection, is charged with first- or second-degree murder or voluntary manslaughter in connection with the decedent's death and the charges are known to the funeral director; or

(iii) Is the subject of an active interim, temporary, or final protective order and the decedent was a person eligible for relief, as defined under § 4-501 of the Family Law Article, under the order and a copy of the order is presented to the funeral director.

(3) A person whose right of disposition was forfeited under paragraph (2)(ii) of this subsection shall have the right restored, if:

(i) The criminal charges are dismissed; or

(ii) The person is acquitted of the criminal charges.

(4) A person may waive the right of final disposition of the body of a decedent under subsection (c) of this section and the right shall pass to the next qualifying person, if:

(i) The person waives the right of disposition in writing; and

(ii) The writing is submitted to the practitioner or funeral establishment.

(5) A practitioner or funeral establishment may not be held civilly liable for acting in reliance on this subsection.

### **Article – Health Occupations**

7-101.

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

**(C-1) “AUTHORIZING AGENT” MEANS THE INDIVIDUAL WHO HAS LEGAL AUTHORITY TO ARRANGE FOR AND MAKE DECISIONS REGARDING THE FINAL DISPOSITION OF A DEAD HUMAN BODY, INCLUDING BY CREMATION.**

(v) “Pre-need contract” means an agreement between a consumer and a licensed

funeral director, licensed mortician, or surviving spouse to provide any goods and services purchased prior to the time of death. Goods and services shall include:

(1) A service, including any form of preservation and disposition or cremation, that a mortician normally provides in the ordinary course of business; or

(2) Merchandise, including a casket, vault, or clothing, that a mortician normally provides in the ordinary course of business.

7-410.

(a) **(1)** Any individual who is 18 years of age or older may decide the disposition of the individual's own body after the individual's death without the pre-death or post-death consent of another person by **[executing]**:

**(I) EXECUTING** a document that expresses the individual's wishes, **INCLUDING A DOCUMENT DESIGNATING A PERSON TO ACT AS AUTHORIZING AGENT;** or **[by entering]**

**(II) ENTERING** into a pre-need contract.

**(2) THE PERSON DESIGNATED ON A UNITED STATES DEPARTMENT OF DEFENSE RECORD OF EMERGENCY DATA (DD FORM 93), OR ITS SUCCESSOR FORM, AS THE PERSON AUTHORIZED TO DIRECT DISPOSITION MAY SERVE AS THE AUTHORIZING AGENT FOR A DECEDENT, IF THE DECEDENT:**

**(I) DIED WHILE SERVING IN THE UNITED STATES ARMED FORCES; AND**

**(II) EXECUTED THE UNITED STATES DEPARTMENT OF DEFENSE RECORD OF EMERGENCY DATA (DD FORM 93), OR ITS SUCCESSOR FORM.**

**(3) AN AUTHORIZING AGENT IS BOUND BY ANY VALID DOCUMENT EXECUTED UNDER THIS SUBSECTION IN MAKING DECISIONS REGARDING THE FINAL DISPOSITION OF THE DECEDENT'S BODY.**

(b) In order to be valid, any document executed under subsection (a) of this section must be written and signed by the individual in the presence of a witness, who, in turn, shall sign the document in the presence of the individual.

(c) **THE FOLLOWING PERSONS, IN THE ORDER OF PRIORITY STATED, HAVE THE RIGHT TO SERVE AS THE AUTHORIZING AGENT FOR A DECEDENT:**

**(1) IF THE DECEDENT EXECUTED A VALID DOCUMENT UNDER SUBSECTION (A) OF THIS SECTION:**



**(I) THE PERSON DESIGNATED ON THE UNITED STATES DEPARTMENT OF DEFENSE RECORD OF EMERGENCY DATA (DD FORM 93), OR ITS SUCCESSOR FORM, AS THE PERSON AUTHORIZED TO DIRECT DISPOSITION; OR**

**(II) THE PERSON DESIGNATED BY A DECEDENT IN THE VALID DOCUMENT EXECUTED UNDER SUBSECTION (A)(1) OF THIS SECTION; OR**

**(2)** Unless a person has knowledge that contrary directions have been given by the decedent, if a decedent has not executed a document under subsection (a) of this section[, the following persons, in the order of priority stated, have the right to arrange for the final disposition of the body of the decedent under this section and are liable for the reasonable costs of preparation, care, and disposition of the decedent]:

[(1)] **(I)** The surviving spouse or domestic partner, as defined in § 1–101 of the Health – General Article, of the decedent;

[(2)] **(II)** An adult child of the decedent;

[(3)] **(III)** A parent of the decedent;

[(4)] **(IV)** An adult brother or sister of the decedent;

[(5)] **(V)** An adult grandchild of the decedent;

[(6)] **(VI)** A person acting as a representative of the decedent under a signed authorization of the decedent **THAT DOES NOT MEET THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION;**

[(7)] **(VII)** The guardian of the person of the decedent at the time of the decedent’s death, if a guardian has been appointed; or

[(8)] **(VIII)** In the absence of any person under items [(1) through (7)] **(I) THROUGH (VII)** of this [subsection] **ITEM**, any other person willing to assume the responsibility to act as the authorizing agent [for purposes of arranging the final disposition of the decedent’s body], including the personal representative of the decedent’s estate, after attesting in writing that a good faith effort has been made to no avail to contact the persons described in items [(1) through (7)] **(I) THROUGH (VII)** of this [subsection] **ITEM**.

(d) (1) Subject to paragraph (2) of this subsection, if a decedent has more than one survivor under subsection [(c)(1) through (5)] **(C)(2)(I) THROUGH (V)** of this section, any adult child, parent, adult brother or sister, or adult grandchild of the decedent who confirms in writing to a licensee that all of the other members of the same class have been notified may serve as the authorizing agent unless the licensee receives a written objection from another member of that class **WITHIN 24 HOURS**.

(2) If a decedent has more than one survivor under subsection [(c)(1) through (5)] **(C)(2)(I) THROUGH (V)** of this section, the majority of a class may serve as the authorizing agent.

(e) For an individual whose final disposition is the responsibility of the State or any of its instrumentalities, a public administrator, medical examiner, coroner, State-appointed guardian, or any other public official charged with arranging the final disposition of the body of the individual may serve as the authorizing agent [for purposes of this section].

(f) For an individual who has donated the individual's body to medical science or whose death occurred in a nursing home or other private institution, a representative of the institution to which the body was donated or in which the decedent died may serve as the authorizing agent of the decedent and the institution is charged with making arrangements for the final disposition of the body.

(g) (1) This subsection may not be construed to require a licensed mortician, licensed funeral director, or licensed funeral establishment to make any notification regarding the right of final disposition of the body of a decedent.

(2) A person shall forfeit the right of final disposition of the body of a decedent under subsection (c) of this section and the right shall pass to the next qualifying person, if the person:

(i) Does not exercise the right of disposition within 7 days after notification by a funeral establishment of the death of the decedent, or within 10 days after the decedent's death, whichever is earlier;

(ii) Subject to paragraph (3) of this subsection, is charged with first- or second-degree murder or voluntary manslaughter in connection with the decedent's death and the charges are known to the funeral director; or

(iii) Is the subject of an active interim, temporary, or final protective order and the decedent was a person eligible for relief, as defined under § 4-501 of the Family Law Article, under the order and a copy of the order is presented to the funeral director.

(3) A person whose right of disposition was forfeited under paragraph (2)(ii) of this subsection shall have the right restored, if:

(i) The criminal charges are dismissed; or

(ii) The person is acquitted of the criminal charges.

(4) A person may waive the right of final disposition of the body of a decedent under subsection (c) of this section and the right shall pass to the next qualifying

person, if:

(i) The person waives the right of disposition in writing; and

(ii) The writing is submitted to the practitioner or funeral establishment.

(5) A licensed mortician, licensed funeral director, or licensed funeral establishment may not be held civilly liable for acting in reliance on 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 452

(House Bill 1273)

AN ACT concerning

**Health Insurance – Audits of ~~Claims by Pharmacies or Pharmacists – Deadlines~~  
Authorization to Withdraw and Resubmit Claims**

FOR the purpose of ~~authorizing a certain carrier, if the carrier conducts a certain audit of a claim by a pharmacy or pharmacist, to audit only claims submitted or adjudicated within a certain period of time immediately preceding the audit except under certain circumstances; altering the time frame during which certain claims must be submitted or adjudicated for the claims to be audited by a pharmacy benefits manager; defining a certain term; requiring a pharmacy benefits manager to allow a pharmacy or pharmacist to withdraw and resubmit certain claims with a certain number of days after a preliminary audit report is delivered or, if a pharmacy or pharmacist requests an internal audit, within a certain number of days after the conclusion of the internal appeals process; making a stylistic change; and generally relating to audits of claims by pharmacies or pharmacists.~~

BY repealing and reenacting, without amendments,

Article – Insurance

Section ~~15-141(a)(2) and~~ 15-1629(a) and (b)

Annotated Code of Maryland

(2017 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 15-1629(d)(7)

Annotated Code of Maryland  
(2017 Replacement Volume and 2019 Supplement)

BY adding to

Article – Insurance

Section ~~15-144~~ 15-1629(d-1)

Annotated Code of Maryland

(2017 Replacement Volume and 2019 Supplement)

~~BY repealing and reenacting, with amendments,~~

~~Article – Insurance~~

~~Section 15-1629(d)(7)~~

~~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**

~~15-141.~~

~~(a) (2) “Carrier” means:~~

~~(i) an insurer;~~

~~(ii) a nonprofit health service plan;~~

~~(iii) a health maintenance organization;~~

~~(iv) a dental plan organization; or~~

~~(v) any other person that provides health benefit plans subject to regulation by the State.~~

~~15-144.~~

~~(A) IN THIS SECTION, “CARRIER” HAS THE MEANING STATED IN § 15-141 OF THIS SUBTITLE.~~

~~(B) IF A CARRIER CONDUCTS AN AUDIT OF A PHARMACY OR PHARMACIST UNDER CONTRACT WITH THE CARRIER, THE CARRIER MAY AUDIT ONLY CLAIMS SUBMITTED OR ADJUDICATED WITHIN THE 11-MONTH PERIOD IMMEDIATELY PRECEDING THE AUDIT, UNLESS A LONGER PERIOD IS AUTHORIZED UNDER FEDERAL OR STATE LAW.~~

15-1629.

(a) This section does not apply to an audit that involves probable or potential fraud or willful misrepresentation by a pharmacy or pharmacist.

(b) A pharmacy benefits manager shall conduct an audit of a pharmacy or pharmacist under contract with the pharmacy benefits manager in accordance with this section.

(d) When conducting an audit, a pharmacy benefits manager shall:

(7) only audit claims submitted or adjudicated within the ~~2-year~~ ~~11-MONTH~~ period immediately preceding the audit, unless a longer period is [permitted] AUTHORIZED under federal or State law;

**(D-1) IF A CONTRACT BETWEEN A PHARMACY OR PHARMACIST AND A PHARMACY BENEFITS MANAGER SPECIFIES A PERIOD OF TIME IN WHICH A PHARMACY OR PHARMACIST IS ALLOWED TO WITHDRAW AND RESUBMIT A CLAIM AND THAT PERIOD OF TIME EXPIRES BEFORE THE PHARMACY BENEFITS MANAGER DELIVERS A PRELIMINARY AUDIT REPORT THAT IDENTIFIES DISCREPANCIES, THE PHARMACY BENEFITS MANAGER SHALL ALLOW THE PHARMACY OR PHARMACIST TO WITHDRAW AND RESUBMIT A CLAIM WITHIN 30 DAYS AFTER:**

**(1) THE PRELIMINARY AUDIT REPORT IS DELIVERED IF THE PHARMACY OR PHARMACIST DOES NOT REQUEST AN INTERNAL APPEAL UNDER SUBSECTION (I) OF THIS SECTION; OR**

**(2) THE CONCLUSION OF THE INTERNAL APPEALS PROCESS UNDER SUBSECTION (I) OF THIS SECTION IF THE PHARMACY OR PHARMACIST REQUESTS AN INTERNAL APPEAL.**

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 453

(House Bill 1304)

AN ACT concerning

**Baltimore County – Hunting – Deer Management Permits**

FOR the purpose of authorizing an individual who hunts under a Deer Management Permit in Baltimore County to use certain firearms to hunt deer throughout the year, including all deer hunting seasons, in the locations and under the conditions set forth in the permit; authorizing an individual who hunts under a Deer Management Permit in Baltimore County to hunt deer on certain lands under certain conditions; and generally relating to hunting deer under a Deer Management Permit in Baltimore County.

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 10–415(d)

Annotated Code of Maryland

(2012 Replacement Volume and 2019 Supplement)

(As enacted by Chapters 175 and 176 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 – Natural Resources

10–415.

(d) (1) In this subsection, “Deer Management Permit” means a permit issued by the Department authorizing the holder or an agent of the holder to hunt deer outside of deer hunting season for the purpose of preventing damage to crops.

(2) In Charles County, Calvert County, St. Mary’s County, [and] Harford County, **AND BALTIMORE COUNTY**, an individual who hunts deer under a Deer Management Permit may:

(i) Use a shotgun or breech loading center fired rifle approved by the Department to hunt deer throughout the year, including all deer hunting seasons, in the locations and under the conditions set forth in the permit; and

(ii) On State land in Charles County, Calvert County, St. Mary’s County, [or] Harford County, **OR BALTIMORE COUNTY** leased by the permit holder for the purpose of cultivating crops, hunt deer on the leased land in the locations and under the conditions set forth in the permit.

(3) To protect public safety and welfare, the Department may restrict the lands on which an individual may hunt deer under a Deer Management Permit.

(4) (i) This paragraph applies only in Frederick County.

(ii) Subject to the conditions set forth in a Deer Management Permit, a permittee may use a rifle approved by the Department to harvest deer throughout the

year, including all deer hunting seasons.

(iii) In Frederick County Zone 1, as defined in COMAR 08.03.03.06A.(3)(g), an agent of a permittee may use a rifle to harvest deer throughout the year.

(iv) 1. This subparagraph applies only in Frederick County Zone 2, as defined in COMAR 08.03.03.06A.(3)(h).

2. Except as provided in subsubparagraph 3 of this subparagraph, an agent of a permittee may use a rifle to harvest deer in a period beginning October 1 and ending March 31.

3. In a deer firearms season, an agent of a permittee may harvest deer only by using the weapon approved for that season.

(v) The Department shall adopt regulations to implement 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 454

**(Senate Bill 427)**

AN ACT concerning

### **Baltimore County – Hunting – Deer Management Permits**

FOR the purpose of authorizing an individual who hunts under a Deer Management Permit in Baltimore County to use certain firearms to hunt deer throughout the year, including all deer hunting seasons, in the locations and under the conditions set forth in the permit; authorizing an individual who hunts under a Deer Management Permit in Baltimore County to hunt deer on certain lands under certain conditions; and generally relating to hunting deer under a Deer Management Permit in Baltimore County.

BY repealing and reenacting, with amendments,  
Article – Natural Resources  
Section 10–415(d)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2019 Supplement)

(As enacted by Chapters 175 and 176 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 – Natural Resources**

10–415.

(d) (1) In this subsection, “Deer Management Permit” means a permit issued by the Department authorizing the holder or an agent of the holder to hunt deer outside of deer hunting season for the purpose of preventing damage to crops.

(2) In **BALTIMORE COUNTY**, Charles County, Calvert County, St. Mary’s County, and Harford County, an individual who hunts deer under a Deer Management Permit may:

(i) Use a shotgun or breech loading center fired rifle approved by the Department to hunt deer throughout the year, including all deer hunting seasons, in the locations and under the conditions set forth in the permit; and

(ii) On State land in **BALTIMORE COUNTY**, Charles County, Calvert County, St. Mary’s County, or Harford County leased by the permit holder for the purpose of cultivating crops, hunt deer on the leased land in the locations and under the conditions set forth in the permit.

(3) To protect public safety and welfare, the Department may restrict the lands on which an individual may hunt deer under a Deer Management Permit.

(4) (i) This paragraph applies only in Frederick County.

(ii) Subject to the conditions set forth in a Deer Management Permit, a permittee may use a rifle approved by the Department to harvest deer throughout the year, including all deer hunting seasons.

(iii) In Frederick County Zone 1, as defined in COMAR 08.03.03.06A.(3)(g), an agent of a permittee may use a rifle to harvest deer throughout the year.

(iv) 1. This subparagraph applies only in Frederick County Zone 2, as defined in COMAR 08.03.03.06A.(3)(h).

2. Except as provided in subparagraph 3 of this subparagraph, an agent of a permittee may use a rifle to harvest deer in a period beginning October 1 and ending March 31.

3. In a deer firearms season, an agent of a permittee may



harvest deer only by using the weapon approved for that season.

(v) The Department shall adopt regulations to implement 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 455

(House Bill 1307)

AN ACT concerning

### **Pharmacy Benefits Managers – ~~Network Adequacy~~ Credentialing and Reimbursement**

FOR the purpose of ~~requiring a pharmacy benefits manager to maintain a certain network that provides certain access to pharmacy services; requiring the Commissioner to establish certain criteria for determining the adequacy of a pharmacy benefits manager's network; authorizing the Commissioner to adopt certain regulations; prohibiting a pharmacy benefits manager from requiring a certain pharmacy or pharmacist to obtain certain accreditation, certification, or credentialing as a condition for participating in a certain network with certain frequency or charging a pharmacy or pharmacist a certain fee; authorizing the Commissioner to use certain contracts to determine certain network adequacy; altering the fees or other certain reimbursement that a pharmacy benefits manager is prohibited from directly or indirectly charging a certain pharmacy or for which a pharmacy benefits manager is prohibited from holding a certain pharmacy responsible; authorizing a pharmacist or pharmacy to decline to provide certain pharmacy services under certain circumstances; repealing certain circumstances under which a pharmacy benefits manager or purchaser is authorized to charge certain fees or hold certain pharmacies responsible for certain reimbursement that the pharmacy benefits manager or purchaser is otherwise prohibited from doing; prohibiting a pharmacy benefits manager or purchaser from reducing certain payment for certain pharmacy services under certain circumstances; providing for the application of this Act; providing for a delayed effective date; making a technical change; and generally relating to pharmacy benefits managers, network adequacy, and reimbursement.~~

~~BY adding to~~

~~Article — Insurance~~

~~Section 15 — 1611.2~~

~~Annotated Code of Maryland~~

~~(2017 Replacement Volume and 2019 Supplement)~~

BY repealing and reenacting, with amendments,  
Article – Insurance  
Section 15–1628, 15–1628.2(d), and 15–1628.3  
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**

~~15–1611.2.~~

~~(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A PHARMACY BENEFITS MANAGER SHALL MAINTAIN A REASONABLY ADEQUATE AND ACCESSIBLE PHARMACY BENEFITS MANAGER NETWORK CONSISTING OF CONTRACTED PHARMACIES THAT PROVIDE CONVENIENT PATIENT ACCESS TO PHARMACY SERVICES.~~

~~(B) (1) THE COMMISSIONER SHALL ESTABLISH CRITERIA FOR DETERMINING THE ADEQUACY OF A PHARMACY BENEFITS MANAGER'S NETWORK THAT INCLUDES:~~

~~(I) A DETERMINATION OF THE PURCHASERS THAT CONTRACT WITH THE PHARMACY BENEFITS MANAGER AND THE GEOGRAPHIC LOCATION IN WHICH THE PURCHASERS OFFER COVERAGE FOR PRESCRIPTION DRUG BENEFITS;~~

~~(II) A CALCULATION FOR DETERMINING A REASONABLE DISTANCE FROM A PATIENT'S HOME TO A CONTRACTED PHARMACY; AND~~

~~(III) A REVIEW OF COMPENSATION PROGRAMS TO ENSURE THAT THE REIMBURSEMENT PAID TO PHARMACIES AND PHARMACISTS FOR PHARMACY SERVICES IS FAIR AND REASONABLE.~~

~~(2) A MAIL ORDER PHARMACY MAY NOT BE INCLUDED IN A DETERMINATION OF A PHARMACY BENEFITS MANAGER'S NETWORK ADEQUACY.~~

~~(C) THE COMMISSIONER MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.~~

15–1628.

(a) (1) At the time of entering into a contract with a pharmacy or a pharmacist, and at least 30 working days before any contract change, a pharmacy benefits manager

shall disclose to the pharmacy or pharmacist:

- [(1)] (I) the applicable terms, conditions, and reimbursement rates;
- [(2)] (II) the process and procedures for verifying pharmacy benefits and beneficiary eligibility;
- [(3)] (III) the dispute resolution and audit appeals process; and
- [(4)] (IV) the process and procedures for verifying the prescription drugs included on the formularies used by the pharmacy benefits manager.

~~(2) A PHARMACY BENEFITS MANAGER MAY NOT REQUIRE A PHARMACY OR A PHARMACIST, AS A CONDITION FOR PARTICIPATING IN THE PHARMACY BENEFITS MANAGER'S NETWORK, TO OBTAIN OR MAINTAIN ACCREDITATION, CERTIFICATION, OR CREDENTIALING THAT IS INCONSISTENT WITH, MORE STRINGENT THAN, OR IN ADDITION TO STATE REQUIREMENTS FOR LICENSURE OR RELEVANT FEDERAL OR STATE STANDARDS.~~

(2) (I) THIS PARAGRAPH DOES NOT APPLY TO A REQUIREMENT THAT A SPECIALTY PHARMACY OBTAIN NATIONAL CERTIFICATION TO BE CONSIDERED A SPECIALTY PHARMACY IN A PHARMACY BENEFITS MANAGER'S OR PURCHASER'S NETWORK.

(II) FOR PURPOSES OF CREDENTIALING A PHARMACY OR A PHARMACIST AS A CONDITION FOR PARTICIPATING IN A PHARMACY BENEFITS MANAGER'S OR PURCHASER'S NETWORK, THE PHARMACY BENEFITS MANAGER OR PURCHASER MAY NOT:

1. REQUIRE A PHARMACY OR PHARMACIST TO RENEW CREDENTIALING MORE FREQUENTLY THAN ONCE EVERY 3 YEARS; OR
2. CHARGE A PHARMACY OR PHARMACIST A FEE FOR THE INITIAL CREDENTIALING OR RENEWING CREDENTIALING.

(b) (1) A contract or an amendment to a contract between a pharmacy benefits manager, a pharmacy services administration organization, or a group purchasing organization and a pharmacy may not become effective unless:

(i) at least 30 days before the contract or amendment is to become effective, the pharmacy benefits manager, pharmacy services administration organization, or group purchasing organization files the contract or amendment with the Commissioner in the form required by the Commissioner; and

(ii) the Commissioner does not disapprove the filing within 30 days

after the contract or amendment is filed.

(2) The Commissioner shall adopt regulations to establish the circumstances under which the Commissioner may disapprove a contract.

~~(C) THE COMMISSIONER MAY USE A CONTRACT FILED UNDER SUBSECTION (B) OF THIS SECTION IN MAKING A DETERMINATION OF WHETHER A PHARMACY BENEFITS MANAGER'S NETWORK IS ADEQUATE AS REQUIRED UNDER § 15-1611.2 OF THIS SUBTITLE.~~

15-1628.2.

(d) (1) If a pharmacy benefits manager denies an appeal and a contracted pharmacy or a designee of the contracted pharmacy files a complaint with the Commissioner, the Commissioner shall:

(i) review the compensation program of the pharmacy benefits manager to ensure that the reimbursement for pharmacy [benefits management] services paid to the pharmacist or a pharmacy complies with this subtitle and the terms of the participating pharmacy contract; and

(ii) based on a determination made by the Commissioner under item (i) of this paragraph, dismiss the appeal or uphold the appeal and order the pharmacy benefits manager to pay the claim or claims in accordance with the Commissioner's findings.

(2) On request, the pharmacy benefits manager shall provide to the Commissioner all mathematical calculations, accounts, records, documents, files, logs, correspondence, or other information necessary to complete the Commissioner's review.

(3) All information and data collected by the Commissioner during a review:

(i) is considered to be confidential and proprietary information; and

(ii) is not subject to disclosure under the Public Information Act.

15-1628.3.

(A) A pharmacy benefits manager or a purchaser may not directly or indirectly charge a contracted pharmacy, or hold a contracted pharmacy responsible for, a fee or performance-based reimbursement related to the adjudication of a claim or an incentive program ~~that is not~~

~~(1) specifically enumerated by the pharmacy benefits manager or purchaser at the time of claim processing;~~ or

~~(2) reported on the initial remittance advice of an adjudicated claim].~~

~~(B) IF THE AMOUNT REIMBURSED BY A PHARMACY BENEFITS MANAGER OR A PURCHASER FOR A PRESCRIPTION DRUG OR PHARMACY SERVICE IS LESS THAN THE PHARMACY ACQUISITION COST FOR THE SAME PRESCRIPTION DRUG OR PHARMACY SERVICE, THE PHARMACY OR PHARMACIST MAY DECLINE TO DISPENSE THE PRESCRIPTION DRUG OR PROVIDE THE PHARMACY SERVICE TO A BENEFICIARY.~~

(B) A PHARMACY BENEFITS MANAGER OR PURCHASER MAY NOT MAKE OR ALLOW ANY REDUCTION IN PAYMENT FOR PHARMACY SERVICES BY A PHARMACY BENEFITS MANAGER OR PURCHASER OR DIRECTLY OR INDIRECTLY REDUCE A PAYMENT FOR A PHARMACY SERVICE UNDER A RECONCILIATION PROCESS TO AN EFFECTIVE RATE OF REIMBURSEMENT, INCLUDING GENERIC EFFECTIVE RATES, BRAND EFFECTIVE RATES, DIRECT AND INDIRECT REMUNERATION FEES, OR ANY OTHER REDUCTION OR AGGREGATE REDUCTION OF PAYMENTS.

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 2. 3.~~ AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020 January 1, 2021.

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

---

## Chapter 456

(House Bill 1311)

AN ACT concerning

~~Allegany County and Garrett County – Definition of “Tree Expert” – Alteration~~  
Natural Resources – Tree Expert License – Eligibility Criteria

FOR the purpose of altering ~~the definition of “tree expert” to exclude, in Allegany County and Garrett County, a person who has participated in a certain program and has been engaged continuously in the practice of timber harvesting for a certain number of years, carries certain liability and property damage insurance, and is compensated for cutting, trimming, or removing certain trees on private property~~ the eligibility criteria for an applicant for a tree expert license to be issued a license; making stylistic changes; providing for the termination of this Act; and generally relating to tree experts.

BY repealing and reenacting, with amendments,  
 Article – Natural Resources  
 Section ~~5-415~~ 5-418  
 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 – Natural Resources**

5-418.

(a) The Department may examine an applicant for license as a tree expert and pass upon the competence of the applicant.

(B) [It] THE DEPARTMENT shall issue a “tree expert” license to any applicant, who:

(1) Pays the fee provided in § 5-419 of this subtitle;

(2) Has attained 18 years of age;

(3) (i) Has had 2 years of approved college education in forestry, arboriculture, horticulture, applied agricultural sciences, or the equivalent education and a minimum of 1 year of experience with a licensed tree expert in Maryland or with an acceptable tree expert company in another state; [or]

(ii) HAS, WITHIN THE IMMEDIATELY PRECEDING 3 YEARS:

1. ACHIEVED ACTIVE MASTER LOGGER STATUS FROM THE UNIVERSITY OF MARYLAND EXTENSION’S MARYLAND-DELAWARE MASTER LOGGER PROGRAM; AND

2. HELD A FOREST PRODUCT OPERATOR’S LICENSE ISSUED UNDER § 5-608 OF THIS TITLE; OR

(iii) For at least 3 years immediately preceding the date of application has been engaged continuously in practice as a tree expert with a licensed tree expert in Maryland or with an acceptable tree expert company in another state; and

(4) Has passed the examination given by the Department.

[b] (C) (1) Every licensee shall carry and show proof of liability and property damage insurance, in the form and amount required by the Department at the time it issues the license.

(2) The licensee shall maintain the insurance protection for the period the license is in effect.

~~5-415.~~

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

~~(b) "Licensed tree expert" means a person who has received from the Department a license displaying the person's qualifications to practice as a tree expert.~~

~~(c) (1) "Tree expert" means a person who represents to the public that the person is skilled in the science of tree care or removal and who, whether in the business of the person or as the employee of another person and whether under the title of arborist, tree specialist, tree surgeon, tree expert, or otherwise, engages in the business or work of the treatment, care, or removal of trees for compensation by:~~

~~(i) Making diagnoses, prescribing, and supervising the treatment for trees; or~~

~~(ii) Trimming, pruning, thinning, cabling, shaping, removing, or reducing the crown of trees.~~

~~(2) "Tree expert" does not include:~~

~~(i) A person engaged in commercial logging or timber harvesting operations as defined in § 5-1601 of this title;~~

~~(ii) A person engaged in the installation of underground facilities or any associated site construction; [or]~~

~~(iii) A person who treats, cares for, or removes a tree, as described in paragraph (1) of this subsection, that is 20 feet tall or less; OR~~

~~(IV) IN ALLEGANY COUNTY AND GARRETT COUNTY, A PERSON WHO:~~

~~1. FOR THE IMMEDIATELY PRECEDING 3 YEARS, HAS:~~

~~A. PARTICIPATED IN THE DEPARTMENT'S MARYLAND MASTER LOGGING PROGRAM; AND~~

~~B. BEEN ENGAGED CONTINUOUSLY IN THE PRACTICE OF TIMBER HARVESTING;~~

~~2. CARRIES LIABILITY AND PROPERTY DAMAGE INSURANCE IN THE SAME FORM AND AMOUNT AS IS REQUIRED FOR A LICENSED TREE EXPERT UNDER § 5-418(B) OF THIS SUBTITLE; AND~~

~~3. IS COMPENSATED FOR CUTTING, TRIMMING, OR REMOVING TREES ON PRIVATE PROPERTY THAT ARE:~~

~~A. DEAD;~~

~~B. DISEASED; OR~~

~~C. A SAFETY HAZARD TO PROPERTY, BUILDINGS, OR OTHER STRUCTURES ON THE PRIVATE PROPERTY.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020. It shall remain effective for a period of 2 years and, at the end of September 30, 2022, 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 457

(House Bill 1313)

AN ACT concerning

### Family Investment Program – Temporary Cash Assistance – Eligibility

FOR the purpose of prohibiting reducing or terminating certain temporary cash assistance for certain individuals who qualify for a certain exemption under certain circumstances; prohibiting reducing or terminating certain temporary cash assistance for certain individuals for noncompliance with certain work activities for good cause based on certain criteria as established by the Secretary of Human Services; specifying additional considerations for a certain evaluation of certain work activities; providing that a certain agreement include certain accommodations provided by certain local departments of social services for certain purposes; requiring certain local departments to provide a certain conciliatory period of a certain number of days for certain recipients who are not in compliance with the Family Investment Program; requiring certain case managers to provide certain assistance to certain Program recipients; requiring the full amount of temporary cash assistance to resume upon compliance with a certain Program; repealing a certain procedure for resuming certain temporary cash assistance; providing for a



delayed effective date; and generally relating to temporary cash assistance and the Family Investment Program.

BY repealing and reenacting, with amendments,  
Article – Human Services  
Section 5–308(b) and (c), 5–309, 5–310, and 5–312  
Annotated Code of Maryland  
(2019 Replacement Volume and 2019 Supplement)

BY adding to  
Article – Human Services  
Section 5–308(c)  
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**

5–308.

(b) (1) An individual may not be required to meet the work activity requirement under subsection (a)(2)(iv) of this section if the individual is exempt under criteria the Secretary establishes.

(2) The criteria shall include exemptions for:

(i) adults who are required to care for a child who is a recipient under the age of 1 year; and

(ii) subject to paragraph (3) of this subsection, adults and children who are recipients and who are severely disabled.

(3) An individual's exemption because of severe disability is limited to 12 months unless:

(i) the individual applies for Supplemental Security Income; and

(ii) the application is approved, pending, or on appeal.

**(4) ASSISTANCE FOR AN INDIVIDUAL WHO QUALIFIES FOR AN EXEMPTION UNDER THIS SUBSECTION BUT WHO VOLUNTARILY PARTICIPATES IN A WORK ACTIVITY MAY NOT BE REDUCED OR TERMINATED AS A RESULT OF THE PARTICIPATION IN THE WORK ACTIVITY.**

(C) (1) ASSISTANCE FOR AN INDIVIDUAL MAY NOT BE REDUCED OR TERMINATED FOR NONCOMPLIANCE WITH THE WORK ACTIVITY REQUIREMENT IF THE INDIVIDUAL HAS GOOD CAUSE UNDER THE CRITERIA ESTABLISHED BY THE SECRETARY.

(2) THE CRITERIA SHALL PROVIDE THAT ANY OF THE FOLLOWING ARE SUFFICIENT TO SHOW GOOD CAUSE:

(I) TEMPORARY ILLNESS OR INCAPACITY;

(II) COURT-REQUIRED APPEARANCES OR TEMPORARY INCARCERATION;

(III) DOMESTIC VIOLENCE;

(IV) A FAMILY CRISIS THAT THREATENS NORMAL FAMILY FUNCTIONING, INCLUDING:

~~1.~~ 1. EXPERIENCING HOMELESSNESS WHEREBY A FAMILY:

~~1.~~ A. LACKS A FIXED, REGULAR, AND ADEQUATE NIGHTTIME RESIDENCE ~~DUE TO THE LOSS OF THE FAMILY'S HOUSING, OR SHARES THE HOUSING OF OTHER PERSONS DUE TO THE LOSS OF HOUSING,~~ ECONOMIC HARDSHIP, OR A SIMILAR REASONS THAT LEAD THE FAMILY TO REASON; OR

~~2.~~ B. LIVES IN:

~~A.~~ ~~SHARE THE HOUSING OF OTHER PERSONS;~~

~~B.~~ ~~LIVE IN A MOTEL, HOTEL, TRAILER PARK, CAR PARK, PUBLIC SPACE, A VACANT BUILDING, SUBSTANDARD HOUSING, TRANSIT STATION, OR CAMPING GROUND, OR SIMILAR SETTING; OR~~ DUE TO A LACK OF ALTERNATIVE ACCOMMODATIONS;

~~C.~~ ~~B.~~ C. LIVES IN ~~LIVE IN~~ AN EMERGENCY SHELTER OR TRANSITIONAL ~~SHELTER;~~ HOUSING;

~~C.~~ D. RESIDES IN A PRIMARY NIGHTTIME RESIDENCE THAT IS A PUBLIC OR PRIVATE PLACE NOT DESIGNED FOR OR ORDINARILY USED AS A REGULAR SLEEPING ACCOMMODATION FOR HUMAN BEINGS; OR

~~D.~~ E. LIVES IN A CAR PARK, PUBLIC SPACE, VACANT OR ABANDONED BUILDING, SUBSTANDARD HOUSING, BUS STATION, TRAIN STATION, OR SIMILAR SETTING;

**2. A HOUSING CRISIS, INCLUDING EVICTION, FORECLOSURE, OR OTHER LOSS OF HOUSING; OR**

**3. RECEIVING A UTILITY DISCONNECTION NOTICE OR HAVING A UTILITY DISCONNECTED;**

~~**2. EVICTION, FORECLOSURE, OR OTHER LOSS OF HOUSING; OR**~~

~~**3. RECEIVING A UTILITY DISCONNECTION NOTICE OR HAVING A UTILITY DISCONNECTED;**~~

**(V) A BREAKDOWN IN TRANSPORTATION ARRANGEMENTS;**

**(VI) A BREAKDOWN IN CHILD CARE ARRANGEMENTS OR LACK OF CHILD CARE FOR A CHILD OR CHILDREN WHO ARE 12 YEARS OLD OR YOUNGER;**

**(VII) FOR A SINGLE PARENT CARING FOR A CHILD YOUNGER THAN 6 YEARS OLD WHO IS UNABLE TO OBTAIN CHILD CARE, ~~THE UNAVAILABILITY OF:~~**

**1. THE UNAVAILABILITY OF APPROPRIATE CHILD CARE WITHIN A REASONABLE DISTANCE FROM THE PARENT'S HOME OR WORK SITE;**

**2. THE UNAVAILABILITY OR UNSUITABILITY OF INFORMAL CHILD CARE BY A RELATIVE OR OTHERS; OR**

**3. THE UNAVAILABILITY OR UNSUITABILITY OF APPROPRIATE AND AFFORDABLE CHILD CARE ARRANGEMENTS;**

**(VIII) A LACK OF SUPPORTIVE SERVICES IDENTIFIED AND AGREED ON BY AN INDIVIDUAL AND A LOCAL DEPARTMENT; OR**

**(IX) THE FAILURE OF A LOCAL DEPARTMENT TO OFFER OR PROVIDE A REASONABLE ACCOMMODATION TO AN INDIVIDUAL WITH A DISABILITY.**

**[(c)] (D)** Subject to the State budget, a legal immigrant is entitled to assistance under this subtitle if the immigrant:

(1) meets FIP eligibility requirements under this subtitle and any other requirements imposed by the State; and

(2) (i) arrived in the United States before August 22, 1996; or

(ii) arrived in the United States on or after August 22, 1996 and is not eligible for federally funded cash assistance.

5–309.

(a) Except for an applicant or recipient who is a single child, the FIP shall include:

(1) an assessment of each applicant or recipient that considers:

(i) the reasons for applying for or continuing to rely on assistance;

(ii) an evaluation of appropriate work activities based on educational level, **LITERACY, HEALTH, MENTAL OR PHYSICAL IMPAIRMENTS, HOUSING STABILITY, CHILD CARE NEEDS, TRANSPORTATION NEEDS, HISTORY OF DOMESTIC OR FAMILY VIOLENCE**, job skills and readiness, and interests; [and]

(iii) personal and family resources available to facilitate independence; and

**(IV) WHETHER THE APPLICANT OR RECIPIENT QUALIFIES FOR AN EXEMPTION OR HAS GOOD CAUSE NOT TO PARTICIPATE IN A WORK ACTIVITY; AND**

(2) welfare avoidance grants that:

(i) meet immediate needs so that an applicant or recipient can avoid temporary cash assistance;

(ii) may be granted as the Department considers appropriate;

(iii) may not cover the same type of immediate need met by a previous welfare avoidance grant unless the Department determines that the current immediate need is a new and verified emergency;

(iv) do not exceed an amount of 3 months of temporary cash assistance, unless the Department determines there is a compelling need for an amount not exceeding 12 months; and

(v) may not duplicate periods of temporary cash assistance.

(b) Except for a recipient who is a single child, the FIP for a recipient shall include:

(1) an agreement between the Department and the recipient that:

(i) requires the recipient to cooperate with the child support enforcement agency to obtain support from a noncustodial parent;

(ii) requires the recipient to comply with reasonable requests for cooperation by case management workers in seeking and using programs and community and family resources that may be available to the recipient;

(iii) specifies the work activities in which the recipient will participate; [and]

(iv) specifies the supportive services that the local department will assist in providing and that are necessary for the recipient to meet the recipient's obligations under the FIP; AND

**(V) SPECIFIES THE REASONABLE ACCOMMODATIONS THAT A LOCAL DEPARTMENT WILL PROVIDE TO A RECIPIENT WITH A DISABILITY THAT ARE NECESSARY FOR THE RECIPIENT TO MEET THE RECIPIENT'S OBLIGATIONS UNDER THE FIP;**

(2) supportive services activities, including child care, to the extent resources allow;

(3) referral, as appropriate, to family planning counseling and services that:

(i) are not offered or conducted in a manner that:

1. is coercive;

2. violates the recipient's confidentiality; or

3. violates the recipient's bona fide religious beliefs and practices; and

(ii) give preference to eligible teen parents; and

(4) temporary cash assistance, as a last resort.

(c) Except for an applicant who is a single child, the FIP for an applicant shall include a child care voucher:

(1) to the extent resources allow, if the applicant is required to participate in a work activity as a condition of eligibility; or

(2) if providing child care eliminates the applicant's need for cash assistance under the FIP.

(d) For an applicant or recipient who is a single child, the FIP shall include:

- (1) referral to appropriate services; and
- (2) temporary cash assistance for the recipient, as a last resort.

(e) To the extent resources allow, the FIP shall serve noncustodial parents who need employment services to pay child support obligations.

5–310.

(a) **(1) FOR A RECIPIENT THAT IS ~~A FAMILY~~ AN ASSISTANCE UNIT THAT INCLUDES ADULTS AND CHILDREN OR MINOR PARENTS AND CHILDREN, THE AMOUNT OF ASSISTANCE SHALL BE DESIGNATED AS FOLLOWS:**

**(I) 75% FOR THE CHILD OR CHILDREN IN THE ASSISTANCE UNIT; AND**

**(II) 25% FOR THE ADULT MEMBER OR MEMBERS, OR MINOR PARENT OR PARENTS OF THE ASSISTANCE UNIT.**

**(2) FOR A RECIPIENT THAT IS ~~A FAMILY~~ AN ASSISTANCE UNIT THAT INCLUDES ONLY ADULTS OR A RECIPIENT WHO IS A PREGNANT INDIVIDUAL, 100% OF THE AMOUNT OF ASSISTANCE SHALL BE DESIGNATED FOR THE ADULT MEMBER OR MEMBERS OR THE PREGNANT INDIVIDUAL.**

**[(1)] (3)** For applicants to the FIP, the amount of assistance shall be computed by counting no more than 4 weeks of earned income in any month and disregarding 20% of that earned income.

**[(2)] (4)** The first \$100 of child support collected in a month for one child and the first \$200 of child support collected in a month for two or more children shall pass through to the family and shall be disregarded in computing the amount of assistance.

**[(3)] (5)** For eligible recipients who obtain unsubsidized employment, the amount of assistance shall be computed by counting no more than 4 weeks of earned income in any month and disregarding 35% of that earned income.

(b) A recipient who has established eligibility may not lose eligibility solely because one or more wage earners in the family unit works more than 100 hours per month.

(c) Two–parent families shall be exempt from any requirement that the principal wage earner must have worked for a specified time before applying to the FIP.

(d) (1) A child who is living with the child’s parent and a stepparent in a household in which the household income exceeds the State eligibility standard for assistance may receive assistance if:

(i) the requirements of § 5–308 of this subtitle are met; and

(ii) the parent and the child would be eligible for assistance, based on the income of the parent and that parent's children.

(2) The amount of assistance to be paid under paragraph (1) of this subsection shall be computed with regard to the income of the stepparent if the total income of the stepparent equals or exceeds 50% of the official poverty level, adjusted for family size, established under the federal Community Services Block Grant Act.

(e) A dependent child over the age of 17 years is eligible for inclusion in the FIP grant if:

(1) the child is a full-time student in secondary school or the equivalent; and

(2) the education program is expected to be completed in the calendar year that the child attains the age of 19 years.

5–312.

(a) This section is not intended to create an incentive for individuals to seek temporary cash assistance benefits instead of employment.

(b) A local department shall provide temporary cash assistance to an applicant or recipient only if:

(1) the applicant or recipient meets the requirements for participation in the FIP set forth in § 5–308 of this subtitle;

(2) the applicant or recipient assigns to the State all right, title, and interest in support, for the period that the family receives temporary cash assistance, from any other person that the applicant or recipient has on behalf of any intended or potential recipient for whom the applicant or recipient is applying for or receiving assistance; and

(3) in the case of an applicant or recipient who is a minor parent, the applicant or recipient lives:

(i) with a parent, legal guardian, custodian, or other adult relative who will be the payee of the minor parent;

(ii) in an adult-supervised group living arrangement that provides a protective payee and:

1. there is no available parent, legal guardian, custodian, or other adult relative with whom the minor parent can live;

2. the minor parent or child would be subject to physical or emotional harm, sexual abuse, or neglect in the home of any available adult relative; or

3. a social service worker finds that living with any available adult relative would not be in the best interest of the minor parent or child; or

(iii) independently, if a social service worker confirms that the physical safety or emotional health of the minor parent or child would otherwise be in jeopardy.

(c) A recipient who meets the requirements of the FIP is entitled to temporary cash assistance benefits.

(d) In determining the eligibility for and the amount of temporary cash assistance to be provided to an applicant or recipient who is a legal immigrant, the income and resources of the applicant or recipient shall include, for the period of time established by federal law, the income and resources of any sponsor who executed an affidavit of support in accordance with 8 U.S.C. § 1183a on behalf of the legal immigrant.

(e) (1) (I) The [Secretary shall adopt regulations that establish a schedule of reductions and terminations of temporary cash assistance for noncompliance] **LOCAL DEPARTMENT SHALL IMPOSE A 30% REDUCTION OF THE PORTION OF A RECIPIENT'S GRANT AMOUNT DESIGNATED FOR THE ADULT MEMBER OR MEMBERS, MINOR PARENT OR PARENTS, OR PREGNANT INDIVIDUAL IF AN ADULT MEMBER, MINOR PARENT, OR PREGNANT INDIVIDUAL IS FOUND TO BE IN NONCOMPLIANCE, WITHOUT GOOD CAUSE, with FIP WORK ACTIVITY requirements.**

(II) **THE PORTION OF THE GRANT AMOUNT DESIGNATED FOR THE CHILD OR CHILDREN OF THE ASSISTANCE UNIT MAY NOT BE REDUCED OR TERMINATED BASED ON NONCOMPLIANCE BY AN ADULT MEMBER'S OR MINOR PARENT'S NONCOMPLIANCE WITH FIP WORK ACTIVITY REQUIREMENTS.**

(2) **THE LOCAL DEPARTMENT SHALL IMPOSE A 25% REDUCTION OF THE ENTIRE GRANT AMOUNT IF AN ADULT MEMBER OR MINOR PARENT IS FOUND TO BE IN NONCOMPLIANCE WITHOUT ADEQUATE REASON OR GOOD CAUSE WITH CHILD SUPPORT REQUIREMENTS.**

[(2)] (3) (i) If a recipient is found to be in noncompliance with FIP requirements, [a caseworker] **THE LOCAL DEPARTMENT** shall [investigate the reasons for noncompliance] **PROVIDE A 30-DAY CONCILIATION PERIOD FOR EACH INSTANCE OF NONCOMPLIANCE.**

(ii) [The investigation, to the extent resources allow, shall include personal contact with the family of the recipient] **DURING THE 30-DAY CONCILIATION**



PERIOD, THE CASE MANAGER SHALL ADVISE THE RECIPIENT OF THE NONCOMPLIANCE, AND HELP THE RECIPIENT TO COMPLY BY:

1. INVESTIGATING THE REASONS FOR NONCOMPLIANCE, INCLUDING BY PERSONALLY CONTACTING THE FAMILY OF THE RECIPIENT;

2. EVALUATING AND PREPARING A WRITTEN DETERMINATION OF WHETHER THE RECIPIENT QUALIFIES FOR AN EXEMPTION OR GOOD CAUSE UNDER § 5-308(B) OR (C) OF THIS SUBTITLE;

3. SENDING THE RECIPIENT A LETTER OFFERING A CONCILIATION CONFERENCE; AND

4. ASSISTING THE RECIPIENT IN IDENTIFYING AND RESOLVING ANY BARRIERS TO COMPLIANCE.

[(3)] (4) The Secretary may not reduce or terminate temporary cash assistance to a family until 30 days after the day on which the first written notice of noncompliance was sent to the recipient.

[(4)] (5) For noncompliance with a FIP requirement [other than a work activity], THE FULL AMOUNT OF temporary cash assistance shall resume on compliance with the FIP requirement.

[(5)] For noncompliance with a work activity, temporary cash assistance shall resume in the following manner:

(i) for the first instance of noncompliance, temporary cash assistance shall resume immediately on compliance;

(ii) for the second instance of noncompliance, temporary cash assistance shall resume after 10 days of compliance with the work activity; and

(iii) for each subsequent instance of noncompliance, temporary cash assistance shall resume after 30 days of compliance with a work activity.]

(6) If temporary cash assistance is reduced or terminated under this subsection, a recipient shall retain eligibility for medical assistance and food stamps, as long as the recipient meets the medical assistance and food stamp program requirements.

(f) (1) After termination of temporary cash assistance under this section, a recipient may receive transitional assistance.

(2) If a caseworker determines that transitional assistance is appropriate, the FIP benefit that would have been paid to the recipient shall be paid instead to a third party payee on behalf of the recipient for a period of up to 3 months.

(3) The caseworker of a recipient, in conjunction with the recipient and subject to the approval of the Secretary, shall select a third party payee described in paragraph (2) of this subsection.

(4) The third party payee shall provide transitional assistance to the recipient in one or more of the following forms:

- (i) counseling;
- (ii) housing;
- (iii) child care;
- (iv) household supplies and equipment;
- (v) direct assistance other than a cash payment; and

(vi) any other noncash assistance that may be necessary to assist the recipient to make the transition from welfare.

(5) A local department may pay an administrative fee to a third party payee to cover the administrative costs of the third party payee for providing the services described in paragraph (4) of this subsection.

(6) The funds provided through transitional assistance may not be used to further sectarian religious instruction.

(7) The Secretary shall adopt regulations specifying the selection criteria for third party payees under this subsection.

(8) A recipient who has received transitional assistance may reapply for the FIP benefit and the benefit shall be furnished with reasonable promptness to all eligible individuals.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2020~~ July 1, 2021.

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

---

## Chapter 458

(House Bill 1318)

AN ACT concerning

**Harford County – Alcoholic Beverages – ~~Waiver From~~ Place of Worship  
Restrictions – Exemptions and Waivers**

FOR the purpose of providing that certain place of worship distance restrictions for an alcoholic beverages license in Harford County do not apply to breweries and distilleries; authorizing the Board of License Commissioners for Harford County to issue a waiver from certain place of worship distance restrictions for an alcoholic beverages license; providing certain circumstances under which the Board may issue a certain waiver; requiring certain hearings to be held, certain recommendations to be made, and certain recommendations and comments to be considered before a certain waiver can be issued; and generally relating to alcoholic beverages in Harford County.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 22–102  
Annotated Code of Maryland  
(2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages  
Section 22–1602  
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.

22–1602.

(a) This section does not apply to:

- (1) a license in effect on July 1, 1975, or the issuance or transfer of a Class B (on-sale) beer, wine, and liquor license for use on any premises licensed on July 1, 1975;
- (2) a license in effect on July 1, 1977;
- (3) the renewal, transfer, or upgrading of a license, unless the license is transferred to a new location; and

(4) the issuance of:

(i) a 1–day license that is to be used on the premises of a place of worship or school;

(ii) a Class GC (golf course) license; and

(iii) a Class CCFA (continuing care facility) license.

(b) (1) (i) Except as provided in paragraph (2) of this subsection **AND SUBSECTION (C) OF THIS SECTION**, the Board may not issue a license for an establishment that is within 300 feet of a place of worship.

(ii) The distance from the establishment to the place of worship is to be measured from the nearest point of the building of the establishment to the nearest point of the building of the place of worship.

(2) Paragraph (1) of this subsection does not apply to the issuance of:

(i) a 1–day license for use in a building;

(ii) a license issued to a hotel, motel, restaurant, club, [or] caterer, **BREWERY, OR DISTILLERY** in a municipality; and

(iii) a Class H beer, wine, and liquor license issued to a caterer for use in a banquet facility in an establishment if:

1. the construction of the establishment was completed after July 1, 1991; and

2. the establishment is used for emergency operations by a volunteer fire company.

(c) **(1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE BOARD MAY WAIVE THE DISTANCE RESTRICTIONS FROM A PLACE OF WORSHIP AND ISSUE A LICENSE ON A CASE-BY-CASE BASIS.**

**(2) BEFORE THE BOARD DECIDES WHETHER TO WAIVE THE DISTANCE RESTRICTIONS FROM A PLACE OF WORSHIP UNDER PARAGRAPH (1) OF THIS SUBSECTION:**

**(I) A PUBLIC HEARING SHALL BE HELD BY THE GOVERNING BODY OF:**

1. IF THE ~~BREWERY~~ ESTABLISHMENT IS LOCATED IN A MUNICIPALITY, THE MUNICIPALITY WHERE THE ~~BREWERY~~ ESTABLISHMENT IS LOCATED; OR

2. IF THE ~~BREWERY~~ ESTABLISHMENT IS LOCATED OUTSIDE THE BOUNDARIES OF A MUNICIPALITY, THE COUNTY;

(II) THE GOVERNING BODY SHALL MAKE A RECOMMENDATION TO THE BOARD REGARDING WHETHER THE DISTANCE RESTRICTIONS SHOULD BE WAIVED; AND

(III) AFTER RECEIVING A RECOMMENDATION:

1. IN FAVOR OF THE WAIVER, THE BOARD SHALL HOLD A PUBLIC HEARING; OR

2. TO DENY A WAIVER, THE BOARD SHALL DENY THE WAIVER.

(3) IN MAKING A DECISION WHETHER TO WAIVE THE DISTANCE RESTRICTIONS FROM A PLACE OF WORSHIP, THE BOARD SHALL CONSIDER:

(I) COMMENTS RECEIVED FROM MEMBERS AND LEADERS OF THE PLACE OF WORSHIP; AND

(II) COMMENTS MADE AT THE PUBLIC HEARING HELD BY THE BOARD.

(D) (1) (i) Except as provided in paragraph (2) of this subsection, the Board may not issue a license to a business establishment that is within 1,000 feet of a public or private school building.

(ii) The distance from the establishment to the public or private school is to be measured from the nearest point of the building of the establishment to the nearest point of the building of the school.

(2) The Board may issue a license to a business establishment in Harford County and in a municipality in Harford County if the business establishment is not located within 300 feet of a public or private school.

(3) A decision of the County Board of Education to locate a public school building within 1,000 feet of the premises of a license holder may not be the basis to revoke or deny the renewal, transfer, or upgrading of the license.

[(d)] (E) (1) Subject to paragraphs (2) and (3) of this subsection, the Board may waive the distance restrictions from a public or private school building and issue a Class B (on-sale) restaurant license or a Class B cafe license on a case-by-case basis.

(2) Before the Board decides whether to waive the distance restrictions from a public or private school building under paragraph (1) of this subsection:

(i) a public hearing shall be held by the governing body of:

1. if the restaurant is located in a municipality, the municipality where the restaurant is located; or

2. if the restaurant is located outside the boundaries of a municipality, the county where the restaurant is located;

(ii) the governing body shall make a recommendation to the Board regarding whether the distance restrictions should be waived; and

(iii) after receiving the recommendation, the Board shall hold a public hearing.

(3) In making a decision whether to waive the distance restrictions from a public or private school building, the Board shall take into consideration:

(i) the recommendation from the governing body;

(ii) comments received from parents whose children attend the public or private school; and

(iii) comments made at the public hearing held by the Board.

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 459

(House Bill 1319)

AN ACT concerning

~~City of Salisbury – Alcoholic Beverages – Local Regulation and Control~~  
Wicomico County – Alcoholic Beverages – Board of License Commissioners

~~FOR the purpose of establishing local regulation and control of alcoholic beverages in the City of Salisbury; requiring that a copy of certain local legislation be sent to the Department of Legislative Services; authorizing the Mayor and City Council to constitute the Board of License Commissioners for the City of Salisbury or delegate certain authority; specifying that the Board of License Commissioners for Wicomico County does not have jurisdiction and may not issue licenses in the City; establishing that the Liquor Control Board for Wicomico County has certain jurisdiction; establishing that certain provisions of law that relate to manufacturer's and wholesaler's licenses apply in the City and certain prohibitions against the sale of beer do not apply; specifying the hours and days manufacturers and wholesalers may sell or deliver alcoholic beverages; limiting the amount of malt beverage a Class 7 micro brewery may collectively brew, bottle, or contract for each calendar year; authorizing the Comptroller to issue a certain license under certain circumstances; authorizing the Board of License Commissioners for the City of Salisbury to issue certain beer and wine and beer, wine, and liquor licenses and prohibit the issuance of a wine license; establishing that certain provisions of law that relate to license privileges and temporary licenses apply; authorizing the Board of License Commissioners for the City of Salisbury to issue certain refillable and nonrefillable container permits for draft beer; authorizing the issuance of certain wine sampling and beer and wine tasting licenses under certain circumstances; establishing the requirements, limitations, hours of sale, and fees for certain permits and licenses; establishing that certain provisions of law that relate to applications for licenses, the issuance or denial, transfer, renewal, revocation or suspension, or expiration of a license, the death of a license holder, judicial review, enforcement, the conduct of license holders, prohibited acts, and penalties apply; providing for the setting, collection, and disposition of certain license fees; authorizing the issuance of multiple licenses under certain circumstances; establishing certain prohibitions and providing for enforcement; authorizing the Board of License Commissioners for the City of Salisbury to set the hours of sale for certain licenses; authorizing the closing of a licensed premises for a certain number of months under certain circumstances; authorizing the Salisbury City Police Department to serve a certain summons; authorizing the Mayor and City Council to adopt certain regulations; requiring the Board of License Commissioners for the City of Salisbury to adopt certain regulations; altering certain definitions; defining certain terms; and generally relating to the regulation and control of alcoholic beverages in the City of Salisbury requiring the Governor to appoint additional members to the Board of License Commissioners for Wicomico County; requiring that members of the Board be nominated in a certain manner; requiring that certain members of the Board be residents of the City of Salisbury; staggering the terms of members of the Board in a certain manner; specifying the expiration of the terms of certain members of the Board; and generally relating to the Board of License Commissioners for Wicomico County.~~

~~BY repealing and reenacting, with amendments,  
Article — Alcoholic Beverages  
Section 1—101(m) and (q)  
Annotated Code of Maryland~~

~~(2016 Volume and 2019 Supplement)~~

~~BY adding to~~

~~Article – Alcoholic Beverages~~

~~Section 28.5-101 through 28.5-2802 to be under the new title “Title 28.5, City of Salisbury”~~

~~Annotated Code of Maryland~~

~~(2016 Volume and 2019 Supplement)~~

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 32-102 and 32-201

Annotated Code of Maryland

(2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 32-202

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

~~1-101.~~

~~(m) “Jurisdiction” means a county [or], the City of Annapolis, OR THE CITY OF SALISBURY.~~

~~(e) (1) “Local collecting agent” means:~~

~~(i) in the City of Annapolis OR THE CITY OF SALISBURY, the city clerk;~~

~~(ii) in Allegany County, Baltimore County, Howard County, Prince George’s County, or Wicomico County, the director of finance;~~

~~(iii) in Calvert County, Dorchester County, St. Mary’s County, or Somerset County, the treasurer of the county; or~~

~~(iv) in each other county, the board of license commissioners unless another governmental unit is expressly authorized to collect fees under this article.~~

~~(2) “Local collecting agent” does not include a clerk of a circuit court.~~



~~TITLE 28.5. CITY OF SALISBURY.~~~~SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.~~~~28.5-101.~~

~~(A) IN THIS TITLE:~~

~~(1) THE DEFINITIONS IN § 1-101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND~~

~~(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(B) "BOARD" MEANS THE BOARD OF LICENSE COMMISSIONERS FOR THE CITY OF SALISBURY.~~

~~(C) "CITY" MEANS THE CITY OF SALISBURY.~~

~~28.5-102.~~

~~THIS TITLE APPLIES ONLY IN THE CITY OF SALISBURY.~~

~~28.5-103.~~

~~A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE CITY COUNCIL UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.~~

~~SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.~~~~28.5-201.~~

~~THE MAYOR AND THE CITY COUNCIL MAY:~~

~~(1) CONSTITUTE THE BOARD OF LICENSE COMMISSIONERS FOR THE CITY; OR~~

~~(2) DELEGATE ALL OR PART OF THE AUTHORITY TO REGULATE LICENSE HOLDERS TO A SUBSIDIARY BOARD THAT THE MAYOR AND CITY COUNCIL ESTABLISH.~~

~~28.5-202.~~

~~THE BOARD OF LICENSE COMMISSIONERS FOR WICOMICO COUNTY DOES NOT HAVE JURISDICTION IN THE CITY.~~

~~28.5-203.~~

~~(A) THE MAYOR AND CITY COUNCIL OF THE CITY MAY ADOPT REGULATIONS THAT IN THEIR JUDGMENT GIVE THE CITY MORE EFFECTIVE CONTROL OF EACH LICENSED ESTABLISHMENT.~~

~~(B) THE REGULATIONS:~~

~~(1) MAY BE ADDED TO OR SUBSTITUTED FOR PROVISIONS OF THIS ARTICLE; BUT~~

~~(2) MAY NOT BE INCONSISTENT WITH THOSE PROVISIONS.~~

~~SUBTITLE 3. LIQUOR CONTROL.~~

~~28.5-301.~~

~~THE LIQUOR CONTROL BOARD FOR WICOMICO COUNTY HAS JURISDICTION AND MAY OPERATE IN THE CITY IN ACCORDANCE WITH THE PROVISIONS OF TITLE 32, SUBTITLE 3 OF THIS ARTICLE.~~

~~SUBTITLE 4. MANUFACTURER'S LICENSES.~~

~~28.5-401.~~

~~(A) THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 ("MANUFACTURER'S LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:~~

~~(1) § 2-201 ("ISSUANCE BY COMPTROLLER");~~

~~(2) § 2-202 ("CLASS 1 DISTILLERY LICENSE");~~

~~(3) § 2-203 ("CLASS 9 LIMITED DISTILLERY LICENSE");~~

~~(4) § 2-204 ("CLASS 2 RECTIFYING LICENSE");~~

~~(5) § 2-205 ("CLASS 3 WINERY LICENSE");~~

~~(6) § 2-206 ("CLASS 4 LIMITED WINERY LICENSE");~~

~~(7) § 2-207 ("CLASS 5 BREWERY LICENSE");~~

~~(8) § 2-208 ("CLASS 6 PUB BREWERY LICENSE");~~

~~(9) § 2-210 (“CLASS 8 FARM BREWERY LICENSE”);~~

~~(10) § 2-211 (“RESIDENCY REQUIREMENT”);~~

~~(11) § 2-212 (“ADDITIONAL LICENSES”);~~

~~(12) § 2-213 (“ADDITIONAL FEES”);~~

~~(13) § 2-214 (“SALE OR DELIVERY RESTRICTED”);~~

~~(14) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);~~

~~(15) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND~~

~~(16) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).~~

~~(B) SECTION 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY.~~

~~(C) SECTION 2-209 (“CLASS 7 MICRO BREWERY LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY, SUBJECT TO § 28.5-403 OF THIS SUBTITLE.~~

~~28.5-402.~~

~~A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.~~

~~28.5-403.~~

~~A HOLDER OF A CLASS 7 MICRO BREWERY LICENSE MAY NOT COLLECTIVELY BREW, BOTTLE, OR CONTRACT FOR MORE THAN 45,000 BARRELS OF MALT BEVERAGES EACH CALENDAR YEAR.~~

~~28.5-404.~~

~~(A) THE COMPTROLLER MAY ISSUE ONE CLASS 6 PUB BREWERY LICENSE OR ONE CLASS 7 MICRO BREWERY LICENSE, BUT NOT BOTH, FOR A LOCATION IN AN ENTERPRISE ZONE, TO A PERSON THAT HOLDS NOT MORE THAN FIVE CLASS B BEER, WINE, AND LIQUOR LICENSES.~~

~~(B) A HOLDER OF A CLASS A LICENSE MAY ALSO HOLD A CLASS 7 MICRO BREWERY LICENSE AND NOT MORE THAN FIVE CLASS B BEER, WINE, AND LIQUOR LICENSES.~~

~~SUBTITLE 5. WHOLESALER'S LICENSES.~~

~~28.5-501.~~

~~(A) THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER'S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:~~

- ~~(1) § 2-301 (“LICENSES ISSUED BY COMPTROLLER”);~~
- ~~(2) § 2-302 (“CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER'S LICENSE”);~~
- ~~(3) § 2-303 (“CLASS 2 WINE AND LIQUOR WHOLESALER'S LICENSE”);~~
- ~~(4) § 2-304 (“CLASS 3 BEER AND WINE WHOLESALER'S LICENSE”);~~
- ~~(5) § 2-305 (“CLASS 4 BEER WHOLESALER'S LICENSE”);~~
- ~~(6) § 2-306 (“CLASS 5 WINE WHOLESALER'S LICENSE”);~~
- ~~(7) § 2-307 (“CLASS 6 LIMITED WINE WHOLESALER'S LICENSE”);~~
- ~~(8) § 2-308 (“CLASS 7 LIMITED BEER WHOLESALER'S LICENSE”);~~
- ~~(9) § 2-309 (“SALE AND DELIVERY OF BEER OR WINE FROM WHOLESALER'S VEHICLE”);~~
- ~~(10) § 2-310 (“SALE AND DELIVERY TO RETAIL LICENSE HOLDER”);~~
- ~~(11) § 2-311 (“ADDITIONAL WHOLESALER'S LICENSES”);~~
- ~~(12) § 2-312 (“DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES”);~~
- ~~(13) § 2-313 (“SALE OR DELIVERY RESTRICTED TO HOLDER OF LICENSE OR PERMIT”);~~
- ~~(14) § 2-315 (“INTERACTION BETWEEN WHOLESALING ENTITIES AND RETAILERS”);~~

~~(15) § 2-316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES PROHIBITED PRACTICES”); AND~~

~~(16) § 2-317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS AND RETAILERS PROHIBITED”).~~

~~(B) SECTION 2-314 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY.~~

~~28.5-502.~~

~~EXCEPT AS PROVIDED IN § 28.5-503 OF THIS SUBTITLE, A HOLDER OF A WHOLESALER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A HOLDER OF A RETAIL LICENSE FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.~~

~~28.5-503.~~

~~(A) A HOLDER OF A WHOLESALER’S LICENSE MAY ENTER INTO AN AGREEMENT WITH A HOLDER OF A PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE TO DELIVER BEER ON THE EFFECTIVE DATE OF THE PER DIEM LICENSE AND ACCEPT RETURNS ON THE SAME DAY.~~

~~(B) THE AGREEMENT ENTERED INTO UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE THE TYPE OF EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES REQUIRED TO DISPENSE DRAFT BEER.~~

#### ~~SUBTITLE 6. BEER LICENSES.~~

~~28.5-601. RESERVED.~~

#### ~~SUBTITLE 7. WINE LICENSES.~~

~~28.5-701.~~

~~A WINE LICENSE MAY NOT BE ISSUED IN THE CITY.~~

#### ~~SUBTITLE 8. BEER AND WINE LICENSES.~~

~~28.5-801.~~

~~THE BOARD MAY ISSUE A LICENSE TO SELL BEER AND WINE, AT RETAIL, FOR:~~

~~(1) ON PREMISES CONSUMPTION; OR~~

~~(2) ON AND OFF PREMISES CONSUMPTION.~~

~~SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.~~

~~28.5-901.~~

~~(A) THERE IS A BEER, WINE, AND LIQUOR LICENSE.~~

~~(B) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT THE PLACE DESCRIBED IN THE LICENSE FOR ON PREMISES CONSUMPTION.~~

~~SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.~~

~~28.5-1001. RESERVED.~~

~~SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.~~

~~28.5-1101.~~

~~(A) THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY 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) SECTION 4-1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY.~~

~~(C) THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY:~~

~~(1) § 4-1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”), SUBJECT TO § 28.5-1102 OF THIS SUBTITLE; AND~~

~~(2) § 4-1106 (“NONREFILLABLE CONTAINER PERMIT — DRAFT BEER”), SUBJECT TO § 28.5-1103 OF THIS SUBTITLE.~~

~~28.5-1102.~~

~~(A) THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF A CLASS A LICENSE, CLASS B LICENSE, CLASS D LICENSE, OR CLASS E LICENSE.~~

~~(B) AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.~~

~~(C) THE HOURS OF SALE FOR A REFILLABLE CONTAINER 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 ANNUAL PERMIT FEES ARE:~~

~~(1) \$50 FOR AN APPLICANT WHOSE LICENSE HAS AN OFF-SALE PRIVILEGE; AND~~

~~(2) \$500 FOR AN APPLICANT WHOSE LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE.~~

~~28.5-1103.~~

~~(A) THE BOARD MAY ISSUE A NONREFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF A CLASS A LICENSE, CLASS B LICENSE, CLASS D LICENSE, OR CLASS E LICENSE.~~

~~(B) AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.~~

~~(C) THE HOURS OF SALE FOR A NONREFILLABLE CONTAINER 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) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE ANNUAL PERMIT FEES ARE:~~

~~(I) \$50 FOR AN APPLICANT WHOSE LICENSE HAS AN OFF-SALE PRIVILEGE; AND~~

~~(H) \$500 FOR AN APPLICANT WHOSE LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE.~~

~~(2) AN APPLICANT WHO HAS A REFILLABLE CONTAINER PERMIT MAY NOT BE CHARGED A FEE FOR A NONREFILLABLE CONTAINER PERMIT.~~

#### ~~SUBTITLE 12. CATERER'S LICENSES.~~

~~28.5-1201. RESERVED.~~

#### ~~SUBTITLE 13. TEMPORARY LICENSES.~~

##### ~~PART I. IN GENERAL.~~

~~28.5-1301.~~

~~TITLE 4, SUBTITLE 12 ("TEMPORARY LICENSES") OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.~~

~~28.5-1302. RESERVED.~~

~~28.5-1303. RESERVED.~~

##### ~~PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.~~

~~28.5-1304.~~

~~(A) THE MAYOR AND CITY COUNCIL OR DESIGNEE MAY APPROVE A CLASS WS WINE SAMPLING LICENSE.~~

~~(B) THE MAYOR AND CITY COUNCIL OR DESIGNEE MAY ISSUE THE LICENSE TO A NONPROFIT ORGANIZATION.~~

~~(C) (1) THE LICENSE AUTHORIZES THE ON-PREMISES CONSUMPTION OF WINE FOR SAMPLING:~~

~~(I) ON PREMISES FOR WHICH A CLASS B BEER AND WINE OR BEER, WINE, AND LIQUOR LICENSE HAS BEEN ISSUED, WITH THE CONSENT OF THE HOLDER OF THE LICENSE FOR THE PREMISES; OR~~

~~(H) AT A LOCATION THAT IS NOT ALREADY LICENSED.~~



~~(2) THE LICENSE HOLDER MAY BRING WINE ONTO THE CLASS B LICENSED PREMISES FOR SAMPLING.~~

~~(D) THE NONPROFIT ORGANIZATION SHALL APPLY FOR THE LICENSE AT LEAST 15 DAYS BEFORE THE LICENSE IS ISSUED.~~

~~(E) THE MAYOR AND CITY COUNCIL OR DESIGNEE MAY ISSUE NOT MORE THAN 12 LICENSES IN A LICENSE YEAR TO A SINGLE NONPROFIT ORGANIZATION.~~

~~(F) THE LICENSE HOLDER MAY SERVE A QUANTITY OF NOT MORE THAN 2 OUNCES FROM EACH OFFERING TO AN INDIVIDUAL.~~

~~(G) THE MAYOR AND CITY COUNCIL OR DESIGNEE SHALL SET THE LICENSE FEE.~~

~~28.5-1305.~~

~~(A) THE MAYOR AND CITY COUNCIL OR DESIGNEE MAY APPROVE A CLASS BWT BEER AND WINE TASTING LICENSE.~~

~~(B) THE MAYOR AND CITY COUNCIL OR DESIGNEE MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER AND WINE LICENSE OR CLASS A BEER, WINE, AND LIQUOR LICENSE.~~

~~(C) THE LICENSE AUTHORIZES A LICENSE HOLDER TO ALLOW ON PREMISES CONSUMPTION OF BEER AND WINE FOR TASTING.~~

~~(D) THE LICENSE HOLDER MAY SERVE TO AN INDIVIDUAL:~~

~~(1) WINE IN A QUANTITY OF NOT MORE THAN 1 OUNCE FROM EACH OFFERING; AND~~

~~(2) BEER IN A QUANTITY OF NOT MORE THAN 3 OUNCES.~~

~~(E) THE MAYOR AND CITY COUNCIL OR DESIGNEE SHALL SET THE LICENSE FEE.~~

~~28.5-1306. RESERVED.~~

~~28.5-1307. RESERVED.~~

~~PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.~~

~~28.5-1308. RESERVED.~~

~~SUBTITLE 14. APPLICATIONS FOR LICENSES.~~~~28.5-1401.~~

~~(A) THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:~~

- ~~(1) § 4-102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);~~
- ~~(2) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);~~
- ~~(3) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);~~
- ~~(4) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”);~~
- ~~(5) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);~~
- ~~(6) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”);~~
- ~~(7) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);~~
- ~~(8) § 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”);~~
- ~~(9) § 4-111 (“PAYMENT OF LICENSE FEES”);~~
- ~~(10) § 4-113 (“REFUND OF LICENSE FEES”); AND~~
- ~~(11) § 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 APPLY IN THE CITY:~~

- ~~(1) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”), SUBJECT TO § 28.5-1402 OF THIS SUBTITLE; AND~~
- ~~(2) § 4-112 (“DISPOSITION OF LICENSE FEES”), SUBJECT TO § 28.5-1403 OF THIS SUBTITLE.~~

~~28.5-1402.~~

~~AN APPLICANT FOR A LICENSE ISSUED IN THE CITY MAY MEET THE RESIDENCY REQUIREMENT IN § 4-109(A)(4) OF THIS ARTICLE BY RESIDING ANYWHERE IN WICOMICO COUNTY.~~

~~28.5-1403.~~

~~THE CITY CLERK SHALL COLLECT ALL LICENSE FEES AND PAY THEM TO THE CITY.~~

~~28.5-1404.~~

~~THE MAYOR AND CITY COUNCIL MAY:~~

- ~~(1) SET THE FEES FOR ALL LICENSES AUTHORIZED TO BE ISSUED IN THE CITY; AND~~
- ~~(2) DETERMINE A PERIODIC BASIS ON WHICH PAYMENTS FOR THE RENEWAL OF A LICENSE MAY BE MADE.~~

~~SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.~~

~~28.5-1501.~~

~~(A) THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:~~

- ~~(1) § 4-205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);~~
- ~~(2) § 4-206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);~~
- ~~(3) § 4-207 (“LICENSES ISSUED TO MINORS”);~~
- ~~(4) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”);~~
- ~~(5) § 4-209 (“HEARING”);~~
- ~~(6) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);~~
- ~~(7) § 4-211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);~~
- ~~(8) § 4-212 (“LICENSE NOT PROPERTY”);~~
- ~~(9) § 4-213 (“REPLACEMENT LICENSES”); AND~~

~~(10) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”).~~

~~(B) THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY:~~

~~(1) § 4-202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT TO § 28.5-1502 OF THIS SUBTITLE;~~

~~(2) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 28.5-1503 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE; AND~~

~~(3) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO § 28.5-1503 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE.~~

~~28.5-1502.~~

~~(A) LICENSES SHALL BE APPROVED BY THE BOARD OF LICENSE COMMISSIONERS FOR THE CITY AND ISSUED BY THE CITY CLERK.~~

~~(B) THE BOARD OF LICENSE COMMISSIONERS FOR WICOMICO COUNTY MAY NOT ISSUE LICENSES IN THE CITY.~~

~~28.5-1503.~~

~~MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:~~

~~(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND WINE LICENSES; AND~~

~~(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS.~~

~~SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.~~

~~PART I. LICENSING CONDITIONS.~~

~~28.5-1601. RESERVED.~~

~~28.5-1602. RESERVED.~~

~~PART II. MULTIPLE LICENSING PLANS.~~

~~28.5 1603. RESERVED.~~

~~SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.~~

~~28.5 1701.~~

~~TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.~~

~~SUBTITLE 18. RENEWAL OF LICENSES.~~

~~28.5 1801.~~

~~(A) THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:~~

- ~~(1) § 4 403 (“RENEWAL APPLICATION”);~~
- ~~(2) § 4 404 (“FILING PERIOD FOR RENEWAL APPLICATION”);~~
- ~~(3) § 4 405 (“CONTENTS OF RENEWAL APPLICATION”);~~
- ~~(4) § 4 406 (“PROTESTS”);~~
- ~~(5) § 4 407 (“DENIAL OF RENEWAL APPLICATION”);~~
- ~~(6) § 4 408 (“ISSUANCE OF RENEWED LICENSES”);~~
- ~~(7) § 4 409 (“MULTIPLE LICENSES”); AND~~
- ~~(8) § 4 410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).~~

~~(B) SECTION 4 402 (“ELIGIBILITY FOR RENEWAL; PROCESS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY, SUBJECT TO § 28.5 1802 OF THIS SUBTITLE.~~

~~28.5 1802.~~

~~THE MAYOR AND CITY COUNCIL MAY DETERMINE A PERIODIC PAYMENT SCHEDULE FOR THE RENEWAL OF A LICENSE.~~

~~SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.~~~~28.5 1901.~~

~~TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.~~

~~SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.~~~~28.5 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.~~

~~(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

~~(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.~~

~~28.5 2002.~~

~~THE BOARD MAY SET THE HOURS OF SALE FOR BEER LICENSES.~~

~~28.5 2003.~~

~~THE BOARD MAY SET THE HOURS OF SALE FOR BEER AND WINE LICENSES.~~

~~28.5 2004.~~

~~THE BOARD MAY SET THE HOURS OF SALE FOR BEER, WINE, AND LIQUOR LICENSES.~~

~~SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.~~~~28.5 2101.~~

~~TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.~~

~~SUBTITLE 22. EXPIRATION OF LICENSES.~~~~28.5 2201.~~

~~TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.~~

~~28.5 2202.~~

~~THE BOARD MAY AUTHORIZE THE CLOSING OF A LICENSED PREMISES FOR NOT MORE THAN 6 MONTHS IF:~~

~~(1) THE BOARD DETERMINES THAT THE LICENSED PREMISES IS SEASONALLY OPERATED; AND~~

~~(2) THE LICENSE HOLDER SUBMITS A WRITTEN REQUEST TO THE BOARD AT LEAST 30 DAYS BEFORE THE ANTICIPATED DATE OF CLOSING.~~

~~SUBTITLE 23. DEATH OF LICENSE HOLDER.~~~~28.5 2301.~~

~~TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.~~

~~SUBTITLE 24. JUDICIAL REVIEW.~~~~28.5 2401.~~

~~TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.~~

~~SUBTITLE 25. UNLICENSED ESTABLISHMENTS.~~~~28.5 2501.~~

~~(A) FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:~~

~~(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;~~

~~(2) A PLACE OF PUBLIC ENTERTAINMENT; OR~~

~~(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.~~

~~(B) AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.~~

~~(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.~~

#### ~~SUBTITLE 26. ENFORCEMENT.~~

#### ~~28.5-2601.~~

~~(A) SUBJECT TO REGULATION BY THE CITY OF THE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY OWNED BY THE CITY OR ON A PUBLIC HIGHWAY, THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:~~

~~(1) § 6-202 (“INSPECTIONS”);~~

~~(2) § 6-203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);~~

~~(3) § 6-205 (“PEACE OFFICERS”);~~

~~(4) § 6-206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGES”);~~

~~(5) § 6-207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);~~

~~(6) § 6-208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”);~~

~~(7) § 6-209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”); AND~~

~~(8) § 6-211 (“FINES AND FORFEITURES”).~~



~~(B) SECTION 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY.~~

~~(C) SECTION 6-204 (“POWER TO SUMMON WITNESSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY, IN ADDITION TO § 28.5-2602 OF THIS SUBTITLE.~~  
~~28.5-2602.~~

~~IN ADDITION TO THE SHERIFF WHO MAY SERVE A SUMMONS UNDER § 6-204 OF THIS ARTICLE, THE CITY POLICE DEPARTMENT MAY SERVE A SUMMONS.~~

~~SUBTITLE 27. PROHIBITED ACTS.~~

~~28.5-2701.~~

~~(A) THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:~~

- ~~(1) § 6-305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);~~
- ~~(2) § 6-306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE INDIVIDUAL”);~~
- ~~(3) § 6-308 (“ALLOWING ON PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);~~
- ~~(4) § 6-309 (“ALLOWING ON PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);~~
- ~~(5) § 6-310 (“PROVIDING FREE FOOD”);~~
- ~~(6) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);~~
- ~~(7) § 6-312 (“BEVERAGE MISREPRESENTATION”);~~
- ~~(8) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);~~
- ~~(9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);~~

~~(10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);~~

~~(11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);~~

~~(12) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);~~

~~(13) § 6-320 (“DISORDERLY INTOXICATION”);~~

~~(14) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);~~

~~(15) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);~~

~~(16) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);~~

~~(17) § 6-327 (“TAX EVASION”);~~

~~(18) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND~~

~~(19) § 6-329 (“PERJURY”).~~

~~(B) THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE CITY:~~

~~(1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”); AND~~

~~(2) § 6-322 (“POSSESSION OF OPEN CONTAINER”).~~

~~(C) SECTION 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY, SUBJECT TO § 28.5-2703 OF THIS SUBTITLE.~~

~~28.5-2702.~~

~~(A) A PERSON MAY NOT SELL OR PROVIDE DIRECTLY OR INDIRECTLY ALCOHOLIC BEVERAGES TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS FOR THE INDIVIDUAL’S OWN USE OR FOR THE USE OF ANY OTHER PERSON.~~

~~(B) A DEFENDANT MAY NOT BE FOUND GUILTY OF SELLING ALCOHOLIC BEVERAGES TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS IF:~~

~~(1) THE INDIVIDUAL WILLFULLY REPRESENTED THAT THE INDIVIDUAL IS AT LEAST 21 YEARS OLD AND OBTAINED AN ALCOHOLIC BEVERAGE; AND~~

~~(2) THE DEFENDANT PROVES AT THE TRIAL THAT:~~

~~(I) MISREPRESENTATION OF AGE OCCURRED;~~

~~(II) DUE CAUTION WAS USED IN ASCERTAINING THE AGE OF THE INDIVIDUAL BEFORE PROVIDING THE ALCOHOLIC BEVERAGE TO THE INDIVIDUAL;~~

~~(III) IN THE EXERCISE OF DUE CAUTION, THE DEFENDANT WAS DECEIVED BY THE USE OF DOCUMENTARY EVIDENCE; AND~~

~~(IV) BECAUSE OF THE USE OF DOCUMENTARY EVIDENCE, THE DEFENDANT WAS UNABLE TO ASCERTAIN THAT THE INDIVIDUAL WAS UNDER THE AGE OF 21 YEARS.~~

~~(C) THE CITY COUNCIL MAY PROVIDE BY ORDINANCE THAT A VIOLATION OF THIS SECTION IS A MUNICIPAL INFRACTION.~~

~~(D) THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF THIS SECTION DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.~~

~~28.5-2703.~~

~~THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-307 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.~~

#### ~~SUBTITLE 28. PENALTIES.~~

~~28.5-2801.~~

~~SECTION 6-402 ("GENERAL PENALTY") OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY.~~

~~28.5-2802.~~

~~THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$2,000 IN LIEU OF SUSPENDING A LICENSE FOR A VIOLATION THAT IS CAUSE FOR LICENSE SUSPENSION UNDER THE ALCOHOLIC BEVERAGE LAWS OF THE CITY.~~

32-102.

This title applies only in Wicomico County.

32-201.

(a) There is a Board of License Commissioners for Wicomico County.

(b) The Board is a State unit that administers this title and may issue, deny, revoke, or suspend licenses.

32-202.

(a) The Governor shall appoint [three] FIVE members to the Board, subject to the advice and consent of the Senate.

(b) (1) [Each] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, EACH member of the Board shall be:

[(1)] (I) a resident and voter of the county; [and]

[(2)] (II) an individual of high character and integrity and of recognized business capacity; AND

(III) NOMINATED BY THE COUNTY EXECUTIVE.

(2) THREE MEMBERS OF THE BOARD SHALL BE RESIDENTS OF THE CITY OF SALISBURY, NOMINATED JOINTLY BY THE COUNTY EXECUTIVE AND THE MAYOR OF SALISBURY.

(c) (1) The term of a member is 4 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on July 1, [2016] 2020.

(d) (1) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(2) A member who is appointed after a term has begun serves only for the remainder of the term and until a successor is appointed and qualifies.

(e) (1) The Governor may remove a member for misconduct in office, incompetence, or willful neglect of duty.

(2) The Governor shall give a member who is charged a copy of the charges against the member and, with at least 10 days' notice, an opportunity to be heard publicly in person or by counsel.

(3) If a member is removed, the Governor shall file with the Office of the Secretary of State a statement of charges against the member and the Governor's findings on the charges.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The term of each member of the Board of License Commissioners for Wicomico County, or the member's successor selected to fill a vacancy, who is in office on June 30, 2020, shall expire in 2022.

(b) The term of each of the first two members of the Board of License Commissioners for Wicomico County, or the member's successor selected to fill a vacancy, who is appointed on or after the effective date of this Act shall expire in 2024.

(c) Each of the first two members of the Board of License Commissioners for Wicomico County, or the member's successor selected to fill a vacancy, who is appointed on or after the effective date of this Act shall be a resident of the City of Salisbury.

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 460**

**(House Bill 1363)**

AN ACT concerning

**Human Services – Two Generation Family Economic Security Commission**

FOR the purpose of establishing the Two Generation Family Economic Security Commission in the Department of Human Services; providing for the composition, chair, and staffing of the Commission; prohibiting a member of the Commission from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Commission to study, evaluate, and coordinate services and programs to address multigenerational poverty; authorizing the Commission to use certain funding to implement certain programs and to partner with local

jurisdictions and local action agencies to implement the programs; requiring the Commission to submit an annual report of its studies and recommendations to the Governor and the General Assembly; requiring units of executive agencies to cooperate with the Commission; requiring the Governor to provide funding for the Commission in the Department's annual budget; specifying the terms of certain initial members of the Commission; defining a certain term; and generally relating to the Two Generation Family Economic Security Commission.

BY repealing and reenacting, with amendments,

Article – Human Services

Section 2–301

Annotated Code of Maryland

(2019 Replacement Volume and 2019 Supplement)

BY adding to

Article – Human Services

Section 2–601 through 2–606 to be under the new subtitle “Subtitle 6. Two Generation Family Economic Security Commission”

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**

2–301.

The following units are in the Department:

- (1) the Child Support Administration;
- (2) the Family Investment Administration;
- (3) the Social Services Administration;
- (4) the Maryland Commission for Women; [and]

(5) **THE TWO GENERATION FAMILY ECONOMIC SECURITY COMMISSION; AND**

- (6) any other unit that by law is declared to be part of the Department.

**SUBTITLE 6. TWO GENERATION FAMILY ECONOMIC SECURITY COMMISSION.**

2–601.

IN THIS SUBTITLE, "COMMISSION" MEANS THE TWO GENERATION FAMILY ECONOMIC SECURITY COMMISSION.

**2-602.**

(A) THERE IS A TWO GENERATION FAMILY ECONOMIC SECURITY COMMISSION IN THE DEPARTMENT.

(B) THE COMMISSION SHALL REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY THROUGH THE SECRETARY.

**2-603.**

(A) THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:

(1) THE SECRETARY, WHO SHALL SERVE AS THE EX OFFICIO CHAIR OF THE COMMISSION;

(2) TWO MEMBERS OF THE SENATE, APPOINTED AS FOLLOWS:

(I) ONE MEMBER OF THE SENATE BUDGET AND TAXATION COMMITTEE, APPOINTED BY THE PRESIDENT OF THE SENATE; AND

(II) ONE MEMBER APPOINTED BY THE MINORITY LEADER OF THE SENATE;

(3) TWO MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED AS FOLLOWS:

(I) ONE MEMBER OF THE HOUSE APPROPRIATIONS COMMITTEE, APPOINTED BY THE SPEAKER OF THE HOUSE; AND

(II) ONE MEMBER APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF DELEGATES;

(4) THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT, OR THE SECRETARY'S DESIGNEE;

(5) THE SECRETARY OF DISABILITIES, OR THE SECRETARY'S DESIGNEE;

(6) THE SECRETARY OF HEALTH, OR THE SECRETARY'S DESIGNEE;

(7) THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT, OR THE SECRETARY'S DESIGNEE;

(8) THE SECRETARY OF LABOR, OR THE SECRETARY'S DESIGNEE;

(9) THE SECRETARY OF JUVENILE SERVICES, OR THE SECRETARY'S DESIGNEE;

(10) THE SUPERINTENDENT OF THE MARYLAND STATE DEPARTMENT OF EDUCATION, OR THE SUPERINTENDENT'S DESIGNEE;

(11) ONE DIRECTOR OF A LOCAL DEPARTMENT OF SOCIAL SERVICES, APPOINTED BY THE SECRETARY OF HUMAN SERVICES IN CONSULTATION WITH THE MARYLAND ASSOCIATION OF SOCIAL SERVICES DIRECTORS;

(12) ONE COUNTY HEALTH OFFICER, APPOINTED BY THE SECRETARY OF HEALTH IN CONSULTATION WITH THE MARYLAND ASSOCIATION OF COUNTY HEALTH OFFICERS;

(13) ONE MEMBER APPOINTED BY THE MARYLAND ASSOCIATION OF COMMUNITY COLLEGES; AND

(14) TWO PUBLIC MEMBERS APPOINTED BY THE GOVERNOR, INCLUDING AT LEAST ONE PARENT WITH EXPERIENCE IN CHILD WELFARE ADVOCACY OR COMMUNITY ACTION PARTNERSHIPS.

(B) TO THE EXTENT PRACTICABLE, APPOINTMENTS UNDER THIS SECTION SHALL ENSURE GEOGRAPHIC DIVERSITY AMONG THE MEMBERSHIP OF THE COMMISSION.

(C) (1) THIS SUBSECTION APPLIES TO COMMISSIONERS APPOINTED UNDER SUBSECTION (A)(11) THROUGH (14) OF THIS SECTION.

(2) THE TERM OF A COMMISSIONER IS 4 YEARS.

(3) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COMMISSION ON OCTOBER 1, 2020.

(4) AT THE END OF A TERM, A COMMISSIONER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED.



(5) A COMMISSIONER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED.

(D) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE COMMISSION.

(E) A MEMBER OF THE COMMISSION:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COMMISSION; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

2-604.

(A) (1) THE COMMISSION SHALL:

(I) INVESTIGATE POLICY CHALLENGES, OPPORTUNITIES, AND RECOMMENDATIONS REGARDING THE MITIGATION OF MULTIGENERATIONAL POVERTY;

(II) IDENTIFY SERVICES AND POLICIES WITHIN STATE PROGRAMS THAT CAN BE COORDINATED TO SUPPORT A MULTIGENERATIONAL APPROACH TO ADDRESSING POVERTY;

(III) IDENTIFY PROGRAM AND SERVICE GAPS AND INCONSISTENCIES AMONG FEDERAL, STATE, AND LOCAL POLICIES;

(IV) IDENTIFY, TEST, AND RECOMMEND BEST PRACTICES IMPLEMENTED AT THE FEDERAL, STATE, AND LOCAL LEVELS;

(V) SOLICIT INFORMATION AND GUIDANCE FROM EXTERNAL SOURCES WITH DIRECT KNOWLEDGE AND EXPERIENCE IN ADDRESSING MULTIGENERATIONAL POVERTY;

(VI) IDENTIFY TOOLS TO MEASURE AND PREDICT THE IMPACT OF THE BENEFIT CLIFF ON AN INDIVIDUAL FAMILY BASIS;

(VII) MEASURE THE IMPACT OF MULTIGENERATIONAL PROGRAMS;

(VIII) IDENTIFY OPPORTUNITIES TO COORDINATE MULTIGENERATIONAL SERVICES ACROSS MULTIPLE STATE AGENCIES; AND

(IX) COLLECT DATA TO BE USED IN EVALUATING THE EFFECTIVENESS OF PROGRAMS.

(2) THE COMMISSION MAY:

(I) UTILIZE FEDERAL AND STATE FUNDING TO ESTABLISH AND IMPLEMENT PROGRAMS TO ADDRESS MULTIGENERATIONAL POVERTY; AND

(II) PARTNER WITH LOCAL JURISDICTIONS AND COMMUNITY ACTION AGENCIES, LOCAL DEPARTMENTS OF SOCIAL SERVICES, AND LOCAL WORKFORCE DEVELOPMENT AREAS IN IMPLEMENTING PROGRAMS TO ADDRESS INTERGENERATIONAL POVERTY.

(B) THROUGH THE SECRETARY, THE COMMISSION SHALL SUBMIT AN ANNUAL REPORT INCLUDING RECOMMENDATIONS BASED ON THE COMMISSION'S STUDIES TO THE GOVERNOR AND, SUBJECT TO § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

**2-605.**

EACH EXECUTIVE UNIT OF THE STATE SHALL COOPERATE FULLY WITH THE COMMISSION IN THE PERFORMANCE OF THE COMMISSION'S DUTIES.

**2-606.**

THE GOVERNOR SHALL INCLUDE THE COMMISSION IN THE DEPARTMENT'S ANNUAL BUDGET.

SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial members of the Two Generation Family Economic Security Commission appointed under § 2-603(a)(11) through (13) of the Human Services Article shall expire as follows:

- (1) one member in 2022;
- (2) two members in 2023; and
- (3) two members in 2024.

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 461

(House Bill 1388)

AN ACT concerning

### Prince George's County – Public Safety Surcharge ~~—Amount~~

PG 412–20

FOR the purpose of providing that a certain Prince George's County public safety surcharge amount is for certain residential housing constructed in an area included in a certain plan or an area that abuts an existing or planned mass transit rail station operated by the Washington Metropolitan Area Transit Authority or the Maryland Transit Administration, instead of requiring the surcharge to be for both areas; and generally relating to the public safety surcharge in Prince George's County.

BY repealing and reenacting, without amendments,  
 The Public Local Laws of Prince George's County  
 Section 10–192.11(a)  
 Article 17 – Public Local Laws of Maryland  
 (2015 Edition and 2017 Supplement, as amended)  
 (As enacted by Chapter 351 of the Acts of the General Assembly of 2019)

BY repealing and reenacting, with amendments,  
 The Public Local Laws of Prince George's County  
 Section 10–192.11(b)  
 Article 17 – Public Local Laws of Maryland  
 (2015 Edition and 2017 Supplement, as amended)  
 (As enacted by Chapter 351 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 17 – Prince George's County

10–192.11.

(a) The governing body of Prince George's County, by resolution, may impose a public safety surcharge on new residential construction for which a building permit is issued by the County.

(b) (1) Except as provided in paragraph (3) of this Subsection, a public safety surcharge imposed on a single-family detached dwelling, town house, or dwelling unit for any other building containing more than a single dwelling unit shall be in the amount of:

(A) Six Thousand Dollars (\$6,000); or

(B) Two Thousand Dollars (\$2,000) for construction in:

(i) The Transportation Service Area 1, as defined by the Maryland–National Capital Park and Planning Commission in the Prince George’s County Approved General Plan; [and] **OR**

(ii) An area included in a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority or by the Maryland Transit Administration and complies with the requirements of any sector plan, master plan, or overlay zone approved by the Prince George’s County District Council.

(2) The public safety surcharge does not apply to a single–family detached dwelling that is to be built or subcontracted by an individual owner in a minor subdivision and that is intended to be used as the owner’s personal residence.

(3) The governing body of Prince George’s County may waive any surcharge imposed under subsection (b)(1)(B) 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 462**

### **(House Bill 902)**

AN ACT concerning

#### **Alcoholic Beverages – License Applications – Durational Residency Requirements**

FOR the purpose of repealing certain requirements that a person be a resident for a certain period of time, a taxpayer, or a registered voter to be issued certain statewide alcoholic beverages licenses and permits; requiring that a person, to be issued certain statewide licenses and permits, remain a resident for the duration of time that certain licenses and permits are in effect; repealing certain requirements that a person be a resident for a certain period of time to be issued certain local alcoholic beverages licenses; making conforming changes; declaring the intent of the General Assembly; and generally relating to alcoholic beverages licenses.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages

Section 2–125(a), 4–104(a), 12–102, 13–102, 14–102, 19–102, 20–102, 21–102, 22–102, 23–102, 25–102, 25–1011.1(a), 26–102, 26–1405(b), 26–1406(b), 26–1704, 26–1808, 26–2102(d)(1), 27–102, 28–102, 31–102, 31–1312(a), and 32–102

Annotated Code of Maryland  
(2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 2–125(b), 2–211, 3–102, 3–104(b), 3–105(b), 3–106(a), 4–103, 4–104(b), 4–105(a), 4–109(a)(4), 12–1405, 13–1403, 14–1704, 19–1402, 20–1404(a), 21–1401, 22–1402, 23–1404(d)(2), 23–1406, 25–1011.1(b), 25–1405, 25–1406, 26–1405(c), 26–1406(c), 27–1402, 27–1403(a)(1), 28–1409, 31–1312(e)(2), 31–1402, 32–1403(b), 32–1405(a), 32–1502, and 32–1503

Annotated Code of Maryland  
(2016 Volume and 2019 Supplement)

BY repealing

Article – Alcoholic Beverages

Section 21–1405.1 and 25–1407

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**

2–125.

(a) There is a resident dealer’s permit.

(b) (1) Subject to paragraph (2) of this subsection, the Comptroller may issue the permit to:

(i) an importer of beer, wine, or distilled spirits produced outside the United States that:

1. purchases directly from the brand owner or from a sales agent of a bottler, brewer, distiller, manufacturer, rectifier, vintner, or winery;

2. is authorized by the brand owner to sell in the State; and

3. provides proof of the sales agency relationship to the Comptroller; or

(ii) an American sales agent of an importer under item (i) of this

paragraph, on presentation of proof of the sales agency relationship to the Comptroller.

(2) An individual applicant, an applicant qualifying as a resident applicant for a corporation, or each applicant for a partnership is not eligible for the permit unless the individual [has been] **IS** a resident of the State [for at least 2 years immediately before applying for] **AT THE TIME THE APPLICATION IS FILED AND REMAINS A RESIDENT FOR THE DURATION OF TIME** the permit **IS IN EFFECT**.

2–211.

To be issued a manufacturer's license, the following individuals shall reside in the State [for 2 years immediately preceding the] **AT THE TIME OF** filing [of] an application for the license:

- (1) for a sole proprietorship, the individual applicant;
- (2) for a corporation or limited liability company, the individual who qualifies as a resident applicant; or
- (3) for a partnership, each partner of the applicant.

3–102.

To be issued a manufacturer's license or a wholesaler's license, an individual applicant shall [have been] **BE** a resident of the State [for 2 years immediately before] **AT THE TIME** the application is filed.

3–104.

(b) (1) If a partnership has fewer than three general partners, the names of each general partner shall be on the license.

- (2) Each of the three general partners or corporate officers shall:
  - (i) [have been a resident of the State for at least 2 years before] **BE A RESIDENT OF THE STATE AT THE TIME** the application is filed; and
  - (ii) [be a registered voter of the State] **REMAIN A RESIDENT OF THE STATE FOR THE DURATION OF TIME THE LICENSE IS IN EFFECT**.

3–105.

(b) (1) Except as provided in subsections (c) and (d) of this section, a license on behalf of a corporation or club shall be applied for and issued to three officers of the corporation or club as individuals.

(2) At least one of the three officers shall:

(i) [have been] **BE** a resident of the State [for at least 2 years before] **AT THE TIME** the application is filed; and

(ii) [be a registered voter and taxpayer of the State when the application is filed] **REMAIN A RESIDENT OF THE STATE FOR THE DURATION OF TIME THE LICENSE IS IN EFFECT.**

3-106.

(a) (1) A license for the use of a limited liability company shall be applied for and issued to, as individuals:

(i) all of the authorized individuals, if the limited liability company has fewer than three authorized individuals; or

(ii) three authorized individuals, if the limited liability company has three or more authorized individuals.

(2) At least one of the authorized individuals shall:

(i) [have been] **BE** a resident of the State [for at least 2 years before] **AT THE TIME** the application is filed; and

(ii) [be a registered voter and taxpayer of the State when the application is filed] **REMAIN A RESIDENT OF THE STATE FOR THE DURATION OF TIME THE LICENSE IS IN EFFECT.**

4-103.

(a) An application for a license for the use of a partnership shall be made by and the license issued to all of the partners as individuals.

(b) Each of the partners shall [have resided]:

(1) **RESIDE** in the county or city where the business is located [for at least 2 years before] **AT THE TIME** the application is filed; **AND**

(2) **REMAIN A RESIDENT OF THE COUNTY OR CITY WHERE THE BUSINESS IS LOCATED FOR THE DURATION OF TIME THE LICENSE IS IN EFFECT.**

(c) The application for a license shall state the name and address of the partnership and the name and address of each applicant.

4–104.

(a) This section applies to:

- (1) a corporation; and
- (2) a club, whether incorporated or unincorporated.

(b) (1) Except as provided in subsections (c) and (d) of this section, a license on behalf of a corporation or club shall be applied for and issued to three officers of the corporation or club as individuals.

(2) At least one of the three officers shall:

(i) [have been] **BE** a resident of the jurisdiction or municipality [for at least 2 years before] **AT THE TIME** the application is filed; and

(ii) [be a registered voter and taxpayer of the jurisdiction or municipality when the application is filed] **REMAIN A RESIDENT OF THE JURISDICTION OR MUNICIPALITY FOR THE DURATION OF TIME THE LICENSE IS IN EFFECT.**

4–105.

(a) (1) A license for the use of a limited liability company shall be applied for and issued to authorized persons of the limited liability company, as individuals.

(2) (i) All of the authorized individuals shall apply for the license, if the limited liability company has fewer than three authorized individuals.

(ii) Three authorized individuals shall apply for the license, if the limited liability company has three or more authorized individuals.

(3) At least one of the authorized individuals shall:

(i) [have been] **BE** a resident of the jurisdiction or municipality [for at least 2 years before] **AT THE TIME** the application is filed; and

(ii) [be a registered voter and taxpayer of the jurisdiction or municipality when the application is filed] **REMAIN A RESIDENT OF THE JURISDICTION OR MUNICIPALITY FOR THE DURATION OF TIME THE LICENSE IS IN EFFECT.**

4–109.

(a) A license application shall state:

- (4) that [for the 2 years immediately before filing the application] the



applicant [has been] **IS** a resident of the jurisdiction in which the applicant proposes to operate under the license for which the applicant is applying;

12-102.

This title applies only in Baltimore City.

12-1405.

The application shall include a petition signed by at least three residents who are owners of real property and registered voters in the City stating that:

(1) the applicant:

(i) is personally known to the signers of the petition; and

(ii) [has been a resident or taxpayer of the City for 2 years and a resident of the State for 2 years preceding the presentation of] **IS A RESIDENT OR TAXPAYER OF THE CITY AT THE TIME THE APPLICANT PRESENTS** the application to the signers of the petition;

(2) if the applicant is a corporation, at least one of the applicants:

(i) is personally known to the signers of the petition;

(ii) [has been a resident or taxpayer of the City for 2 years and a resident of the State for 2 years preceding the presentation of] **IS A RESIDENT OR TAXPAYER OF THE CITY AT THE TIME THE APPLICANT PRESENTS** the application to the signers of the petition; and

(iii) is a registered voter in the State; and

(3) if the applicant is a partnership, all members of the partnership [have been residents or taxpayers of the City for 2 years and residents of the State for 2 years preceding the presentation of] **ARE RESIDENTS OF THE CITY AT THE TIME THE APPLICANTS PRESENT** the application to the signers of the petition.

13-102.

This title applies only in Baltimore County.

13-1403.

(a) An applicant for a license in the county shall include on the application:

(1) (i) a statement whether the applicant is a natural-born citizen or a

naturalized citizen; or

(ii) if the applicant is not a natural-born citizen or a naturalized citizen, information or documentation required by the Board to show proof of immigration status; and

(2) a statement that the applicant [has been for 2 years immediately before the filing of the application] **IS** a resident of the State **AT THE TIME THE APPLICATION IS FILED**.

(b) The Board may obtain information from the Social Security Administration and the Department of Homeland Security — Immigration and Customs to verify the citizenship or immigration status of the applicant.

14–102.

This title applies only in Calvert County.

14–1704.

The Board may waive the [2 years residence] **RESIDENCY** requirement for applicants for a license if the applicant for the transfer:

(1) is the purchaser and proprietor of the establishment for which the transfer is sought; and

(2) can submit to the satisfaction of the Board:

(i) proper persons who know the applicant and can vouch for the good character of the applicant; or

(ii) other evidence that the applicant is a fit and proper person to hold the license.

19–102.

This title applies only in Dorchester County.

19–1402.

[An] **AT THE TIME AN APPLICATION FOR A LICENSE IS FILED, AN** applicant shall be a resident of the county [for 1 year before applying for a license].

20–102.

This title applies only in Frederick County.

20–1404.

(a) (1) A license for the use of a partnership shall be applied for and issued to three individuals.

(2) The three individuals are not required to be partners but shall be authorized in writing to act for the partnership.

(3) One of the three individuals shall[:

(i) have been] **BE** a resident **AND REGISTERED VOTER** of the county [for at least 2 years before the application is filed; and

(ii) be a registered voter of the county before and] at the time the application is filed.

(4) The names of each partner shall be stated on the application.

21–102.

This title applies only in Garrett County.

21–1401.

(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) § 4–103 (“Application on behalf of partnership”);

(3) § 4–104 (“Application on behalf of corporation or club”);

(4) § 4–105 (“Application on behalf of limited liability company”);

(5) § 4–106 (“Payment of notice expenses”);

(6) § 4–108 (“Application form required by Comptroller”);

(7) **§ 4–109 (“REQUIRED INFORMATION ON APPLICATION – IN GENERAL);**

(8) § 4–110 (“Required information on application — Petition of support”);

~~(8)~~ (9) § 4–113 (“Refund of license fees”); and

**[(9)] (10)** § 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 apply in the county:

(1) § 4–107 (“Criminal history records check”), subject to §§ 21–1402 through 21–1405 of this subtitle;

(2) **[§ 4–109 (“Required information on application – In general”),** subject to § 21–1405.1 of this subtitle;

(3) § 4–111 (“Payment of license fees”), subject to § 21–1406 of this subtitle;  
and

**[(4)] (3)** § 4–112 (“Disposition of license fees”), subject to § 21–1407 of this subtitle.

**[21–1405.1.**

An individual who is a resident of the county for 1 year immediately before filing the license application meets the residency requirements under § 4–109(a)(4) of this article.]

22–102.

This title applies only in Harford County.

22–1402.

(a) (1) To be issued a license for the applicant’s individual use, the applicant shall be a resident of the county **[for at least 1 year before filing] AT THE TIME** the application **IS FILED**.

(2) The license holder is required to remain a resident of the county for as long as the license is in effect.

(b) An applicant under this section is not required to be a registered voter.

23–102.

This title applies only in Howard County.

23–1404.

(d) (2) A continuing care retirement community license shall be issued to:

(i) a manager or supervisor; and

(ii) two officers, one of whom shall [have been] **BE** a resident of the county [for at least 2 years before the application is filed and be], a registered voter, and A taxpayer of the county [when] **AT THE TIME** the application is filed.

23-1406.

(a) At least one of the applicants shall include with the application a petition of support signed by at least three residents who are owners of real property and registered voters in the district where the business is to be conducted stating that the applicant:

(1) is known personally to the residents; and

(2) subject to subsection (b) of this section, [has been] **IS** a resident of the county [for 2 years immediately preceding the presentation of] **AT THE TIME THE APPLICANT PRESENTS** the application to the residents.

(b) The Board may waive the [2-year] residency requirement for an applicant if the applicant:

(1) is the purchaser of a business already in operation; or

(2) has owned the premises for which a license is sought for at least 2 years immediately preceding the filing of the application.

25-102.

This title applies only in Montgomery County.

25-1011.1.

(a) There is a sports stadium license.

(b) (1) Subject to paragraph (2) of this subsection, the Board may issue the license to three individuals serving on the board of directors for a corporation, partnership, or limited liability company that operates a stadium that:

(i) has a minimum capital investment of \$2,000,000, not including the cost of land;

(ii) serves as a venue for professional sports events; and

(iii) has a seating capacity of 2,000 persons, as established by the Fire Marshal for the county.

(2) At least one of the individuals to whom the license is issued shall [have been] **BE** a resident of the State [for at least the 2 years immediately preceding the issuance of the license] **AT THE TIME THE APPLICATION IS FILED**.

25–1405.

(a) (1) Except as provided in paragraph (2) of this subsection, a license on behalf of a corporation or club shall be applied for and issued to three officers of the corporation or club, as individuals.

(2) If a corporation or club has fewer than three officers, each officer shall apply for a license.

(b) An officer who is a resident of the State **AT THE TIME THE APPLICATION IS FILED** meets the [voter, taxpayer, and] residency requirements under § 4–104 of this article.

25–1406.

(a) [(1)] Except as provided in [paragraph (2) of this subsection] **SUBSECTION (B) OF THIS SECTION**, a license on behalf of a limited liability company shall be applied for **BY** and issued to three authorized persons of the limited liability company, as individuals.

[(2)] **(B) (1)** If a limited liability company has fewer than three authorized persons, each authorized person shall apply for a license.

[(b)] **(2)** An individual who is a resident of the State **AT THE TIME THE APPLICATION IS FILED** meets the [registered voter, taxpayer, and] residency requirements under § 4–105 of this article.

[25–1407.

An individual who is a resident of the State meets the residency requirements under § 4–109(a)(4) of this article.]

26–102.

This title applies only in Prince George’s County.

26–1405.

(b) (1) An application for a license for a proprietorship shall state the name and address of the proprietorship and the name and address of the applicant.

(2) An application for a license for a partnership shall:

(i) be made by and the license issued to each partner as an individual; and

(ii) state the name and address of the partnership and the names and addresses of each applicant.

(c) (1) This subsection does not apply to a Class B–Stadium beer and light wine license, a 7–day Class B–ECR on–sale beer, wine, and liquor license, or a Class B–WPL (waterfront pavilion) beer, wine, and liquor license.

(2) To be eligible to receive a license, a partner shall:

(i) **[have been] BE** a resident of the State **[for at least 1 year before]** **AT THE TIME** the application is filed and continue to be a resident as long as the license is in effect; and

(ii) be a registered voter of the State.

26–1406.

(b) (1) An application for a license on behalf of a corporation, an incorporated or unincorporated club, or a limited liability company shall be made by and the license issued to three officers of the corporation or club or three authorized persons of the limited liability company, as individuals.

(2) An application for a license shall:

(i) state the name and address of each officer of the corporation or club or authorized person of the limited liability company;

(ii) state the name and address of the corporation, club, or limited liability company; and

(iii) be signed by:

1. the president or vice president of the corporation or club;

or

2. three officers or authorized persons to whom the licenses are to be issued.

(3) If a corporation or club has fewer than three officers or directors or a limited liability company has fewer than three authorized persons, each officer, director, or authorized person shall apply for a license.

(c) (1) This subsection does not apply to a Class B–Stadium beer and light

wine license, a 7-day Class B–ECR on-sale beer, wine, and liquor license, or a Class B–WPL (waterfront pavilion) beer, wine, and liquor license.

(2) To be eligible to receive a license, an applicant shall:

(i) [have been] **BE** a resident of the State [for at least 1 year before] **AT THE TIME** the application is filed and continue to be a resident as long as the license is in effect; and

(ii) be a registered voter of the State.

26–1704.

The residency requirements under § 26–1406(c) of this title apply to a transfer of a license.

26–1808.

Except for a Class B–WPL (waterfront pavilion) beer, wine, and liquor license, the residency requirements under § 26–1406(c) of this title apply to a renewal of a license.

26–2102.

(d) (1) If a license holder has not complied with the residency requirements specified in § 4–103, § 4–104, or § 4–105 of this article or Subtitle 14 of this title, the Board may revoke or suspend the license.

27–102.

This title applies only in Queen Anne’s County.

27–1402.

An applicant on behalf of a partnership may not be issued a Class A beer, wine and liquor license unless the owners of 75% of the interest in the partnership [have been] **ARE** residents of the county [for 2 years immediately before] **AT THE TIME THE** application is filed.

27–1403.

(a) (1) An individual on behalf of a corporation or limited liability company may not be issued a Class A beer, wine, and liquor license unless the owners of 75% of the total issued capital stock or interest in the corporation or limited liability company [have been] **ARE** residents of the county [for 2 years immediately before] **AT THE TIME** the application is filed.



28-102.

This title applies only in St. Mary's County.

28-1409.

A license may not be issued for the use of a corporation unless the owners of at least 15% of the total stock of the corporation [have resided] **ARE RESIDENTS** in the county [for 6 months immediately before the] **AT THE TIME THE** application for the license **IS FILED**.

31-102.

This title applies only in Washington County.

31-1312.

(a) There is a Class C per diem beer, wine, and liquor license.

(e) (2) (i) A license shall be applied for and issued to three individuals affiliated with the applicant, each of whom:

1. appears in person to present proper qualifications at the time the application is filed;
2. is at least 21 years old; and
3. is a registered voter in the county and a citizen of the United States.

(ii) At least one of the individuals shall [have been] **BE** a resident of the county [for the 2 years immediately before filing] **AT THE TIME** the application **IS FILED**.

31-1402.

With the license application, the applicant shall submit a petition of support that:

(1) is signed by at least three residents who are owners of real property and registered voters in the county; and

(2) declares that the applicant:

(i) is personally known to them; and

(ii) [has been] **IS** a resident of the county [for 2 years immediately before presenting] **AT THE TIME THE APPLICANT PRESENTS** them with the application.

32–102.

This title applies only in Wicomico County.

32–1403.

(b) (1) An application for a stadium beer and wine license for a partnership shall be made by and the license issued to three individuals who:

(i) shall be authorized in writing to apply for and hold the license on behalf of the partnership; but

(ii) are not required to be partners.

(2) One of the three individuals who applies for a license shall[:

(i) have been] **BE** a resident **AND REGISTERED VOTER** of the county [for at least 2 years before] **AT THE TIME** the application is filed[; and

(ii) have been a registered voter of the county for at least 1 year immediately before the application is filed].

(3) The name of each partner shall be stated on the application.

32–1405.

(a) Except as provided in subsection (b) of this section, the Board may not issue a license to a corporation or limited liability company unless the individual qualifying under this article:

(1) [has been] **IS** a registered voter, taxpayer, and resident of the county [for at least 2 years before the] **AT THE TIME OF** submission of the application; and

(2) owns at least 20% of the total issued capital stock of the corporation or 20% of the total interests of the limited liability company.

32–1502.

The prohibitions against one person being issued more than one license under § 4–203 of this article do not apply to:

(1) a Class 6 pub–brewery license issued under § 2–208 of this article or a Class 7 micro–brewery license issued under § 2–209 of this article; or

(2) a Class B beer, wine, and liquor license issued under § 32–902 of this

article if:

(i) the resident applicant [has been] **IS** a resident of the county [for at least 2 years before the] **AT THE TIME OF** application; and

(ii) the minimum capital investment in the premises is at least \$200,000 or the premises have a fair market value of at least \$200,000.

32–1503.

Section 4–205 of this article does not apply to a license issued under:

(1) § 2–208 or § 2–209 (regarding pub–brewery and micro–brewery licenses) of this article; or

(2) § 32–902 (regarding Class B beer, wine, and liquor licenses) of this article if:

(i) the resident applicant [has been] **IS** a resident of the county [for at least 2 years before the] **AT THE TIME OF** application; and

(ii) the minimum capital investment in the premises is at least \$200,000 or the premises have a fair market value of at least \$200,000.

**SECTION 2. AND BE IT FURTHER ENACTED**, That it is the intent of the General Assembly that this Act be applied and interpreted to comport with the holding of the U.S. Supreme Court in *Tennessee Wine and Spirits Retailers Assn. v. Russel F. Thomas, Executive Director of the Tennessee Alcoholic Beverage Commission, et al.*, 139 S. Ct. 2449 (2019), which held that durational–residency requirements for an alcoholic beverages license was facially discriminatory, in violation of the dormant Commerce Clause of the U.S. Constitution.

**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 463

(House Bill 1398)

AN ACT concerning

**Queen Anne’s County – Alcoholic Beverages – License Applications**

FOR the purpose of requiring certain entities applying for certain licenses to hold certain status; repealing a certain residency requirement for an applicant for certain 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 27–102  
Annotated Code of Maryland  
(2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages  
Section 27–1403  
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**

27–102.

This title applies only in Queen Anne’s County.

27–1403.

(a) (1) An individual on behalf of a corporation or limited liability company may not be issued a Class A beer, wine, and liquor license unless [the owners of 75% of the total issued capital stock or interest in] the corporation or limited liability company [have been residents of the county for 2 years immediately before the application is filed.] **IS:**

**(I) A MARYLAND ENTITY IN GOOD STANDING; OR**

**(II) A FOREIGN ENTITY REGISTERED TO DO BUSINESS IN THE STATE.**

(2) A Class A beer, wine, and liquor license may not be issued for a corporation if more than one class of common stock is authorized by the corporate charter.

(b) (1) This subsection does not apply to:

(i) a Class A beer, wine, and liquor license; or

(ii) any other license issued before May 1, 1976.

(2) An applicant for a license on behalf of a corporation or limited liability company is not required to be a resident of the county.

(3) Except as provided in subsection (c) of this section, each applicant applying for a license for a corporation or limited liability company shall[:

(i) be a resident of the State; and

(ii)] own at least 15% of the total outstanding shares of common stock of the corporation or at least a 15% interest in the limited liability company, entitling the applicant to vote at a meeting of stockholders or members.

(4) A license may not be issued for a corporation if more than one class of common stock is authorized by the corporate charter.

(5) Except as provided in subsection (c) of this section, each year, an applicant, the corporation, or the limited liability company shall submit to the Board a sworn statement that contains:

(i) the name and address of each stockholder of the corporation and the number of shares the stockholder owns and is entitled to vote at a stockholder meeting; or

(ii) the name and address of each member of the limited liability company and the amount of interest the member owns and is entitled to vote at a meeting of members.

(6) The Board may require an applicant to submit other information regarding the background and prior activities of the applicant.

(c) Subsection (b)(3) and (5) of this section does not apply to:

**(1)** a Class B beer, wine, and liquor (on-sale) license for use in a conference center; **OR**

**(2)** ANY ALCOHOLIC BEVERAGES LICENSE ISSUED WITHIN THE MUNICIPAL LIMITS OF ANY INCORPORATED TOWN.

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 464****(House Bill 1399)**

AN ACT concerning

**Natural Resources – Commercial Fishing – Use of Haul Seines**

FOR the purpose of establishing an exception to the prohibition against fishing with a haul seine during certain time periods by authorizing a person to empty a haul seine under certain circumstances during certain time periods; and generally relating to the use of haul seines.

BY repealing and reenacting, with amendments,  
Article – Natural Resources  
Section 4–713(h)  
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 – Natural Resources**

4–713.

(h) (1) Except as provided in paragraphs (2) [and (3)] **THROUGH (4)** of this subsection, a person may not fish with a haul seine during the period from 12:01 a.m. Saturday until sunrise on Monday in the tidal waters of the State.

(2) (i) In Baltimore County and Harford County, on prior notification to the Department a person may catch carp during the period from 12:01 a.m. Saturday until sunrise on Monday, except in areas where it is prohibited by the Department.

(ii) Except in areas where it is prohibited by the Department, a person may set a haul seine at a distance greater than one–third the distance across a river, creek, cove, or inlet in any of the tributary waters of Baltimore County or Harford County only to catch carp and catfish, notwithstanding any other provision of this subtitle regarding the distance across which a haul seine may be set. A person may not set the haul seine to impede or obstruct navigation or block in any way the main channel of the river, creek, cove, or inlet. Any person who catches fish of a variety other than carp or catfish in any haul seine shall return them immediately to the water unharmed. A person always shall attend a haul seine for catching carp or catfish. Any person whose haul seine is found more than one–third the distance across the waters where it is set without a person in attendance is guilty of violating this subsection.

(iii) The Department, by regulation:

1. Shall establish procedures for the prior notification required under subparagraph (i) of this paragraph; and

2. May prohibit fishing for carp and catfish in certain areas as provided in subparagraph (ii) of this paragraph.

(3) (i) In Kent County, on prior notification to the Department, a person may catch gizzard shad, also known as mud shad, carp, or catfish, with a haul seine during the period from 12:01 a.m. Saturday until sunrise on Monday.

(ii) The Department, by regulation, shall establish procedures for the prior notification required under subparagraph (i) of this paragraph.

**(4) IF A HAUL SEINE IS SET ON A FRIDAY, A PERSON MAY EMPTY THAT HAUL SEINE DURING THE PERIOD FROM 12:01 A.M. ON THE FOLLOWING SATURDAY UNTIL SUNRISE ON THE FOLLOWING MONDAY IF THE PERSON PROVIDES THE NATURAL RESOURCES POLICE WITH:**

**(I) A NOTIFICATION BEFORE 11:59 P.M. ON FRIDAY THAT THE PERSON WILL BE EMPTYING THE HAUL SEINE BETWEEN 12:01 A.M. ON THE FOLLOWING SATURDAY AND SUNRISE THE FOLLOWING MONDAY;**

**(II) THE LOCATION OF THE HAUL SEINE THAT WILL BE EMPTIED; AND**

**(III) CONTACT INFORMATION FOR THE TIDAL FISH LICENSEE WHO IS RESPONSIBLE FOR THE HAUL SEINE.**

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 465

(Senate Bill 510)

AN ACT concerning

**Natural Resources – Commercial Fishing – Use of Haul Seines**

FOR the purpose of establishing an exception to the prohibition against fishing with a haul seine during certain time periods by authorizing a person to empty a haul seine under certain circumstances during certain time periods; and generally relating to the use of haul seines.

BY repealing and reenacting, with amendments,  
Article – Natural Resources  
Section 4–713(h)  
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 – Natural Resources**

4–713.

(h) (1) Except as provided in paragraphs (2) [and (3)] **THROUGH (4)** of this subsection, a person may not fish with a haul seine during the period from 12:01 a.m. Saturday until sunrise on Monday in the tidal waters of the State.

(2) (i) In Baltimore County and Harford County, on prior notification to the Department a person may catch carp during the period from 12:01 a.m. Saturday until sunrise on Monday, except in areas where it is prohibited by the Department.

(ii) Except in areas where it is prohibited by the Department, a person may set a haul seine at a distance greater than one–third the distance across a river, creek, cove, or inlet in any of the tributary waters of Baltimore County or Harford County only to catch carp and catfish, notwithstanding any other provision of this subtitle regarding the distance across which a haul seine may be set. A person may not set the haul seine to impede or obstruct navigation or block in any way the main channel of the river, creek, cove, or inlet. Any person who catches fish of a variety other than carp or catfish in any haul seine shall return them immediately to the water unharmed. A person always shall attend a haul seine for catching carp or catfish. Any person whose haul seine is found more than one–third the distance across the waters where it is set without a person in attendance is guilty of violating this subsection.

(iii) The Department, by regulation:

1. Shall establish procedures for the prior notification required under subparagraph (i) of this paragraph; and

2. May prohibit fishing for carp and catfish in certain areas as provided in subparagraph (ii) of this paragraph.



(3) (i) In Kent County, on prior notification to the Department, a person may catch gizzard shad, also known as mud shad, carp, or catfish, with a haul seine during the period from 12:01 a.m. Saturday until sunrise on Monday.

(ii) The Department, by regulation, shall establish procedures for the prior notification required under subparagraph (i) of this paragraph.

**(4) IF A HAUL SEINE IS SET ON A FRIDAY, A PERSON MAY EMPTY THAT HAUL SEINE DURING THE PERIOD FROM 12:01 A.M. ON THE FOLLOWING SATURDAY UNTIL SUNRISE ON THE FOLLOWING MONDAY IF THE PERSON PROVIDES THE NATURAL RESOURCES POLICE WITH:**

**(I) A NOTIFICATION BEFORE 11:59 P.M. ON FRIDAY THAT THE PERSON WILL BE EMPTYING THE HAUL SEINE BETWEEN 12:01 A.M. ON THE FOLLOWING SATURDAY AND SUNRISE THE FOLLOWING MONDAY;**

**(II) THE LOCATION OF THE HAUL SEINE THAT WILL BE EMPTIED; AND**

**(III) CONTACT INFORMATION FOR THE TIDAL FISH LICENSEE WHO IS RESPONSIBLE FOR THE HAUL SEINE.**

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 466

(House Bill 1401)

AN ACT concerning

**Prince George's County – School Facilities Surcharge – Foundation for Applied Construction Technology for Students**

**PG 413–20**

FOR the purpose of adding an exemption from the Prince George's County school facilities surcharge for single-family dwelling units to be built by a certain organization; and generally relating to the school facilities surcharge in Prince George's County.

BY adding to

The Public Local Laws of Prince George's County

Section 10–192.01(b)(7)

Article 17 – Public Local Laws of Maryland

(2015 Edition and 2017 Supplement, as amended)

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

**Article 17 – Prince George’s County**

10–192.01.

(b) (7) **THE SCHOOL FACILITIES SURCHARGE DOES NOT APPLY TO A SINGLE–FAMILY DWELLING UNIT IF THE SINGLE–FAMILY DWELLING UNIT IS TO BE BUILT BY THE FOUNDATION FOR APPLIED CONSTRUCTION TECHNOLOGY FOR 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 467**

**(House Bill 1409)**

AN ACT concerning

**Prince George’s County – Marriage License Fees – Distribution of Proceeds**

**PG 411–20**

FOR the purpose of requiring the Director of Finance for Prince George’s County to distribute certain proceeds from a marriage license fee to the Community Crisis Services, Inc.; requiring certain proceeds from a marriage license fee to be used to fund battered spouse shelters and domestic violence programs if the Community Crisis Services, Inc., changes its name or objectives or ceases to exist; and generally relating to the distribution of proceeds from marriage license fees in Prince George’s County.

BY repealing and reenacting, without amendments,

Article – Family Law

Section 2–404(a)

Annotated Code of Maryland

(2019 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Family Law

Section 2–404(n)

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**

2–404.

(a) (1) The fee for a license is \$10.

(2) The clerk shall:

(i) retain \$5 of the fee; and

(ii) pay \$5 of the fee into the general fund of the county.

(3) (i) A party to be married may obtain a replacement for a valid marriage license while the license is valid.

(ii) The fee for a replacement license is \$10, payable into the General Fund of the State.

(n) In Prince George’s County:

(1) the County Council may set by resolution an additional fee of up to \$60 for each license;

(2) the clerk shall pay the proceeds from the additional fee to the Director of Finance of the county, who shall distribute the proceeds to the [Family Crisis Center of Prince George’s County] **COMMUNITY CRISIS SERVICES, INC.**, each month;

(3) if the [Family Crisis Center of Prince George’s County] **COMMUNITY CRISIS SERVICES, INC.**, changes its name or objectives or ceases to exist, the proceeds, in addition to designated federal, State, and county funds, shall be used to fund battered spouse shelters and domestic violence programs; and

(4) the County Executive shall prepare and make available an annual report on or before December 1 of each year on the disposition of fees collected under this subsection during the previous 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 468

**(House Bill 1413)**

AN ACT concerning

### **Maryland Emergency Management Assistance Compact – City of Laurel**

**PG 311–20**

FOR the purpose of authorizing the City of Laurel to participate in the Maryland Emergency Management Assistance Compact; and generally relating to the Maryland Emergency Management Assistance Compact.

BY repealing and reenacting, without amendments,  
Article – Public Safety  
Section 14–801(a) and 14–803(1) and (2)  
Annotated Code of Maryland  
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section 14–801(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 – Public Safety**

14–801.

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

(e) “Jurisdictions” means the 23 counties within Maryland, Baltimore City, the City of Annapolis, **THE CITY OF LAUREL**, and Ocean City.

14–803.

(1) Article 1. Purpose.

(a) (1) The purpose of this Compact is to provide for 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 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. The authorized representative of a party jurisdiction may request assistance of another party jurisdiction by contacting the 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.

(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, 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.

(6) There shall be frequent consultations between the Maryland Emergency Management Agency and appropriate representatives of the party jurisdictions with free exchange of information and plans generally relating to emergency capabilities.

(7) A senior elected official or an authorized representative will advise the

Maryland Emergency Management Agency of verbal requests and provide copies of written requests.

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 469

### (Senate Bill 753)

AN ACT concerning

#### **Maryland Emergency Management Assistance Compact – City of Laurel**

FOR the purpose of authorizing the City of Laurel to participate in the Maryland Emergency Management Assistance Compact; and generally relating to the Maryland Emergency Management Assistance Compact.

BY repealing and reenacting, without amendments,  
Article – Public Safety  
Section 14–801(a) and 14–803(1) and (2)  
Annotated Code of Maryland  
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section 14–801(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 – Public Safety**

14–801.

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

(e) “Jurisdictions” means the 23 counties within Maryland, Baltimore City, the City of Annapolis, **THE CITY OF LAUREL**, and Ocean City.

14–803.

(1) Article 1. Purpose.

(a) (1) The purpose of this Compact is to provide for 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 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. The authorized representative of a party jurisdiction may request assistance of another party jurisdiction by contacting the 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.

(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, 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.

(6) There shall be frequent consultations between the Maryland Emergency Management Agency and appropriate representatives of the party jurisdictions with free exchange of information and plans generally relating to emergency capabilities.

(7) A senior elected official or an authorized representative will advise the Maryland Emergency Management Agency of verbal requests and provide copies of written requests.

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 470

### (House Bill 1420)

AN ACT concerning

#### **Hospitals – Financial Assistance Policies and Bill Collections**

FOR the purpose of increasing the income threshold at which a hospital's financial assistance policy must provide free and reduced cost medically necessary care to patients; requiring that a certain financial assistance policy include a certain payment plan and a certain mechanism for a patient to request a certain reconsideration; requiring that a certain financial assistance policy provide presumptive eligibility for certain care to certain patients; authorizing a hospital to consider certain assets in determining eligibility for certain care under a certain policy; excluding certain assets from consideration if a hospital considers assets in making a certain determination; requiring that certain excluded assets be adjusted annually for inflation; requiring a hospital to apply a certain definition of household size; requiring a hospital to provide ~~oral~~ notice of the hospital's financial assistance policy to certain individuals at certain times; requiring that a certain notice be in a certain form; altering the contents required to be included in a certain information sheet; requiring that a certain information sheet be in a certain form and provided to certain individuals in certain communications; requiring hospitals to develop a certain procedure for determining a patient's eligibility for the hospital's financial assistance policy; prohibiting a hospital from ~~asking for or requiring a patient to make a certain disclosure or verification,~~ using a patient's citizenship or immigration status for a certain purpose or withholding certain assistance or denying a certain application on a certain basis, ~~or imposing a time limit for the submission of a certain application or certain evidence;~~ requiring hospitals to annually submit a certain policy and report to the Health Services Cost Review Commission; requiring the Commission to post certain information on its website; requiring the Commission to compile certain reports and make a certain report available to the public in a certain manner; requiring the Commission, on or before a certain date each year, to submit a certain report to certain committees of the General Assembly; requiring the Commission to establish a process for certain individuals to file certain complaints; requiring that a certain process include a certain option and provide the patient or



the patient's authorized representative with certain information; providing that certain complaints are public record and subject to certain inspection; requiring the Commission to deny inspection of certain information; providing that the filing of a certain complaint does not prevent a person from taking certain action; ~~authorizing a person to bring certain actions in certain courts and to seek certain remedies~~; providing that certain remedies are in addition to other remedies and that a person or governmental unit is not required to exhaust certain remedies before filing suit; providing that certain waivers and provisions in certain policies are null and void; ~~increasing a certain fine that may be imposed by the Commission~~; providing that a certain violation is an unfair, abusive, and deceptive trade practice under a certain law; requiring the Commission to conduct certain modeling evaluations; requiring the Commission, on or before a certain date, to report certain findings and recommendations to the Governor and the General Assembly; and generally relating to hospitals and financial assistance policies and bill collection.

BY repealing and reenacting, with amendments,  
 Article – Health – General  
 Section 19–214.1 and 19–214.3  
 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**

19–214.1.

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

(2) “Financial hardship” means medical debt, incurred by a family over a 12–month period, that exceeds 25% of family income.

(3) “Medical debt” means out–of–pocket expenses, excluding co–payments, coinsurance, and deductibles, for medical costs billed by a hospital.

(b) (1) The Commission shall require each acute care hospital and each chronic care hospital in the State under the jurisdiction of the Commission to develop a financial assistance policy for providing free and reduced–cost care to patients who lack health care coverage or whose health care coverage does not pay the full cost of the hospital bill.

(2) The financial assistance policy shall provide, at a minimum:

(i) Free medically necessary care to patients with family income at or below [150%] **200%** of the federal poverty level; [and]

(ii) Reduced-cost medically necessary care to low-income patients with family income above ~~150%~~ **200%** of the federal poverty level, in accordance with the mission and service area of the hospital;

**(III) A PAYMENT PLAN THAT IS AVAILABLE TO UNINSURED PATIENTS WITH FAMILY INCOME BETWEEN 200% AND 500% OF THE FEDERAL POVERTY LEVEL, IN ACCORDANCE WITH THE MISSION AND SERVICE AREA OF THE HOSPITAL; AND**

**(IV) A MECHANISM FOR A PATIENT TO REQUEST THE HOSPITAL TO RECONSIDER THE DENIAL OF FREE OR REDUCED-COST CARE THAT INCLUDES IN THE REQUEST:**

**1. THE HEALTH EDUCATION AND ADVOCACY UNIT IS AVAILABLE TO ASSIST THE PATIENT OR THE PATIENT'S AUTHORIZED REPRESENTATIVE IN FILING AND MEDIATING A RECONSIDERATION REQUEST; AND**

**2. THE ADDRESS, PHONE NUMBER, FACSIMILE NUMBER, E-MAIL ADDRESS, MAILING ADDRESS, AND WEBSITE OF THE HEALTH EDUCATION AND ADVOCACY UNIT.**

(3) (i) The Commission by regulation may establish income thresholds higher than those under paragraph (2) of this subsection.

(ii) In establishing income thresholds that are higher than those under paragraph (2) of this subsection for a hospital, the Commission shall take into account:

1. The patient mix of the hospital;
2. The financial condition of the hospital;
3. The level of bad debt experienced by the hospital; and
4. The amount of charity care provided by the hospital.

(4) (i) Subject to subparagraphs (ii) and (iii) of this paragraph, the financial assistance policy required under this subsection shall provide reduced-cost medically necessary care to patients with family income below 500% of the federal poverty level who have a financial hardship.

(ii) A hospital may seek and the Commission may approve a family income threshold that is different than the family income threshold under subparagraph (i) of this paragraph.

(iii) In establishing a family income threshold that is different than the family income threshold under subparagraph (i) of this paragraph, the Commission shall take into account:

1. The median family income in the hospital's service area;
2. The patient mix of the hospital;
3. The financial condition of the hospital;
4. The level of bad debt experienced by the hospital;
5. The amount of charity care provided by the hospital; and
6. Other relevant factors.

(5) If a patient is eligible for reduced-cost medically necessary care under paragraphs (2)(ii) and (4) of this subsection, the hospital shall apply the reduction that is most favorable to the patient.

(6) If a patient has received reduced-cost medically necessary care due to a financial hardship, the patient or any immediate family member of the patient living in the same household:

(i) Shall remain eligible for reduced-cost medically necessary care when seeking subsequent care at the same hospital during the 12-month period beginning on the date on which the reduced-cost medically necessary care was initially received; and

(ii) To avoid an unnecessary duplication of the hospital's determination of eligibility for free and reduced-cost care, shall inform the hospital of the patient's or family member's eligibility for the reduced-cost medically necessary care.

**(7) THE FINANCIAL ASSISTANCE POLICY REQUIRED UNDER THIS SUBSECTION SHALL PROVIDE PRESUMPTIVE ELIGIBILITY FOR FREE MEDICALLY NECESSARY CARE TO A PATIENT WHO IS NOT ELIGIBLE FOR THE MARYLAND MEDICAL ASSISTANCE PROGRAM OR MARYLAND CHILDREN'S HEALTH PROGRAM AND:**

**(I) LIVES IN A HOUSEHOLD WITH CHILDREN ENROLLED IN THE FREE AND REDUCED-COST MEAL PROGRAM;**

**(II) RECEIVES BENEFITS THROUGH THE FEDERAL SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM;**

**(III) RECEIVES BENEFITS THROUGH THE STATE'S ENERGY ASSISTANCE PROGRAM;**

~~(IV) RECEIVES BENEFITS THROUGH THE PRIMARY ADULT CARE PROGRAM IF THE PROGRAM DOES NOT OFFER INPATIENT BENEFITS;~~

~~(v)~~ RECEIVES BENEFITS THROUGH THE FEDERAL SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN; OR

~~(vi)~~ (v) RECEIVES BENEFITS FROM ANY OTHER SOCIAL SERVICE PROGRAM AS DETERMINED BY THE DEPARTMENT AND THE COMMISSION.

(8) (I) A HOSPITAL MAY CONSIDER HOUSEHOLD MONETARY ASSETS IN DETERMINING ELIGIBILITY FOR FREE AND REDUCED-COST CARE UNDER THE HOSPITAL'S FINANCIAL ASSISTANCE POLICY IN ADDITION TO INCOME-BASED CRITERIA.

(II) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, IF A HOSPITAL CONSIDERS HOUSEHOLD MONETARY ASSETS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE FOLLOWING TYPES OF MONETARY ASSETS THAT ARE CONVERTIBLE TO CASH SHALL BE EXCLUDED:

1. AT A MINIMUM, THE FIRST \$10,000 OF MONETARY ASSETS;

2. A SAFE HARBOR EQUITY OF \$150,000 IN A PRIMARY RESIDENCE;

3. RETIREMENT ASSETS THAT THE INTERNAL REVENUE SERVICE HAS GRANTED PREFERENTIAL TAX TREATMENT AS A RETIREMENT ACCOUNT, INCLUDING DEFERRED-COMPENSATION PLANS QUALIFIED UNDER THE INTERNAL REVENUE CODE OR NONQUALIFIED DEFERRED-COMPENSATION PLANS;

4. ONE MOTOR VEHICLE USED FOR THE TRANSPORTATION NEEDS OF THE PATIENT OR ANY FAMILY MEMBER OF THE PATIENT;

5. ANY RESOURCES EXCLUDED IN DETERMINING FINANCIAL ELIGIBILITY UNDER THE MEDICAL ASSISTANCE PROGRAM UNDER THE SOCIAL SECURITY ACT; AND

6. PREPAID HIGHER EDUCATION FUNDS IN A MARYLAND 529 PROGRAM ACCOUNT.

(III) MONETARY ASSETS EXCLUDED FROM THE DETERMINATION OF ELIGIBILITY FOR FREE AND REDUCED-COST CARE UNDER SUBPARAGRAPH (II)

OF THIS PARAGRAPH SHALL BE ADJUSTED ANNUALLY FOR INFLATION IN ACCORDANCE WITH THE CONSUMER PRICE INDEX.

(9) (I) IN DETERMINING THE FAMILY INCOME OF A PATIENT, A HOSPITAL SHALL APPLY A DEFINITION OF HOUSEHOLD SIZE THAT CONSISTS OF THE PATIENT AND, AT A MINIMUM, THE FOLLOWING INDIVIDUALS:

1. A SPOUSE, REGARDLESS OF WHETHER THE PATIENT AND SPOUSE EXPECT TO FILE A JOINT FEDERAL OR STATE TAX RETURN;
2. BIOLOGICAL CHILDREN, ADOPTED CHILDREN, OR STEPCHILDREN; AND
3. ANYONE FOR WHOM THE PATIENT CLAIMS A PERSONAL EXEMPTION IN A FEDERAL OR STATE TAX RETURN.

(II) FOR A PATIENT WHO IS A CHILD, THE HOUSEHOLD SIZE SHALL CONSIST OF THE CHILD AND THE FOLLOWING INDIVIDUALS:

1. BIOLOGICAL PARENTS, ADOPTED PARENTS, OR STEPPARENTS OR GUARDIANS;
2. BIOLOGICAL SIBLINGS, ADOPTED SIBLINGS, OR STEPSIBLINGS; AND
3. ANYONE FOR WHOM THE PATIENT'S PARENTS OR GUARDIANS CLAIM A PERSONAL EXEMPTION IN A FEDERAL OR STATE TAX RETURN.

~~(III) A PREGNANT WOMAN SHALL BE COUNTED AS HERSELF PLUS THE NUMBER OF CHILDREN SHE IS EXPECTED TO DELIVER FOR PURPOSES OF DETERMINING HOUSEHOLD SIZE UNDER THIS PARAGRAPH.~~

(10) A HOSPITAL SHALL PROVIDE ~~ORAL~~ NOTICE OF THE HOSPITAL'S FINANCIAL ASSISTANCE POLICY TO THE PATIENT, THE PATIENT'S FAMILY, OR THE PATIENT'S AUTHORIZED REPRESENTATIVE BEFORE DISCHARGING THE PATIENT AND IN EACH ~~ORAL~~ COMMUNICATION TO THE PATIENT REGARDING COLLECTION OF THE HOSPITAL BILL.

(c) (1) A hospital shall post a notice in conspicuous places throughout the hospital, including the billing office, informing patients of their right to apply for financial assistance and who to contact at the hospital for additional information.

(2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) BE IN SIMPLIFIED LANGUAGE IN AT LEAST 10 POINT TYPE;  
AND

(II) BE PROVIDED IN THE PATIENT'S PREFERRED LANGUAGE OR, IF NO PREFERRED LANGUAGE IS SPECIFIED, EACH LANGUAGE SPOKEN BY A LIMITED ENGLISH PROFICIENT POPULATION THAT CONSTITUTES ~~3%~~ 5% OF THE OVERALL POPULATION WITHIN THE CITY OR COUNTY IN WHICH THE HOSPITAL IS LOCATED AS MEASURED BY THE MOST RECENT CENSUS.

(d) The Commission shall:

(1) Develop a uniform financial assistance application; and

(2) Require each hospital to use the uniform financial assistance application to determine eligibility for free and reduced-cost care under the hospital's financial assistance policy.

(e) The uniform financial assistance application:

(1) Shall be written in simplified language; and

(2) May not require documentation that presents an undue barrier to a patient's receipt of financial assistance.

(f) (1) Each hospital shall develop an information sheet that:

(i) Describes the hospital's financial assistance policy;

(ii) Describes a patient's rights and obligations with regard to hospital billing and collection under the law;

(iii) Provides contact information for the individual or office at the hospital that is available to assist the patient, the patient's family, or the patient's authorized representative in order to understand:

1. The patient's hospital bill;

2. The patient's rights and obligations with regard to the hospital bill;

3. How to apply for free and reduced-cost care; and

4. How to apply for the Maryland Medical Assistance Program and any other programs that may help pay the bill;

(iv) Provides contact information for the Maryland Medical Assistance Program; [and]

(v) Includes a statement that physician charges are not included in the hospital bill and are billed separately; AND

**(VI) INFORMS PATIENTS OF THE RIGHT TO REQUEST AND RECEIVE A WRITTEN ESTIMATE OF THE TOTAL CHARGES FOR HOSPITAL NONEMERGENCY SERVICES, PROCEDURES, AND SUPPLIES THAT REASONABLY ARE EXPECTED TO BE PROVIDED FOR PROFESSIONAL SERVICES BY THE HOSPITAL.**

**(2) THE INFORMATION SHEET SHALL:**

**(I) BE IN SIMPLIFIED LANGUAGE IN AT LEAST 10 POINT TYPE;**

**(II) BE IN THE PATIENT'S PREFERRED LANGUAGE OR, IF NO PREFERRED LANGUAGE IS SPECIFIED, EACH LANGUAGE SPOKEN BY A LIMITED ENGLISH PROFICIENT POPULATION THAT CONSTITUTES ~~3%~~ 5% OF THE OVERALL POPULATION WITHIN THE CITY OR COUNTY IN WHICH THE HOSPITAL IS LOCATED AS MEASURED BY THE MOST RECENT CENSUS.**

**[(2)] (3)** The information sheet shall be provided to the patient, the patient's family, or the patient's authorized representative:

(i) Before discharge;

(ii) With the hospital bill; [and]

(iii) On request; AND

**(IV) IN EACH WRITTEN COMMUNICATION TO THE PATIENT REGARDING COLLECTION OF THE HOSPITAL BILL.**

**[(3)] (4)** The hospital bill shall include a reference to the information sheet.

**[(4)] (5)** The Commission shall:

(i) Establish uniform requirements for the information sheet; and

(ii) Review each hospital's implementation of and compliance with the requirements of this subsection.

(g) Each hospital shall ensure the availability of staff who are trained to work with the patient, the patient's family, and the patient's authorized representative in order to understand:

- (1) The patient's hospital bill;
- (2) The patient's rights and obligations with regard to the hospital bill, including the patient's rights and obligations with regard to reduced-cost medically necessary care due to a financial hardship;
- (3) How to apply for the Maryland Medical Assistance Program and any other programs that may help pay the hospital bill; and
- (4) How to contact the hospital for additional assistance.

**(H) EACH HOSPITAL SHALL DEVELOP A PROCEDURE TO DETERMINE A PATIENT'S ELIGIBILITY UNDER THE HOSPITAL'S FINANCIAL ASSISTANCE POLICY IN WHICH THE HOSPITAL:**

- (1) DETERMINES WHETHER THE PATIENT HAS HEALTH INSURANCE;**
- (2) DETERMINES WHETHER THE PATIENT IS PRESUMPTIVELY ELIGIBLE FOR FREE OR REDUCED-COST CARE UNDER SUBSECTION (B)(7) OF THIS SECTION;**
- (3) DETERMINES WHETHER UNINSURED PATIENTS ARE ELIGIBLE FOR PUBLIC OR PRIVATE HEALTH INSURANCE;**
- (4) ~~OFFERS TO THE EXTENT PRACTICABLE, OFFERS~~ ASSISTANCE TO UNINSURED PATIENTS IF THE PATIENT CHOOSES TO APPLY FOR PUBLIC OR PRIVATE HEALTH INSURANCE;**
- (5) ~~DETERMINES~~ TO THE EXTENT PRACTICABLE, DETERMINES WHETHER THE PATIENT IS ELIGIBLE FOR OTHER PUBLIC PROGRAMS THAT MAY ASSIST WITH HEALTH CARE COSTS;**
- (6) USES INFORMATION IN THE POSSESSION OF THE HOSPITAL, IF AVAILABLE, TO DETERMINE WHETHER THE PATIENT IS QUALIFIED FOR FREE OR REDUCED-COST CARE UNDER THE HOSPITAL'S FINANCIAL ASSISTANCE POLICY; AND**
- (7) ~~IF~~ WHEN A PATIENT SUBMITS AN A COMPLETED APPLICATION FOR FINANCIAL ASSISTANCE, DETERMINES THE PATIENT'S ELIGIBILITY UNDER THE HOSPITAL'S FINANCIAL ASSISTANCE POLICY WITHIN 14 DAYS AFTER THE PATIENT APPLIES FOR FINANCIAL ASSISTANCE AND SUSPENDS ANY BILLING OR COLLECTIONS ACTIONS WHILE ELIGIBILITY IS BEING DETERMINED.**



(I) A HOSPITAL MAY NOT:

~~(1) ASK OR REQUIRE A PATIENT TO DISCLOSE OR VERIFY THE USE A PATIENT'S CITIZENSHIP OR IMMIGRATION STATUS IN ORDER TO RECEIVE OR APPLY AS AN ELIGIBILITY REQUIREMENT FOR FINANCIAL ASSISTANCE; OR~~

(2) WITHHOLD FINANCIAL ASSISTANCE OR DENY A PATIENT'S APPLICATION FOR FINANCIAL ASSISTANCE ON THE BASIS OF RACE, COLOR, RELIGION, ANCESTRY OR NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, GENETIC INFORMATION, OR ON THE BASIS OF DISABILITY;~~OR~~

~~(3) IMPOSE A TIME LIMIT ON A PATIENT TO SUBMIT AN APPLICATION FOR FREE OR REDUCED-COST CARE OR TO SUBMIT EVIDENCE OF ELIGIBILITY FOR FREE OR REDUCED-COST CARE.~~

(J) EACH HOSPITAL SHALL SUBMIT TO THE COMMISSION ANNUALLY AT TIMES PRESCRIBED BY THE COMMISSION:

(1) THE HOSPITAL'S FINANCIAL ASSISTANCE POLICY DEVELOPED UNDER THIS SECTION; AND

(2) AN ANNUAL REPORT ON THE HOSPITAL'S FINANCIAL ASSISTANCE POLICY THAT INCLUDES:

(I) THE TOTAL NUMBER OF PATIENTS WHO COMPLETED OR PARTIALLY COMPLETED AN APPLICATION FOR FINANCIAL ASSISTANCE DURING THE PRIOR YEAR;

(II) THE TOTAL NUMBER OF INPATIENTS AND OUTPATIENTS WHO RECEIVED:

1. FREE CARE DURING THE IMMEDIATELY PRECEDING YEAR; AND

2. REDUCED-COST CARE FOR THE PRIOR YEAR;

(III) THE TOTAL NUMBER OF PATIENTS WHO RECEIVED FINANCIAL ASSISTANCE DURING THE IMMEDIATELY PRECEDING YEAR BY RACE OR ETHNICITY, AND GENDER, AND ZIP CODE OF RESIDENCE;

(IV) THE TOTAL NUMBER OF PATIENTS WHO WERE DENIED FINANCIAL ASSISTANCE DURING THE IMMEDIATELY PRECEDING YEAR BY RACE OR ETHNICITY, AND GENDER, AND ZIP CODE OF RESIDENCE;

(V) THE TOTAL AMOUNT OF THE COSTS OF HOSPITAL SERVICES PROVIDED TO PATIENTS WHO RECEIVED FREE CARE; AND

(VI) THE TOTAL AMOUNT OF THE COSTS OF HOSPITAL SERVICES PROVIDED TO PATIENTS WHO RECEIVED REDUCED-COST CARE THAT WAS EITHER COVERED BY THE HOSPITAL AS FINANCIAL ASSISTANCE OR THAT THE HOSPITAL CHARGED TO THE PATIENT.

(K) (1) THE COMMISSION SHALL POST ON ITS WEBSITE EACH HOSPITAL'S FINANCIAL ASSISTANCE POLICY AND ANNUAL REPORT.

(2) THE COMMISSION SHALL COMPILE THE REPORTS REQUIRED UNDER SUBSECTION (J) OF THIS SECTION AND ISSUE A HOSPITAL FINANCIAL ASSISTANCE REPORT.

(3) THE HOSPITAL FINANCIAL ASSISTANCE REPORT REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE MADE AVAILABLE TO THE PUBLIC FREE OF CHARGE.

(4) ON OR BEFORE DECEMBER 1 EACH YEAR, THE COMMISSION SHALL SUBMIT A COPY OF THE ANNUAL HOSPITAL FINANCIAL ASSISTANCE REPORT ISSUED UNDER PARAGRAPH (2) OF THIS SUBSECTION, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE.

19-214.3.

(A) (1) (I) THE COMMISSION SHALL ESTABLISH A PROCESS FOR A PATIENT OR ANY MEMBER OF THE PUBLIC A PATIENT'S AUTHORIZED REPRESENTATIVE TO FILE WITH THE COMMISSION A COMPLAINT AGAINST A HOSPITAL, A MEDICAL CREDITOR, OR AN OUTSIDE COLLECTION AGENCY REGARDING THE COLLECTION OF A PATIENT'S BILL FOR AN ALLEGED VIOLATION OF § 19-214.1 OR § 19-214.2 OF THIS SUBTITLE.

(II) THE PROCESS ESTABLISHED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL:

1. INCLUDE THE OPTION FOR A PATIENT OR A PATIENT'S AUTHORIZED REPRESENTATIVE TO FILE THE COMPLAINT JOINTLY WITH THE COMMISSION AND THE HEALTH EDUCATION AND ADVOCACY UNIT; AND

2. PROVIDE THE PATIENT OR THE PATIENT'S AUTHORIZED REPRESENTATIVE WITH THE FOLLOWING INFORMATION:

A. THE HEALTH EDUCATION AND ADVOCACY UNIT IS AVAILABLE TO ASSIST THE PATIENT OR THE PATIENT'S AUTHORIZED REPRESENTATIVE IN FILING AND MEDIATING A RECONSIDERATION REQUEST; AND

B. THE ADDRESS, PHONE NUMBER, FACSIMILE NUMBER, E-MAIL ADDRESS, MAILING ADDRESS, AND WEBSITE OF THE HEALTH EDUCATION AND ADVOCACY UNIT.

(2) (I) ~~A SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A COMPLAINT FILED WITH THE COMMISSION IS A PUBLIC RECORD AND IS SUBJECT TO REASONABLE INSPECTION.~~

(II) THE COMMISSION SHALL DENY INSPECTION OF THE COMPLAINANT'S NAME, ADDRESS, OR ANY OTHER PERSONAL IDENTIFYING INFORMATION.

(3) THE FILING OF A COMPLAINT UNDER THIS SUBSECTION DOES NOT PREVENT AN INDIVIDUAL FROM:

(I) EXERCISING ANY RIGHT OR SEEKING ANY REMEDY TO WHICH THE INDIVIDUAL MAY OTHERWISE BE ENTITLED; OR

(II) FILING A COMPLAINT WITH ANY OTHER AGENCY OR A COURT.

~~(B) IN ADDITION TO ANY ACTION BY THE COMMISSION AUTHORIZED UNDER THIS TITLE OR ANY OTHER ACTION AUTHORIZED BY LAW, AN INDIVIDUAL MAY BRING AN ACTION IN A COURT OF COMPETENT JURISDICTION IN THE STATE:~~

~~(1) TO RECOVER FOR INJURY OR LOSS SUSTAINED BY THE INDIVIDUAL AS THE RESULT OF A VIOLATION OF § 19-214.1, § 19-214.2, OR § 19-214.4 OF THIS SUBTITLE OR ANY REGULATION ADOPTED UNDER THIS SUBTITLE; AND~~

~~(2) FOR INJUNCTIVE OR OTHER EQUITABLE RELIEF INCLUDING:~~

~~(I) ENFORCING A HOSPITAL'S FINANCIAL ASSISTANCE POLICY ESTABLISHED UNDER § 19-214.1 OF THIS SUBTITLE;~~

~~(II) ENFORCING A HOSPITAL'S POLICY ON THE COLLECTION OF DEBTS OWED ON A HOSPITAL BILL BY PATIENTS ESTABLISHED UNDER § 19-214.1 OF THIS SUBTITLE; OR~~

~~(III) FOR ANY OTHER CONDUCT IN VIOLATION OF § 19-214.1, § 19-214.2, OR § 19-214.4 OF THIS SUBTITLE OR ANY REGULATION ADOPTED UNDER THIS SUBTITLE.~~

~~(C) AN INDIVIDUAL WHO BRINGS AN ACTION UNDER THIS SECTION MAY ALSO SEEK:~~

~~(1) REASONABLE ATTORNEY'S FEES AND COSTS, INCLUDING EXPERT WITNESS FEES AND EXPENSES; AND~~

~~(2) PUNITIVE DAMAGES.~~

~~(D)~~ (B) (1) THE REMEDIES AUTHORIZED UNDER THIS SECTION ARE IN ADDITION TO ANY OTHER STATUTORY, LEGAL, OR EQUITABLE REMEDIES THAT MAY BE AVAILABLE AND ARE NOT INTENDED TO BE A PREREQUISITE TO, OR EXCLUSIVE OF, ANY OTHER REMEDY.

(2) AN INDIVIDUAL OR A GOVERNMENTAL UNIT IS NOT REQUIRED TO EXHAUST THE ADMINISTRATIVE REMEDY AUTHORIZED UNDER THIS SUBTITLE BEFORE FILING SUIT.

~~(E)~~ (C) (1) A WAIVER BY ANY PATIENT OR OTHER INDIVIDUAL OF ANY PROTECTION PROVIDED BY § 19-214.1, § 19-214.2, OR § 19-214.4 OF THIS SUBTITLE OR ANY REGULATION ADOPTED UNDER THIS SUBTITLE IS NULL AND VOID AS BEING AGAINST THE PUBLIC POLICY OF THE STATE.

(2) EXCEPT AS PROHIBITED BY FEDERAL LAW, A PROVISION IN A HOSPITAL'S FINANCIAL ASSISTANCE POLICY OR AGREEMENT BETWEEN THE PATIENT AND A HOSPITAL THAT WAIVES ANY SUBSTANTIVE OR PROCEDURAL RIGHT OR REMEDY RELATED TO CONDUCT PROHIBITED BY § 19-214.1, § 19-214.2, OR § 19-214.4 OF THIS SUBTITLE OR ANY REGULATION ADOPTED UNDER THIS SUBTITLE IS NULL AND VOID AS BEING AGAINST THE PUBLIC POLICY OF THE STATE.

[(a)] ~~(D)~~ (1) If a hospital knowingly violates any provision of § 19-214.1 or § 19-214.2 of this subtitle or any regulation adopted under this subtitle, the Commission may impose a fine not to exceed ~~[\$50,000]~~ \$100,000 per violation.

[(b)] (2) Before imposing a fine, the Commission shall consider the appropriateness of the fine in relation to the severity of the violation.

**(3) A VIOLATION BY A HOSPITAL OR AN OUTSIDE COLLECTION AGENCY OF § 19–214.1 OR § 19–214.2 OF THIS SUBTITLE OR ANY REGULATION ADOPTED UNDER THIS SUBTITLE IS AN UNFAIR, ABUSIVE, AND DECEPTIVE TRADE PRACTICE UNDER THE MARYLAND CONSUMER PROTECTION ACT.**

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) ~~The~~ To the extent practicable, the Health Services Cost Review Commission shall ~~model~~ evaluate the impact that the changes ~~modeled~~ evaluated under subsection (b) of this section would have on:

- and
- (1) the amount of hospital uncompensated care included in hospital rates;
  - (2) the total cost of care for:
    - (i) Medicare;
    - (ii) the Maryland Medical Assistance Program;
    - (iii) commercial insurers; and
    - (iv) self-pay individuals.

(b) ~~The~~ To the extent practicable, the Commission shall ~~model~~ evaluate the impact that the following changes to § 19–214.1 of the Health – General Article would have:

- (1) increasing the ~~minimum~~ maximum free care ~~policy~~ threshold and minimum reduced-cost care threshold from 200% to:
  - (i) 250%;
  - (ii) 300%; and
  - (iii) 350%;
- (2) ~~increasing the reduced-cost care policy from 300% to:~~
  - ~~(i) 350%;~~
  - ~~(ii) 400%; and~~
  - ~~(iii) 450%;~~

~~(3)~~ (3) increasing the ~~medical hardship policy from~~ reduced-cost care with financial hardship threshold from 500% ~~to~~

~~(i)~~ ~~550%;~~

~~(ii)~~ ~~600%; and~~

~~(iii)~~ ~~650%;~~

~~(4)~~ (3) reducing the financial hardship threshold for medical debt as a percentage of family income from 25% ~~of family income to:~~

~~(i)~~ ~~20%;~~

~~(ii)~~ ~~15%; and~~

~~(iii)~~ ~~10%;~~

~~(5)~~ (4) including copays, coinsurance, and deductibles in the definition of medical debt; and

~~(6)~~ (5) in consultation with Maryland Department of Health and the Department of Human Services, expanding presumptive eligibility for reduced-cost care determination to patients who:

(i) are homeless;

(ii) receive benefits through the State Family Investment Program;

(iii) receive benefits through the Emergency Assistance to Families with Children Program;

~~(iv)~~ ~~receive benefits through Maryland's Children's Health Insurance Program under Title XXI of the Social Security Act;~~

~~(v)~~ receive benefits through the Maryland Medical Assistance Program under Title XIX of the Social Security Act;

~~(vi)~~ (v) receive benefits through any federal Medicare savings program, including the Qualified Medicare Beneficiary program, and the specified low-income Medicare Beneficiary Program;

~~(vii)~~ (vi) ~~receive benefits through Maryland's Long Term Care Medical Assistance Program;~~

~~(viii)~~ receive benefits through the Public Assistance to Adults Program;

~~(ix)~~ (vii) receive benefits through the Temporary Disability Assistance Program;

~~(x)~~ (viii) receive benefits through any other public assistance activities financed wholly or partly by the Family Investment Administration in the Department of Human Services; or

(xi) receive benefits from any other federal, State, or local public assistance program.

(c) On or before January 1, 2021, the Health Services Cost Review Commission shall report its findings and any recommendations to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

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 471

(House Bill 1442)

AN ACT concerning

### **Environment – Expanded Polystyrene Food Service Products – Definition**

FOR the purpose of altering the definition of “expanded polystyrene food service product” to exclude certain egg cartons ~~shipped into or within the State~~ and cartons of eggs from certain prohibitions relating to the food service products; and generally relating to expanded polystyrene food service products.

BY repealing and reenacting, with amendments,  
 Article – Environment  
 Section 9–2201  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,  
 Article – Environment  
 Section 9–2203  
 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 – Environment**

9–2201.

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

(b) “Expanded polystyrene” means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by a number of techniques, including fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion–blow molding (extruded foam polystyrene).

(c) (1) “Expanded polystyrene food service product” means a product made of expanded polystyrene that is:

(i) Used for selling or providing food or beverages; and

(ii) 1. Intended by the manufacturer to be used once for eating or drinking; or

2. Generally recognized by the public as an item to be discarded after one use.

(2) “Expanded polystyrene food service product” includes:

(i) Food containers;

(ii) Plates;

(iii) Hot and cold beverage cups;

(iv) Trays; and

(v) Cartons for eggs or other food.

(3) “Expanded polystyrene food service product” does not include:

(i) Food or beverages that have been packaged in expanded polystyrene containers before receipt by a food service business;

(ii) A product made of expanded polystyrene that is used to package raw, uncooked, or butchered meat, fish, poultry, or seafood; [or]



(iii) Nonfoam polystyrene food service products; OR

**(IV) 1. CARTONS FOR EGGS THAT ARE MADE OF EXPANDED POLYSTYRENE THAT ARE SHIPPED:**

~~1. INTO~~ INTO THE STATE FOR PACKAGING; OR

**2. WITHIN THE STATE CARTONS OF EGGS THAT HAVE BEEN PACKAGED WITHIN THE STATE FOR SALE WITHIN THE STATE.**

(d) (1) “Food service business” means a business in the State that sells or provides food or beverages for consumption on or off the premises.

(2) “Food service business” includes a business or institutional cafeteria, including a cafeteria operated by or on behalf of the State or a local government.

(e) “School” includes:

(1) A public elementary or secondary school;

(2) A nonpublic elementary or secondary school; and

(3) An institution of higher education, as defined in § 10–101(h) of the Education Article.

(f) “Unit of county government” includes:

(1) A local health department; or

(2) A local environmental department.

9–2203.

(a) On or after July 1, 2020, a person may not sell or offer for sale in the State an expanded polystyrene food service product.

(b) On or after July 1, 2020, a food service business or school may not sell or provide food or beverages in an expanded polystyrene food service product.

(c) This section does not prohibit a person from storing a food service product for later distribution outside the State.

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 472

(Senate Bill 840)

AN ACT concerning

### Environment – Expanded Polystyrene Food Service Products – Definition

FOR the purpose of altering the definition of “expanded polystyrene food service product” to exclude certain egg cartons ~~shipped into or within the State~~ and cartons of eggs from certain prohibitions relating to the food service products; and generally relating to expanded polystyrene food service products.

BY repealing and reenacting, with amendments,  
Article – Environment  
Section 9–2201  
Annotated Code of Maryland  
(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,  
Article – Environment  
Section 9–2203  
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 – Environment

9–2201.

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

(b) “Expanded polystyrene” means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by a number of techniques, including fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion–blow molding (extruded foam polystyrene).

(c) (1) “Expanded polystyrene food service product” means a product made of expanded polystyrene that is:

(i) Used for selling or providing food or beverages; and

(ii) 1. Intended by the manufacturer to be used once for eating or drinking; or

2. Generally recognized by the public as an item to be discarded after one use.

(2) “Expanded polystyrene food service product” includes:

- (i) Food containers;
- (ii) Plates;
- (iii) Hot and cold beverage cups;
- (iv) Trays; and
- (v) Cartons for eggs or other food.

(3) “Expanded polystyrene food service product” does not include:

- (i) Food or beverages that have been packaged in expanded polystyrene containers before receipt by a food service business;
- (ii) A product made of expanded polystyrene that is used to package raw, uncooked, or butchered meat, fish, poultry, or seafood; [or]
- (iii) Nonfoam polystyrene food service products; OR

**(IV) 1. CARTONS FOR EGGS THAT ARE MADE OF EXPANDED POLYSTYRENE THAT ARE SHIPPED:**

~~1.~~ **INTO INTO THE STATE FOR PACKAGING; OR**

**2. WITHIN THE STATE CARTONS OF EGGS THAT HAVE BEEN PACKAGED WITHIN THE STATE FOR SALE WITHIN THE STATE.**

(d) (1) “Food service business” means a business in the State that sells or provides food or beverages for consumption on or off the premises.

(2) “Food service business” includes a business or institutional cafeteria, including a cafeteria operated by or on behalf of the State or a local government.

(e) “School” includes:

- (1) A public elementary or secondary school;
  - (2) A nonpublic elementary or secondary school; and
  - (3) An institution of higher education, as defined in § 10–101(h) of the Education Article.
- (f) “Unit of county government” includes:
- (1) A local health department; or
  - (2) A local environmental department.

9–2203.

- (a) On or after July 1, 2020, a person may not sell or offer for sale in the State an expanded polystyrene food service product.
- (b) On or after July 1, 2020, a food service business or school may not sell or provide food or beverages in an expanded polystyrene food service product.
- (c) This section does not prohibit a person from storing a food service product for later distribution outside the State.

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 473**

**(House Bill 1444)**

AN ACT concerning

### **Discrimination – Definition of Race – Hair Texture and Hairstyles**

FOR the purpose of defining “race”, for the purposes of certain laws prohibiting discrimination, to include certain traits associated with race, including hair texture and certain hairstyles; defining “protective hairstyle”; and generally relating to discrimination and the definition of “race”.

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 20–101

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**

20–101.

(a) In Subtitles 1 through 11 of this title the following words have the meanings indicated.

(b) “Commission” means the Commission on Civil Rights.

(c) “Complainant” means a person that files a complaint alleging a discriminatory act under this title.

(d) “Discriminatory act” means an act prohibited under:

(1) Subtitle 3 of this title (Discrimination in Places of Public Accommodation);

(2) Subtitle 4 of this title (Discrimination by Persons Licensed or Regulated by Maryland Department of Labor);

(3) Subtitle 5 of this title (Discrimination in Leasing of Commercial Property);

(4) Subtitle 6 of this title (Discrimination in Employment);

(5) Subtitle 7 of this title (Discrimination in Housing); or

(6) Subtitle 8 of this title (Aiding, Abetting, or Attempting Discriminatory Act; Obstructing Compliance).

(e) “Gender identity” means the gender–related identity, appearance, expression, or behavior of a person, regardless of the person’s assigned sex at birth, which may be demonstrated by:

(1) consistent and uniform assertion of the person’s gender identity; or

(2) any other evidence that the gender identity is sincerely held as part of the person’s core identity.

**(F) “PROTECTIVE HAIRSTYLE” INCLUDES BRAIDS, TWISTS, AND LOCKS.**

**(G) “RACE” INCLUDES TRAITS ASSOCIATED WITH RACE, INCLUDING HAIR TEXTURE, AFRO HAIRSTYLES, AND PROTECTIVE HAIRSTYLES.**

**[(f)] (H)** (1) “Respondent” means a person accused in a complaint of a discriminatory act.

(2) “Respondent” includes a person identified during an investigation of a complaint and joined as an additional or substitute respondent.

**[(g)] (I)** “Sexual orientation” means the identification of an individual as to male or female homosexuality, heterosexuality, or bisexuality.

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 474

**(Senate Bill 531)**

AN ACT concerning

**Discrimination – ~~Definition of on the Basis of~~ *Definition of* Race – Hair Texture and Hairstyles**

FOR the purpose of defining “race”, for the purposes of certain laws prohibiting discrimination, to include certain traits ~~historically~~ associated with race, including hair texture and certain hairstyles; defining “protective hairstyle”; ~~authorizing an employer to establish and require an employee to adhere to certain standards that are directly related to the nature of the employment of the employee and that are not precluded by any provision of State or federal law, subject to a certain exception;~~ and generally relating to discrimination and the definition of “race”.

BY repealing and reenacting, with amendments,  
 Article – State Government  
 Section 20–101 ~~and 20–605~~  
 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

20–101.

(a) In Subtitles 1 through 11 of this title the following words have the meanings indicated.

(b) “Commission” means the Commission on Civil Rights.

(c) “Complainant” means a person that files a complaint alleging a discriminatory act under this title.

(d) “Discriminatory act” means an act prohibited under:

(1) Subtitle 3 of this title (Discrimination in Places of Public Accommodation);

(2) Subtitle 4 of this title (Discrimination by Persons Licensed or Regulated by Maryland Department of Labor);

(3) Subtitle 5 of this title (Discrimination in Leasing of Commercial Property);

(4) Subtitle 6 of this title (Discrimination in Employment);

(5) Subtitle 7 of this title (Discrimination in Housing); or

(6) Subtitle 8 of this title (Aiding, Abetting, or Attempting Discriminatory Act; Obstructing Compliance).

(e) “Gender identity” means the gender–related identity, appearance, expression, or behavior of a person, regardless of the person’s assigned sex at birth, which may be demonstrated by:

(1) consistent and uniform assertion of the person’s gender identity; or

(2) any other evidence that the gender identity is sincerely held as part of the person’s core identity.

**(F) “PROTECTIVE HAIRSTYLE” ~~MEANS A HAIRSTYLE DESIGNED TO PROTECT THE ENDS OF THE HAIR BY DECREASING TANGLING, SHEDDING, AND BREAKAGE, INCLUDING~~ INCLUDES BRAIDS, TWISTS, AND LOCKS.**

**(G) “RACE” INCLUDES TRAITS ~~HISTORICALLY~~ ASSOCIATED WITH RACE, INCLUDING HAIR TEXTURE, AFRO HAIRSTYLES, AND PROTECTIVE HAIRSTYLES.**

**[(f)] (H)** (1) “Respondent” means a person accused in a complaint of a discriminatory act.

(2) “Respondent” includes a person identified during an investigation of a complaint and joined as an additional or substitute respondent.

**[(g)] (I)** “Sexual orientation” means the identification of an individual as to male or female homosexuality, heterosexuality, or bisexuality.

~~20-605.~~

~~(a) Notwithstanding any other provision of this subtitle, this subtitle does not prohibit:~~

~~(1) an employer from hiring and employing employees, an employment agency from classifying or referring for employment any individual, a labor organization from classifying its membership or classifying or referring for employment any individual, or an employer, labor organization, or joint labor management committee controlling apprenticeship or other training or retraining programs from admitting or employing any individual in a program, on the basis of the individual’s sex, age, religion, national origin, or disability, if sex, age, religion, national origin, or disability is a bona fide occupational qualification reasonably necessary to the normal operation of that business or enterprise;~~

~~(2) an employer from establishing and requiring an employee to adhere to reasonable workplace appearance, grooming, and dress standards that are directly related to the nature of the employment of the employee and that are not precluded by any provision of State or federal law, as long as the employer allows any employee to appear, groom, and dress consistent with the employee’s gender identity;~~

~~(3) a school, college, university, or other educational institution from hiring and employing employees of a particular religion, if:~~

~~(i) the institution is wholly or substantially owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society; or~~

~~(ii) the curriculum of the institution is directed toward the propagation of a particular religion; [or]~~

~~(4) except as provided in subsection (b) of this section, an employer, employment agency, or labor organization from observing the terms of a bona fide seniority system or any bona fide employee benefit plan, such as a retirement, pension, or insurance plan, that is not a subterfuge to evade the purposes of this subtitle; OR~~

~~(5) AN EMPLOYER FROM ESTABLISHING, AND REQUIRING AN EMPLOYEE TO ADHERE TO, REASONABLE WORKPLACE APPEARANCE AND~~



~~GROOMING STANDARDS THAT ARE DIRECTLY RELATED TO THE NATURE OF THE EMPLOYMENT OF THE EMPLOYEE AND THAT ARE NOT PRECLUDED BY ANY PROVISION OF STATE OR FEDERAL LAW, AS LONG AS THE EMPLOYER ALLOWS THE EMPLOYEE TO APPEAR AND GROOM IN A MANNER THAT IS CONSISTENT WITH THE EMPLOYEE'S RACE.~~

~~(b) An employee benefit plan may not excuse the failure to hire any individual.~~

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 475

(House Bill 1446)

AN ACT concerning

**State Real Estate Commission – Continuing Education Requirements – Ethics and Professionalism**

FOR the purpose of altering the subject matter of the continuing education ethics course required for the renewal of a certain license by the State Real Estate Commission to include fraudulent real estate practices and professionalism; and generally relating to continuing education and real estate brokers and salespersons.

BY repealing and reenacting, without amendments,  
 Article – Business Occupations and Professions  
 Section 17–315(a)(1)  
 Annotated Code of Maryland  
 (2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Business Occupations and Professions  
 Section 17–315(b)  
 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 – Business Occupations and Professions**

17–315.

(a) (1) To qualify for renewal of a license under this subtitle, a licensee shall complete at least 15 clock hours of continuing education instruction, as provided in subsection (b) of this section, during the preceding 2–year term.

(b) (1) The Commission shall approve the form, substance, and, as provided under paragraph (2) of this subsection, subject matter of all continuing education courses.

(2) The subject matter approved by the Commission shall:

(i) relate to real estate or to a subject matter intended to assist a licensee in providing real estate brokerage services to the public in a more efficient and effective manner, provided that the subject matter is related to helping the public buy or sell real estate;

(ii) every 2 years, include at least one 3 clock hour course that outlines relevant changes that have occurred in federal, State, or local laws and regulations, court cases and industry trends that have an impact on those laws and regulations, or any combination of those laws, regulations, court cases, and industry trends;

(iii) every 2 years, include at least one 1.5 clock hour course that outlines federal, State, and local fair housing laws and regulations, including fair housing advertising;

(iv) every 2 years, include at least one 3 clock hour ethics course that includes **A DISCUSSION OF:**

1. the Maryland Code of Ethics [and a discussion of the practices];

2. **THE PRACTICE** of flipping [and predatory lending];

3. **FRAUDULENT REAL ESTATE PRACTICES; AND**

4. **PROFESSIONALISM AS IT RELATES TO THE MARYLAND CODE OF ETHICS, INCLUDING A DISCUSSION RELATING TO CONFLICT RESOLUTION AND A LICENSEE’S DUTY TO RESPECT THE PUBLIC, PEERS, AND PROPERTY;**

(v) every 2 years, include at least one 3 clock hour course that includes the principles of real estate brokerage relationships and disclosures; and

(vi) every 2 years for the renewal of a real estate broker license and the renewal of the license of an individual designated as a branch office manager or a team

leader, include at least one 3 clock hour course that includes the requirements of broker supervision.

(3) The requirement of paragraph (2)(iii) of this subsection does not apply to a licensee who provides real estate brokerage services solely in connection with nonresidential real estate.

(4) To be acceptable for credit as a continuing education course under this section, the course shall cover 1 or more topics approved by the 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 476

(Senate Bill 350)

AN ACT concerning

**State Real Estate Commission – Continuing Education Requirements – Ethics  
and Professionalism**

FOR the purpose of altering the subject matter of the continuing education ethics course required for the renewal of a certain license by the State Real Estate Commission to include fraudulent real estate practices and professionalism; and generally relating to continuing education and real estate brokers and salespersons.

BY repealing and reenacting, without amendments,  
Article – Business Occupations and Professions  
Section 17–315(a)(1)  
Annotated Code of Maryland  
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Article – Business Occupations and Professions  
Section 17–315(b)  
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 – Business Occupations and Professions**

17–315.

(a) (1) To qualify for renewal of a license under this subtitle, a licensee shall complete at least 15 clock hours of continuing education instruction, as provided in subsection (b) of this section, during the preceding 2–year term.

(b) (1) The Commission shall approve the form, substance, and, as provided under paragraph (2) of this subsection, subject matter of all continuing education courses.

(2) The subject matter approved by the Commission shall:

(i) relate to real estate or to a subject matter intended to assist a licensee in providing real estate brokerage services to the public in a more efficient and effective manner, provided that the subject matter is related to helping the public buy or sell real estate;

(ii) every 2 years, include at least one 3 clock hour course that outlines relevant changes that have occurred in federal, State, or local laws and regulations, court cases and industry trends that have an impact on those laws and regulations, or any combination of those laws, regulations, court cases, and industry trends;

(iii) every 2 years, include at least one 1.5 clock hour course that outlines federal, State, and local fair housing laws and regulations, including fair housing advertising;

(iv) every 2 years, include at least one 3 clock hour ethics course that includes **A DISCUSSION OF:**

1. the Maryland Code of Ethics [and a discussion of the practices];

2. **THE PRACTICE** of flipping [and predatory lending];

3. **FRAUDULENT REAL ESTATE PRACTICES; AND**

4. **PROFESSIONALISM AS IT RELATES TO THE MARYLAND CODE OF ETHICS, INCLUDING A DISCUSSION RELATING TO CONFLICT RESOLUTION AND A LICENSEE’S DUTY TO RESPECT THE PUBLIC, PEERS, AND PROPERTY;**

(v) every 2 years, include at least one 3 clock hour course that includes the principles of real estate brokerage relationships and disclosures; and

(vi) every 2 years for the renewal of a real estate broker license and the renewal of the license of an individual designated as a branch office manager or a team

leader, include at least one 3 clock hour course that includes the requirements of broker supervision.

(3) The requirement of paragraph (2)(iii) of this subsection does not apply to a licensee who provides real estate brokerage services solely in connection with nonresidential real estate.

(4) To be acceptable for credit as a continuing education course under this section, the course shall cover 1 or more topics approved by the 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 477

(House Bill 1454)

AN ACT concerning

### Howard County – Transfer Tax – Rate Increase Authorization

Ho. Co. 26–20

FOR the purpose of exempting moderate income housing units from a certain tax; authorizing the ~~County Council~~ governing body of Howard County to increase the rate of the transfer tax to support certain public purposes; requiring the Director of Finance of Howard County to collect and distribute in certain amounts transfer tax proceeds attributable to an increase in the tax rate to the county general fund to be used for certain purposes; making stylistic and technical changes; and generally relating to the transfer tax in Howard County.

BY repealing and reenacting, with amendments,  
 The Public Local Laws of Howard County  
 Section 20.300(a)  
 Article 14 – Public Local Laws of Maryland  
 (1977 Edition and August 2008 Supplement, as amended)  
 (As enacted by Chapter 138 of the Acts of the General Assembly of 2018)

BY repealing and reenacting, with amendments,  
 The Public Local Laws of Howard County  
 Section 20.301 and 20.304  
 Article 14 – Public Local Laws of Maryland  
 (1977 Edition and August 2008 Supplement, as amended)

(As enacted by Chapter 311 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 14 – Howard County**

20.300.

(a) **(1)** Except as provided in subsection (b) of this section, a tax is hereby imposed upon every instrument of writing conveying title to real or leasehold property offered for a record and recorded in Howard County with the clerk of the circuit court, for all or only that portion of such property described in such instrument which is actually located in Howard County, provided that **THE FOLLOWING SHALL NOT BE SUBJECT TO THE TAX IMPOSED BY THIS SECTION:**

**(I)** conveyances to the state or to any agency or instrumentality thereof, or any political subdivision of the state, or any nonprofit hospital or religious or charitable organization, association or corporation[, shall not be subject to the tax imposed by this section]; **AND**

**(II) CONVEYANCES OF MODERATE INCOME HOUSING UNITS.**

**(2)** The term “instrument of writing,” as used in this section shall be deemed to include any deed, lease, assignment of leasehold property or any other device the purpose of which is to convey title to real property, but shall not include any mortgage, deed of trust, conditional sales contract or any other device the purpose of which is to afford a security in real property rather than to convey title thereto.

20.301.

**(A)** [The] **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE** tax imposed by this [section] **SUBTITLE** shall be levied at the rate of one percent of the actual consideration paid or to be paid for the conveyance of title and shall be collected by the Director of Finance before the Clerk of the Circuit Court may accept an instrument of writing for recordation.

**(B)** **THE GOVERNING BODY OF HOWARD COUNTY COUNCIL MAY, BY LAW RESOLUTION, INCREASE THE RATE OF THE TRANSFER TAX ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION TO SUPPORT THE PUBLIC PURPOSES SPECIFIED IN § 20.304(B) OF THIS SUBTITLE.**

20.304.

(A) The [director] **DIRECTOR** of [finance] **FINANCE** shall collect and distribute transfer tax proceeds **ATTRIBUTABLE TO THE RATE OF THE TRANSFER TAX IMPOSED UNDER § 20.301(A) OF THIS SUBTITLE** in the following manner:

(1) 25% in a special fund known as “The School Site Acquisition and Construction Fund,” and disbursements from this fund shall be made only for the purposes set forth in section 9.102 of the Howard County Code;

(2) 25% in a special fund known as “The Park Land Watershed Facilities Fund,” and disbursements from this fund shall be made only for the purposes set forth in section 19.100 of the Howard County Code; and

(3) the remainder in the general fund of the county, with the stipulation that the county council shall budget this remainder as follows:

(I) 50% plus the interest thereon for the Howard County Agricultural Land Preservation Fund;

(II) 25% for community improvement and housing programs primarily serving low income individuals and families and the homeless and for urban renewal; and

(III) 25% for the acquisition or leasing of land for new fire house sites and training facilities and the construction and maintenance of fire house and training facilities, the acquisition and maintenance of fire equipment, and supplementation of financial needs of fire companies.

(B) **THE DIRECTOR OF FINANCE SHALL COLLECT ANY PROCEEDS ATTRIBUTABLE TO AN INCREASE IN THE TRANSFER TAX RATE AUTHORIZED UNDER § 20.301(B) OF THIS SUBTITLE AND DISTRIBUTE THE PROCEEDS TO THE GENERAL FUND OF THE COUNTY TO BE USED IN THE FOLLOWING MANNER:**

(1) **25% FOR CAPITAL PROJECTS FOR THE HOWARD COUNTY PUBLIC SCHOOL SYSTEM;**

(2) **25% FOR CAPITAL PROJECTS FOR THE DEPARTMENT OF RECREATION AND PARKS;**

(3) **25% FOR COMMUNITY IMPROVEMENT AND HOUSING PROGRAMS PRIMARILY SERVING LOW INCOME INDIVIDUALS AND FAMILIES AND THE HOMELESS AND FOR URBAN RENEWAL; AND**

(4) **25% FOR THE ACQUISITION OR LEASING OF LAND FOR NEW FIRE HOUSE SITES AND TRAINING FACILITIES AND THE CONSTRUCTION AND MAINTENANCE OF FIRE HOUSE AND TRAINING FACILITIES, THE ACQUISITION AND**

**MAINTENANCE OF FIRE EQUIPMENT, AND SUPPLEMENTATION OF FINANCIAL NEEDS OF FIRE COMPANIES.**

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 478****(House Bill 1462)**

AN ACT concerning

**Public Health – Emergency Use Auto-Injectable Epinephrine Program – Revisions**

FOR the purpose of altering the name of the Emergency Use Auto-Injectable Epinephrine Program at Institutions of Higher Education to be the Emergency Use Auto-Injectable Epinephrine Program; authorizing food service facilities to store and make available for administration auto-injectable epinephrine for a certain purpose under the Program; altering the purpose of the Program; authorizing participating food service facilities, except under certain circumstances, to obtain a certain prescription for and supply of auto-injectable epinephrine; requiring participating food service facilities to store a supply of auto-injectable epinephrine in a certain manner; requiring participating food service facilities to designate certain employees or individuals for a certain purpose; requiring participating food service facilities to maintain a copy of a certain certificate; providing that a participating food service facility may pay a certain fee on behalf of a certain applicant; providing that either entity may pay a certain application fee if a food service facility is part of an eligible institution; providing that certain individuals may not be liable for not taking certain actions; providing immunity from civil liability for certain individuals under certain circumstances; providing for the construction of certain provisions of this Act; altering certain definitions; defining certain terms; and generally relating to the Emergency Use Auto-Injectable Epinephrine Program.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 13-7A-01 through 13-7A-04 and 13-7A-07 through 13-7A-09 to be under the amended subtitle “Subtitle 7A. Emergency Use Auto-Injectable Epinephrine Program”

Annotated Code of Maryland  
(2019 Replacement Volume)

BY repealing and reenacting, without amendments,



Article – Health – General  
Section 13–7A–05 and 13–7A–06  
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 7A. Emergency Use Auto–Injectable Epinephrine Program [at Institutions of  
Higher Education].

13–7A–01.

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

(b) “Agent” means an individual who:

(1) Is at least 18 years of age;

(2) Has successfully completed, at the expense of the [eligible institution] **PARTICIPATING FACILITY**, an educational training program approved by the Department under § 13–7A–03 of this subtitle; and

(3) Is designated by a certificate holder to administer auto–injectable epinephrine in accordance with the provisions of this subtitle.

(c) “Anaphylaxis” means a sudden, severe, and potentially life–threatening allergic reaction that occurs when an individual is exposed to an allergen.

(d) “Auto–injectable epinephrine” means a portable, disposable drug delivery device that contains a premeasured single dose of epinephrine that is used to treat anaphylaxis in an emergency situation.

(e) “Certificate” means a certificate issued by the Department to an individual to obtain, store, and administer auto–injectable epinephrine.

(f) “Certificate holder” means an individual who is authorized by the Department to obtain, store, and administer auto–injectable epinephrine to be used in an emergency situation.

(g) “Eligible institution” means an institution of higher education that has a food service facility or a recreation and wellness facility on the premises and that is authorized under this subtitle to obtain and store auto–injectable epinephrine.

(h) “Food service facility” has the meaning indicated in § 21–301 of this article.

(i) **“PARTICIPATING FACILITY” MEANS A RECREATION OR WELLNESS FACILITY AT AN ELIGIBLE INSTITUTION OR A FOOD SERVICE FACILITY, INCLUDING A FOOD SERVICE FACILITY AT AN ELIGIBLE INSTITUTION, IN THE STATE THAT VOLUNTARILY PARTICIPATES IN THE PROGRAM.**

(J) “Program” means the Emergency Use Auto–Injectable Epinephrine Program [at Institutions of Higher Education] established under § 13–7A–02 of this subtitle.

13–7A–02.

(a) There is an Emergency Use Auto–Injectable Epinephrine Program [at Institutions of Higher Education].

(b) The purpose of the Program is to authorize individuals employed by a [food service facility or a recreation and wellness facility at an eligible institution] **PARTICIPATING FACILITY** to obtain and store auto–injectable epinephrine and administer auto–injectable epinephrine to individuals who are experiencing or are believed to be experiencing anaphylaxis when a physician or emergency medical services are not immediately available.

(c) (1) Subject to paragraph (4) of this subsection, [an eligible institution] **EACH PARTICIPATING FACILITY** may obtain:

(i) A prescription for a supply of auto–injectable epinephrine from a licensed physician as provided in § 13–7A–06 of this subtitle; and

(ii) A supply of auto–injectable epinephrine from a licensed pharmacist or a licensed physician as provided in § 13–7A–06 of this subtitle.

(2) [An eligible institution] **EACH PARTICIPATING FACILITY** shall store a supply of auto–injectable epinephrine obtained under paragraph (1)(ii) of this subsection:

(i) In accordance with the manufacturer’s instructions; and

(ii) In a location that is readily accessible to employees or affiliated individuals in an emergency situation.

(3) [An eligible institution] **EACH PARTICIPATING FACILITY** shall designate the employees who are certificate holders or designated affiliated individuals who are certificate holders who will be responsible for the storage, maintenance, and control of the supply of auto–injectable epinephrine.

(4) [An eligible institution] **A PARTICIPATING FACILITY** may not obtain or store auto–injectable epinephrine unless the [eligible institution] **PARTICIPATING**

**FACILITY** has at least two employees or designated affiliated individuals who are certificate holders.

(5) [An eligible institution] **EACH PARTICIPATING FACILITY** shall maintain a copy of the certificate issued to an employee or a designated affiliated individual under § 13-7A-05 of this subtitle.

13-7A-03.

(a) The Department shall:

(1) Adopt regulations for the administration of the Program;

(2) Collect fees necessary for the administration of the Program;

(3) Issue a certificate to, or renew the certificate of, an individual meeting the requirements of § 13-7A-04 of this subtitle;

(4) Approve educational training programs, including programs conducted by other State agencies or private entities;

(5) Develop a method by which certificate holders may submit a report to the Department about each incident that occurred on the premises of a [food service facility or a recreation and wellness facility at an eligible institution] **PARTICIPATING FACILITY** that involved the administration of auto-injectable epinephrine by a certificate holder or an agent; and

(6) On or before January 31 each year, publish a report summarizing the information obtained from reports submitted to the Department under item (5) of this subsection.

(b) The Department may:

(1) Set an application fee for a certificate;

(2) Establish a fee for the renewal or replacement of a certificate; and

(3) Require applicants to apply to the Program in the manner the Department chooses.

(c) An educational training program approved by the Department under subsection (a)(4) of this section may be an online training program.

13-7A-04.

(a) To qualify for a certificate, an applicant shall:

(1) Be employed by a [food service facility or a recreation and wellness facility at an eligible institution] **PARTICIPATING FACILITY**;

(2) Successfully complete, at the expense of the [eligible institution] **PARTICIPATING FACILITY**, an educational training program approved by the Department under § 13–7A–03 of this subtitle;

(3) Submit an application to the Department in a manner required by the Department under § 13–7A–03 of this subtitle; and

(4) Subject to subsection (b) of this section, pay to the Department an application fee required under § 13–7A–03 of this subtitle.

(b) (1) [An eligible institution] **A PARTICIPATING FACILITY** may pay the application fee on behalf of the applicant.

(2) **IF THE PARTICIPATING FACILITY IS A FOOD SERVICE FACILITY THAT IS PART OF AN ELIGIBLE INSTITUTION, EITHER ENTITY MAY PAY THE APPLICATION FEE ON BEHALF OF THE APPLICANT.**

13–7A–05.

(a) The Department shall issue a certificate to any applicant who meets the requirements of § 13–7A–04 of this subtitle.

(b) Each certificate shall include:

(1) The full name of the certificate holder; and

(2) A serial number.

(c) A replacement certificate may be issued to replace a lost, destroyed, or mutilated certificate if the certificate holder pays a certificate replacement fee set by the Department.

(d) (1) A certificate shall be valid for a term of 1 year.

(2) To renew a certificate for an additional 1–year term, the renewal applicant shall successfully complete a refresher educational training program approved by the Department under § 13–7A–03 of this subtitle.

13–7A–06.

(a) (1) A physician licensed to practice medicine in the State may prescribe auto–injectable epinephrine in the name of a certificate holder.

(2) A pharmacist licensed to practice pharmacy in the State or a physician may dispense auto-injectable epinephrine under a prescription issued to a certificate holder.

(b) A certificate holder may:

(1) On presentment of a certificate, receive from any physician licensed to practice medicine in the State a prescription for auto-injectable epinephrine and the necessary paraphernalia for the administration of auto-injectable epinephrine; and

(2) Possess and store prescribed auto-injectable epinephrine and the necessary paraphernalia for the administration of auto-injectable epinephrine.

(c) In an emergency situation when a physician or emergency medical services are not immediately available, a certificate holder or an agent may administer auto-injectable epinephrine to an individual who is experiencing or is believed in good faith by the certificate holder or agent to be experiencing anaphylaxis.

13-7A-07.

(a) (1) Except as provided in paragraph (2) of this subsection, a cause of action may not arise against a certificate holder for any act or omission if the certificate holder or agent is acting in good faith while administering auto-injectable epinephrine to an individual who is experiencing or believed by the certificate holder or agent to be experiencing anaphylaxis except where the conduct of the certificate holder or agent amounts to gross negligence, willful or wanton misconduct, or intentionally tortious conduct.

(2) The provisions of paragraph (1) of this subsection do not apply if a certificate holder or [an eligible institution] **PARTICIPATING FACILITY** that makes available, or a certificate holder who administers, auto-injectable epinephrine to an individual who is experiencing or is believed by the certificate holder or [authorized entity] **PARTICIPATING FACILITY** to be experiencing anaphylaxis:

(i) Fails to follow standards and procedures for storage and administration of auto-injectable epinephrine; or

(ii) Administers auto-injectable epinephrine that is beyond the manufacturer's expiration date.

(b) (1) A cause of action may not arise against any physician for any act or omission if the physician in good faith prescribes or dispenses auto-injectable epinephrine and the necessary paraphernalia for the administration of auto-injectable epinephrine to a certificate holder or [an eligible institution] **PARTICIPATING FACILITY** under this subtitle.

(2) A cause of action may not arise against any pharmacist for any act or

omission if the pharmacist in good faith dispenses auto-injectable epinephrine and the necessary paraphernalia for the administration of auto-injectable epinephrine to a certificate holder or [an eligible institution] **A PARTICIPATING FACILITY** under this subtitle.

(c) This section does not affect and may not be construed as affecting any immunities from civil liability or defenses established by any other provision of law or by common law to which a physician or pharmacist may be entitled.

13-7A-08.

(a) This subtitle may not be construed to create a duty on any individual **EMPLOYED BY A RECREATION OR WELLNESS FACILITY AT AN ELIGIBLE INSTITUTION OR FOOD SERVICE FACILITY** to obtain a certificate under this subtitle, and an individual **EMPLOYED BY A RECREATION OR WELLNESS FACILITY AT AN ELIGIBLE INSTITUTION OR FOOD SERVICE FACILITY** may not be held civilly liable for failing to obtain a certificate under this subtitle.

(b) An individual may not be held civilly liable in any action arising from or in connection with the administration of auto-injectable epinephrine by the individual solely because the individual did not possess a certificate issued under this subtitle.

13-7A-09.

A certificate holder shall submit to the Department, in the manner required under § 13-7A-03 of this subtitle, a report of each incident that occurred on the premises of [a food service facility or a recreation and wellness facility at an eligible institution] **A PARTICIPATING FACILITY** that involved the administration of auto-injectable epinephrine by a certificate holder or an agent.

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

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

---

## Chapter 479

(Senate Bill 477)

AN ACT concerning

**Public Health – Emergency Use Auto-Injectable Epinephrine Program –  
Revisions**

FOR the purpose of altering the name of the Emergency Use Auto–Injectable Epinephrine Program at Institutions of Higher Education to be the Emergency Use Auto–Injectable Epinephrine Program; authorizing food service facilities to store and make available for administration auto–injectable epinephrine for a certain purpose under the Program; altering the purpose of the Program; authorizing participating food service facilities, except under certain circumstances, to obtain a certain prescription for and supply of auto–injectable epinephrine; requiring participating food service facilities to store a supply of auto–injectable epinephrine in a certain manner; requiring participating food service facilities to designate certain employees or individuals for a certain purpose; requiring participating food service facilities to maintain a copy of a certain certificate; providing that a participating food service facility may pay a certain fee on behalf of a certain applicant; providing that either entity may pay a certain application fee if a food service facility is part of an eligible institution; providing that certain individuals may not be liable for not taking certain actions; providing immunity from civil liability for certain individuals under certain circumstances; providing for the construction of certain provisions of this Act; altering certain definitions; defining certain terms; and generally relating to the Emergency Use Auto–Injectable Epinephrine Program.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 13–7A–01 through 13–7A–04 and 13–7A–07 through 13–7A–09 to be under the amended subtitle “Subtitle 7A. Emergency Use Auto–Injectable Epinephrine Program”

Annotated Code of Maryland  
(2019 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Health – General

Section 13–7A–05 and 13–7A–06

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 7A. Emergency Use Auto–Injectable Epinephrine Program [at Institutions of  
Higher Education].

13–7A–01.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Agent” means an individual who:

(1) Is at least 18 years of age;

(2) Has successfully completed, at the expense of the [eligible institution] **PARTICIPATING FACILITY**, an educational training program approved by the Department under § 13–7A–03 of this subtitle; and

(3) Is designated by a certificate holder to administer auto–injectable epinephrine in accordance with the provisions of this subtitle.

(c) “Anaphylaxis” means a sudden, severe, and potentially life–threatening allergic reaction that occurs when an individual is exposed to an allergen.

(d) “Auto–injectable epinephrine” means a portable, disposable drug delivery device that contains a premeasured single dose of epinephrine that is used to treat anaphylaxis in an emergency situation.

(e) “Certificate” means a certificate issued by the Department to an individual to obtain, store, and administer auto–injectable epinephrine.

(f) “Certificate holder” means an individual who is authorized by the Department to obtain, store, and administer auto–injectable epinephrine to be used in an emergency situation.

(g) “Eligible institution” means an institution of higher education that has a food service facility or a recreation and wellness facility on the premises and that is authorized under this subtitle to obtain and store auto–injectable epinephrine.

(h) “Food service facility” has the meaning indicated in § 21–301 of this article.

(i) **“PARTICIPATING FACILITY” MEANS A RECREATION OR WELLNESS FACILITY AT AN ELIGIBLE INSTITUTION OR A FOOD SERVICE FACILITY, INCLUDING A FOOD SERVICE FACILITY AT AN ELIGIBLE INSTITUTION, IN THE STATE THAT VOLUNTARILY PARTICIPATES IN THE PROGRAM.**

**(J)** “Program” means the Emergency Use Auto–Injectable Epinephrine Program [at Institutions of Higher Education] established under § 13–7A–02 of this subtitle.

13–7A–02.

(a) There is an Emergency Use Auto–Injectable Epinephrine Program [at Institutions of Higher Education].

(b) The purpose of the Program is to authorize individuals employed by a [food service facility or a recreation and wellness facility at an eligible institution] **PARTICIPATING FACILITY** to obtain and store auto–injectable epinephrine and administer auto–injectable epinephrine to individuals who are experiencing or are believed



to be experiencing anaphylaxis when a physician or emergency medical services are not immediately available.

(c) (1) Subject to paragraph (4) of this subsection, [an eligible institution] **EACH PARTICIPATING FACILITY** may obtain:

(i) A prescription for a supply of auto-injectable epinephrine from a licensed physician as provided in § 13-7A-06 of this subtitle; and

(ii) A supply of auto-injectable epinephrine from a licensed pharmacist or a licensed physician as provided in § 13-7A-06 of this subtitle.

(2) [An eligible institution] **EACH PARTICIPATING FACILITY** shall store a supply of auto-injectable epinephrine obtained under paragraph (1)(ii) of this subsection:

(i) In accordance with the manufacturer's instructions; and

(ii) In a location that is readily accessible to employees or affiliated individuals in an emergency situation.

(3) [An eligible institution] **EACH PARTICIPATING FACILITY** shall designate the employees who are certificate holders or designated affiliated individuals who are certificate holders who will be responsible for the storage, maintenance, and control of the supply of auto-injectable epinephrine.

(4) [An eligible institution] **A PARTICIPATING FACILITY** may not obtain or store auto-injectable epinephrine unless the [eligible institution] **PARTICIPATING FACILITY** has at least two employees or designated affiliated individuals who are certificate holders.

(5) [An eligible institution] **EACH PARTICIPATING FACILITY** shall maintain a copy of the certificate issued to an employee or a designated affiliated individual under § 13-7A-05 of this subtitle.

13-7A-03.

(a) The Department shall:

(1) Adopt regulations for the administration of the Program;

(2) Collect fees necessary for the administration of the Program;

(3) Issue a certificate to, or renew the certificate of, an individual meeting the requirements of § 13-7A-04 of this subtitle;

(4) Approve educational training programs, including programs conducted

by other State agencies or private entities;

(5) Develop a method by which certificate holders may submit a report to the Department about each incident that occurred on the premises of a [food service facility or a recreation and wellness facility at an eligible institution] **PARTICIPATING FACILITY** that involved the administration of auto-injectable epinephrine by a certificate holder or an agent; and

(6) On or before January 31 each year, publish a report summarizing the information obtained from reports submitted to the Department under item (5) of this subsection.

(b) The Department may:

(1) Set an application fee for a certificate;

(2) Establish a fee for the renewal or replacement of a certificate; and

(3) Require applicants to apply to the Program in the manner the Department chooses.

(c) An educational training program approved by the Department under subsection (a)(4) of this section may be an online training program.

13-7A-04.

(a) To qualify for a certificate, an applicant shall:

(1) Be employed by a [food service facility or a recreation and wellness facility at an eligible institution] **PARTICIPATING FACILITY**;

(2) Successfully complete, at the expense of the [eligible institution] **PARTICIPATING FACILITY**, an educational training program approved by the Department under § 13-7A-03 of this subtitle;

(3) Submit an application to the Department in a manner required by the Department under § 13-7A-03 of this subtitle; and

(4) Subject to subsection (b) of this section, pay to the Department an application fee required under § 13-7A-03 of this subtitle.

(b) **(1)** [An eligible institution] **A PARTICIPATING FACILITY** may pay the application fee on behalf of the applicant.

**(2) IF THE PARTICIPATING FACILITY IS A FOOD SERVICE FACILITY THAT IS PART OF AN ELIGIBLE INSTITUTION, EITHER ENTITY MAY PAY THE**

**APPLICATION FEE ON BEHALF OF THE APPLICANT.**

## 13-7A-05.

(a) The Department shall issue a certificate to any applicant who meets the requirements of § 13-7A-04 of this subtitle.

(b) Each certificate shall include:

(1) The full name of the certificate holder; and

(2) A serial number.

(c) A replacement certificate may be issued to replace a lost, destroyed, or mutilated certificate if the certificate holder pays a certificate replacement fee set by the Department.

(d) (1) A certificate shall be valid for a term of 1 year.

(2) To renew a certificate for an additional 1-year term, the renewal applicant shall successfully complete a refresher educational training program approved by the Department under § 13-7A-03 of this subtitle.

## 13-7A-06.

(a) (1) A physician licensed to practice medicine in the State may prescribe auto-injectable epinephrine in the name of a certificate holder.

(2) A pharmacist licensed to practice pharmacy in the State or a physician may dispense auto-injectable epinephrine under a prescription issued to a certificate holder.

(b) A certificate holder may:

(1) On presentment of a certificate, receive from any physician licensed to practice medicine in the State a prescription for auto-injectable epinephrine and the necessary paraphernalia for the administration of auto-injectable epinephrine; and

(2) Possess and store prescribed auto-injectable epinephrine and the necessary paraphernalia for the administration of auto-injectable epinephrine.

(c) In an emergency situation when a physician or emergency medical services are not immediately available, a certificate holder or an agent may administer auto-injectable epinephrine to an individual who is experiencing or is believed in good faith by the certificate holder or agent to be experiencing anaphylaxis.

## 13-7A-07.

(a) (1) Except as provided in paragraph (2) of this subsection, a cause of action may not arise against a certificate holder for any act or omission if the certificate holder or agent is acting in good faith while administering auto-injectable epinephrine to an individual who is experiencing or believed by the certificate holder or agent to be experiencing anaphylaxis except where the conduct of the certificate holder or agent amounts to gross negligence, willful or wanton misconduct, or intentionally tortious conduct.

(2) The provisions of paragraph (1) of this subsection do not apply if a certificate holder or **[an eligible institution] PARTICIPATING FACILITY** that makes available, or a certificate holder who administers, auto-injectable epinephrine to an individual who is experiencing or is believed by the certificate holder or **[authorized entity] PARTICIPATING FACILITY** to be experiencing anaphylaxis:

(i) Fails to follow standards and procedures for storage and administration of auto-injectable epinephrine; or

(ii) Administers auto-injectable epinephrine that is beyond the manufacturer's expiration date.

(b) (1) A cause of action may not arise against any physician for any act or omission if the physician in good faith prescribes or dispenses auto-injectable epinephrine and the necessary paraphernalia for the administration of auto-injectable epinephrine to a certificate holder or **[an eligible institution] PARTICIPATING FACILITY** under this subtitle.

(2) A cause of action may not arise against any pharmacist for any act or omission if the pharmacist in good faith dispenses auto-injectable epinephrine and the necessary paraphernalia for the administration of auto-injectable epinephrine to a certificate holder or **[an eligible institution] A PARTICIPATING FACILITY** under this subtitle.

(c) This section does not affect and may not be construed as affecting any immunities from civil liability or defenses established by any other provision of law or by common law to which a physician or pharmacist may be entitled.

13-7A-08.

(a) This subtitle may not be construed to create a duty on any individual **EMPLOYED BY A RECREATION OR WELLNESS FACILITY AT AN ELIGIBLE INSTITUTION OR FOOD SERVICE FACILITY** to obtain a certificate under this subtitle, and an individual **EMPLOYED BY A RECREATION OR WELLNESS FACILITY AT AN ELIGIBLE INSTITUTION OR FOOD SERVICE FACILITY** may not be held civilly liable for failing to obtain a certificate under this subtitle.

(b) An individual may not be held civilly liable in any action arising from or in connection with the administration of auto-injectable epinephrine by the individual solely because the individual did not possess a certificate issued under this subtitle.

13-7A-09.

A certificate holder shall submit to the Department, in the manner required under § 13-7A-03 of this subtitle, a report of each incident that occurred on the premises of [a food service facility or a recreation and wellness facility at an eligible institution] A **PARTICIPATING FACILITY** that involved the administration of auto-injectable epinephrine by a certificate holder or an agent.

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

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

---

## Chapter 480

(House Bill 1479)

AN ACT concerning

### Calvert County – Subdivision Plats – Stormwater Management Easements

FOR the purpose of requiring, in Calvert County, that certain subdivision plats be prepared and endorsed by certain individuals in a certain manner; requiring certain subdivision plats or deeds of dedication to include a certain statement that is signed and acknowledged in a certain manner; authorizing the filing, recording, and indexing of certain subdivision plats in a certain manner; establishing that recordation of a certain subdivision plat operates as a transfer of a certain easement to the Board of County Commissioners of Calvert County for certain purposes; requiring certain grantors to construct or cause to be constructed certain stormwater management facilities, structures, and devices and to provide for the maintenance of certain stormwater management facilities, structures, and devices; authorizing certain grantors to levy certain assessments against certain landowners under certain circumstances; authorizing Calvert County to enter certain subdivisions, perform certain work, and assess certain costs in certain circumstances; defining a certain term; providing for the construction of certain provisions of law; and generally relating to stormwater management in subdivisions in Calvert County.

BY adding to

The Public Local Laws of Calvert County

Section 15-501 and 15-502 to be under the new subtitle “Subtitle 5. Stormwater Management Easements”

Article 5 – Public Local Laws of Maryland  
(2002 Edition and July 2019 Supplement, as amended)

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

**Article 5 – Calvert County**

**SUBTITLE 5. STORMWATER MANAGEMENT EASEMENTS.**

**15-501.**

**(A) IN THIS SUBTITLE, “GRANTOR” MEANS AN OWNER, PROPRIETOR, MORTGAGEE, OR TRUSTEE OF LAND BEING SUBDIVIDED THAT GRANTS AN EASEMENT TO THE COMMISSIONERS OF CALVERT COUNTY FOR STORMWATER MANAGEMENT PURPOSES IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE.**

**(B) “GRANTOR” INCLUDES A SUCCESSOR OR ASSIGN OF AN OWNER, PROPRIETOR, MORTGAGEE, OR TRUSTEE OF LAND BEING SUBDIVIDED THAT GRANTS AN EASEMENT TO THE COMMISSIONERS OF CALVERT COUNTY FOR STORMWATER MANAGEMENT PURPOSES IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE.**

**15-502.**

**(A) (1) A SUBDIVISION PLAT THAT IS INTENDED TO BE RECORDED SHALL BE PREPARED BY A ~~CERTIFIED LICENSED~~ LICENSED PROFESSIONAL ~~ENGINEER OR~~ LAND SURVEYOR OR LICENSED PROPERTY LINE SURVEYOR, WHO SHALL ENDORSE ON THE PLAT A SIGNED CERTIFICATE STATING:**

**(I) THE SOURCE OF TITLE OF THE OWNER OF THE LAND BEING SUBDIVIDED; AND**

**(II) THE PLACE OF RECORD OF THE LAST INSTRUMENT IN THE CHAIN OF TITLE.**

**(2) IF THERE IS MORE THAN ONE SOURCE OF TITLE FOR THE LAND BEING SUBDIVIDED, THE OUTLINE OF THE TRACT FROM EACH SOURCE OF TITLE SHALL BE INDICATED ON THE PLAT.**

**(3) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO PROHIBIT THE PREPARATION OF A PRELIMINARY STUDY, PLAN, PLAT, OR PROPOSED SUBDIVISION BY:**

- (I) THE OWNER OF THE LAND;
- (II) A COUNTY PLANNER;
- (III) A LAND PLANNER;
- (IV) ~~AN ARCHITECT~~ A PROFESSIONAL LAND SURVEYOR OR PROPERTY LINE SURVEYOR;
- (V) A LANDSCAPE ARCHITECT; OR
- (VI) ANY OTHER PERSON HAVING TRAINING OR EXPERIENCE IN SUBDIVISION PLANNING OR DESIGN.

(B) (1) IN ADDITION TO THE CERTIFICATE REQUIRED UNDER SUBSECTION (A)(1) OF THIS SECTION, EACH SUBDIVISION PLAT OR DEED OF DEDICATION TO WHICH A PLAT IS ATTACHED, SHALL INCLUDE A SIGNED STATEMENT IN SUBSTANTIALLY THE SAME FORM AS THE FOLLOWING:

“THE PLATTING OR DEDICATION OF THE FOLLOWING DESCRIBED LAND . . . . (INSERT A CORRECT DESCRIPTION OF THE LAND SUBDIVIDED) IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS, MORTGAGEES, OR TRUSTEES. FURTHERMORE, THE UNDERSIGNED (THE “GRANTORS”) GRANT THE COMMISSIONERS OF CALVERT COUNTY AND THEIR OFFICERS, AGENTS, EMPLOYEES, CONTRACTORS, AND SUBCONTRACTORS, A PERPETUAL EASEMENT ACROSS THE SUBDIVIDED LAND TO ACCESS AND INSPECT, AND, IF NECESSARY, MAINTAIN, REPAIR, CONSTRUCT, OR RECONSTRUCT STORMWATER MANAGEMENT FACILITIES, STRUCTURES, AND DEVICES WITHIN THIS SUBDIVISION.”

(2) THE STATEMENT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE SIGNED BY THE GRANTORS AND DULY ACKNOWLEDGED BEFORE AN OFFICER AUTHORIZED TO TAKE ACKNOWLEDGMENT OF DEEDS.

(3) AN APPROVED PLAT THAT IS EXECUTED, ACKNOWLEDGED, AND IN COMPLIANCE WITH THE PROVISIONS OF THIS SECTION, MAY BE FILED WITH AND RECORDED BY THE CLERK OF THE CIRCUIT COURT AND INDEXED IN THE GENERAL INDEX TO DEEDS UNDER:

(I) THE NAMES OF THE OWNERS OF THE LAND BEING SUBDIVIDED THAT HAVE SIGNED THE STATEMENT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND

(II) THE NAME OF THE SUBDIVISION.

**(C) THE RECORDATION OF THE SUBDIVISION PLAT SHALL OPERATE TO TRANSFER, IN FEE SIMPLE, TO THE BOARD OF COUNTY COMMISSIONERS OF CALVERT COUNTY AN EASEMENT FROM EVERY PUBLIC WAY, ROAD, AND DEDICATION TO ALL STORMWATER MANAGEMENT FACILITIES, STRUCTURES, AND DEVICES WITHIN THE SUBDIVISION FOR ANY PUBLIC PURPOSE, INCLUDING INSPECTION AND, IF NECESSARY, MAINTENANCE, REPAIR, CONSTRUCTION, OR RECONSTRUCTION OF STORMWATER MANAGEMENT FACILITIES, STRUCTURES, AND DEVICES WITHIN THE SUBDIVISION.**

**(D) NOTWITHSTANDING AN EASEMENT GRANTED UNDER SUBSECTION (B) OF THIS SECTION, A GRANTOR OF THE EASEMENT SHALL:**

**(1) CONSTRUCT, OR CAUSE TO BE CONSTRUCTED, ALL REQUIRED STORMWATER MANAGEMENT FACILITIES, STRUCTURES, AND DEVICES WITHIN THE SUBDIVISION; AND**

**(2) PROVIDE FOR THE MAINTENANCE OF ALL STORMWATER MANAGEMENT FACILITIES, STRUCTURES, AND DEVICES WITHIN THE SUBDIVISION TO ENSURE THOSE FACILITIES, STRUCTURES, AND DEVICES REMAIN IN PROPER WORKING CONDITION IN ACCORDANCE WITH:**

**(I) THE APPROVED SITE DEVELOPMENT PLAN;**

**(II) THE APPROVED DESIGN STANDARDS; AND**

**(III) ALL APPLICABLE LAWS, RULES, AND REGULATIONS.**

**(3) IF NECESSARY, AND TO THE EXTENT AUTHORIZED BY LAW, A GRANTOR MAY LEVY REGULAR OR SPECIAL ASSESSMENTS AGAINST THE LANDOWNERS SERVED BY ANY STORMWATER MANAGEMENT FACILITY, STRUCTURE, OR DEVICE WITHIN THE SUBDIVISION TO ENSURE THE FACILITY, STRUCTURE, OR DEVICE IS PROPERLY MAINTAINED.**

**(E) IF A GRANTOR FAILS TO CONSTRUCT, REPAIR, MAINTAIN, OR OPERATE ANY STORMWATER MANAGEMENT FACILITY, STRUCTURE, OR DEVICE IN ACCORDANCE WITH AN APPROVED SITE DEVELOPMENT PLAN, APPROVED DESIGN STANDARDS, OR ANY APPLICABLE LAW, RULE, OR REGULATION, THE COUNTY MAY:**

**(1) ENTER AND PERFORM ALL NECESSARY CONSTRUCTION, REPAIR, MAINTENANCE, OR OPERATING WORK; AND**

**(2) ASSESS THE GRANTOR FOR THE COST OF ANY WORK PERFORMED.**



(F) RECORDATION OF A SUBDIVISION PLAT MAY NOT BE CONSIDERED ACCEPTANCE BY THE COUNTY OF ANY STREET, ROAD, OR OTHER PUBLIC PLACE SHOWN ON THE PLAT FOR MAINTENANCE, REPAIR, OR OPERATION.

(G) THE PROVISIONS OF THIS SUBTITLE MAY NOT BE CONSTRUED TO AFFECT ANY RIGHT OF A SUBDIVIDER OF LAND HERETOFORE VALIDLY RESERVED.

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 481

### (House Bill 1500)

AN ACT concerning

#### **Special Taxing Districts – Eastern Shore Code Counties – Authorization**

FOR the purpose of authorizing a code county in the Eastern Shore class to establish certain special taxing districts, impose certain ad valorem or special taxes, and issue certain bonds for the purpose of financing the cost of certain infrastructure improvements; and generally relating to the authority of code counties in the Eastern Shore class to establish special taxing districts.

BY repealing and reenacting, with amendments,

Article – Local Government

Section 21–502

Annotated Code of Maryland

(2013 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)

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

#### **Article – Local Government**

21–502.

(a) This subtitle applies only to:

**(1) A CODE COUNTY IN THE EASTERN SHORE CLASS;**

**[(1)] (2)** Anne Arundel County;

**[(2)] (3)** Baltimore County;

**[(3)] (4)** Calvert County;

**[(4)] (5)** Cecil County;

**[(5)] (6)** Charles County;

**[(6)] (7)** Garrett County;

**[(7)] (8)** Harford County;

**[(8)] (9)** Howard County;

**[(9)] (10)** Prince George's County;

**[(10)] (11)** St. Mary's County;

**[(11)] (12)** Washington County; and

**[(12)] (13)** Wicomico County.

(b) This subtitle is self-executing and does not require a county to enact legislation or, if applicable, to amend its charter to exercise the powers granted under this subtitle.

(c) The powers granted under this subtitle:

(1) are supplemental to any power granted by another law; and

(2) do not limit any other power.

(d) This subtitle is necessary for the welfare of the State and its residents and shall be liberally construed to effect the purposes stated in § 21–504(a) of this subtitle.

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.

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 482

(House Bill 1510)

AN ACT concerning

**Income Tax – Subtraction Modification – Rental Subsidy Under the Howard  
County “Live Where You Work” Program**

**Ho. Co. 20–20**

FOR the purpose of allowing a subtraction modification under the Maryland income tax for the value of a subsidy for rental expenses received by a resident of Howard County under a certain program of the Downtown Columbia Plan; providing for the

application of this Act; and generally relating to a subtraction under the Maryland income tax for the value of certain rental subsidies.

BY repealing and reenacting, without amendments,

Article – Tax – General

Section 10–207(a)

Annotated Code of Maryland

(2016 Replacement Volume and 2019 Supplement)

BY adding to

Article – Tax – General

Section 10–207(hh)

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 – Tax – General**

10–207.

(a) To the extent included in federal adjusted gross income, the amounts under this section are subtracted from the federal adjusted gross income of a resident to determine Maryland adjusted gross income.

**(HH) THE SUBTRACTION UNDER SUBSECTION (A) OF THIS SECTION INCLUDES THE VALUE OF A SUBSIDY FOR RENTAL EXPENSES RECEIVED BY A RESIDENT OF HOWARD COUNTY UNDER THE “LIVE WHERE YOU WORK” PROGRAM OF THE DOWNTOWN COLUMBIA PLAN.**

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 483**

**(House Bill 1514)**

AN ACT concerning

**State Personnel and Pensions – Maryland Whistleblower Law – Department of  
Juvenile Services Employees**

FOR the purpose of requiring the Secretary of Juvenile Services to take certain actions related to certain protections and remedies for certain employees; prohibiting a supervisor, appointing authority, or the head of a principal unit of State government from taking or refusing to take any personnel action or reprisal against an employee of the Department of Juvenile Services who discloses certain information to the Director of Juvenile Justice Monitoring or staff of the Juvenile Justice Monitoring Unit; making a certain prohibition against retaliation against certain employees who seek certain remedies provided under certain provisions of law applicable to employees of the Department who seek certain remedies following certain disclosures under this Act; and generally relating to the Maryland Whistleblower Law and employees of the Department of Juvenile Services.

BY repealing and reenacting, without amendments,  
 Article – State Government  
 Section 6–404(1)  
 Annotated Code of Maryland  
 (2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
 Article – State Personnel and Pensions  
 Section 5–304 and 5–305  
 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 Government**

6–404.

The Unit shall:

- (1) evaluate at each facility:
  - (i) the child advocacy grievance process;
  - (ii) the Department’s monitoring process;
  - (iii) the treatment of and services to youth;
  - (iv) the physical conditions of the facility; and
  - (v) the adequacy of staffing;

**Article – State Personnel and Pensions**

5–304.

(A) The head of each principal unit shall provide the employees of the unit with written notice of the protections and remedies provided by this subtitle.

**(B) IN ADDITION TO THE REQUIREMENT SPECIFIED IN SUBSECTION (A) OF THIS SECTION, THE SECRETARY OF JUVENILE SERVICES SHALL:**

**(1) PROVIDE ALL EMPLOYEES OF THE DEPARTMENT OF JUVENILE SERVICES WITH WRITTEN NOTICE OF THE PROTECTIONS AND REMEDIES PROVIDED BY § 5–305(2) AND (3) OF THIS SUBTITLE; AND**

**(2) INCLUDE INFORMATION ON THE PROTECTIONS AND REMEDIES PROVIDED BY § 5–305(2) AND (3) OF THIS SUBTITLE IN THE DEPARTMENT’S EMPLOYEE HANDBOOK AND IN ANY NEW EMPLOYEE ORIENTATION OR TRAINING.**

5–305.

Subject to the limitations of § 5–306 of this subtitle, a supervisor, appointing authority, or the head of a principal unit may not take or refuse to take any personnel action as a reprisal against [an employee who]:

(1) **AN EMPLOYEE WHO** discloses information that the employee reasonably believes evidences:

- (i) an abuse of authority, gross mismanagement, or gross waste of money;
- (ii) a substantial and specific danger to public health or safety; or
- (iii) a violation of law; [or]

**(2) AN EMPLOYEE OF THE DEPARTMENT OF JUVENILE SERVICES WHO DISCLOSES INFORMATION TO THE DIRECTOR OF JUVENILE JUSTICE MONITORING OR STAFF OF THE JUVENILE JUSTICE MONITORING UNIT RELATING TO THE UNIT’S DUTIES UNDER § 6–404(1) OF THE STATE GOVERNMENT ARTICLE; OR**

**[(2)] (3) AN EMPLOYEE WHO**, following a disclosure under item (1) **OR (2)** of this section, seeks a remedy provided under this subtitle or any other law or policy governing the employee’s unit.

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 484

### (House Bill 1539)

AN ACT concerning

#### Grant Applications and Reporting – Uniform Forms and Requirements

FOR the purpose of establishing the Maryland Efficient Grant Application Council; providing for the composition, chair, and staffing of the Council; establishing the terms of certain members of the Council; prohibiting a member of the Council from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Council to advise the Governor's Grants Office and the ~~Board of Public Works~~ Department of Budget and Management regarding certain matters; requiring the Council to monitor and report on certain matters; requiring the Council to study and make recommendations to the Governor's Grants Office and the ~~Board Department~~ Department regarding the grants life cycle, including the creation of certain materials for use by certain grant-making agencies, grant applicants, and grant recipients, certain regulations, and certain recommended timelines and deadlines; requiring the Council to solicit the input of certain stakeholders and ~~authorizing the Council to establish certain working groups; requiring the Board to adopt by regulation a certain uniform grant application form, uniform financial controls and reporting requirements, and uniform performance progress reporting requirements on or before a certain date; requiring the uniform grant application form, uniform financial controls and reporting requirements, and uniform progress reporting requirements to be based on recommendations of the Council and, to the greatest extent practicable, be consistent with certain federal guidance and related forms; requiring the Board to adopt certain portions of a certain guidance on or before certain dates; requiring a certain agency that awards certain grant funds to administer grants in a certain manner on or after a certain date; authorizing a certain agency to apply for an exception to a certain requirement under certain circumstances; requiring the Board, in consultation with the Council and the Governor's Grants Office, to adopt regulations governing the consideration and approval of certain requests~~ Council to submit a certain report to the Department and the General Assembly on or before a certain date; requiring a certain State agency to appoint a certain Chief Accountability Officer on or before a certain date; requiring the Governor's Grants Office to provide technical assistance and interpretations of policy requirements for certain purposes; providing that the provisions of this Act and any regulations adopted under this Act supersede certain conflicting regulations; defining a certain term certain terms; requiring the Board and the Governor's Grants Office to jointly Department to report to the General Assembly on or before a certain date certain dates; specifying the terms of the initial

members of the Council; providing for the termination of this Act; and generally relating to the development and adoption of a uniform grant application form, uniform financial controls and reporting requirements, and uniform progress reporting requirements.

BY adding to

Article – State Finance and Procurement

Section 2–209 and 2–210

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**

**2–209.**

(A) IN THIS SECTION, “COUNCIL” MEANS THE MARYLAND EFFICIENT GRANT APPLICATION COUNCIL.

(B) THERE IS A MARYLAND EFFICIENT GRANT APPLICATION COUNCIL.

(C) (1) THE COUNCIL CONSISTS OF THE FOLLOWING MEMBERS:

(I) THE DIRECTOR OF THE GOVERNOR’S GRANTS OFFICE OR THE DIRECTOR’S DESIGNEE;

(II) THE CHIEF PROCUREMENT OFFICER OR THE CHIEF PROCUREMENT OFFICER’S DESIGNEE;

(III) THE STATE TREASURER OR THE STATE TREASURER’S DESIGNEE;

(IV) THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL’S DESIGNEE;

(V) THE SECRETARY OF BUDGET AND MANAGEMENT OR THE SECRETARY’S DESIGNEE;

(VI) THE SECRETARY OF HEALTH OR THE SECRETARY’S DESIGNEE;

(VII) THE SECRETARY OF HUMAN SERVICES OR THE SECRETARY’S DESIGNEE;



(VIII) THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT OR THE SECRETARY'S DESIGNEE;

(IX) THE SECRETARY OF AGRICULTURE, OR THE SECRETARY'S DESIGNEE;

(X) THE SECRETARY OF THE ENVIRONMENT, OR THE SECRETARY'S DESIGNEE;

(XI) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE STATE SUPERINTENDENT'S DESIGNEE;

(XII) THE DIRECTOR OF THE MARYLAND ENERGY ADMINISTRATION, OR THE DIRECTOR'S DESIGNEE;

~~(IX)~~ (XIII) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

~~(X) ONE MEMBER OF THE SENATE, APPOINTED BY THE PRESIDENT OF THE SENATE;~~

~~(XI) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE; AND~~

(XIV) THE CHAIR OF THE MARYLAND HIGHER EDUCATION COMMISSION, OR THE CHAIR'S DESIGNEE;

(XV) THE SECRETARY OF NATURAL RESOURCES, OR THE SECRETARY'S DESIGNEE;

~~(XV)~~ (XVI) A REPRESENTATIVE FROM THE MARYLAND ASSOCIATION OF COUNTIES;

~~(XVI)~~ (XVII) A REPRESENTATIVE FROM THE MARYLAND MUNICIPAL LEAGUE;

~~(XII)~~ ~~(XVII)~~ (XVIII) FOUR FIVE REPRESENTATIVES OF PRIVATE NONPROFIT ORGANIZATIONS WITH EXPERIENCE PROVIDING SERVICES FUNDED BY STATE OR FEDERAL GRANTS AND THAT REFLECT THE SIZE AND DIVERSITY OF THE NONPROFIT GRANT RECIPIENTS IN THE STATE, APPOINTED BY THE GOVERNOR;

~~(XVIII)~~ (XIX) ONE REPRESENTATIVE OF A PRIVATE NONPROFIT ORGANIZATION, APPOINTED BY THE PRESIDENT OF THE SENATE; AND

~~(XIX)~~ (XX) ONE REPRESENTATIVE OF A PRIVATE NONPROFIT ORGANIZATION, APPOINTED BY THE SPEAKER OF THE HOUSE.

(2) (I) THIS PARAGRAPH APPLIES TO MEMBERS OF THE COUNCIL APPOINTED UNDER PARAGRAPH ~~(1)(XII)~~ ~~(1)(XVII)~~ (1)(XVIII) OF THIS SUBSECTION.

(II) THE TERM OF A MEMBER IS 4 YEARS.

(III) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COUNCIL ON JULY 1, 2020.

(IV) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(V) 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.

(VI) THE GOVERNOR MAY REMOVE A MEMBER FOR NEGLECT OF DUTY, INCOMPETENCE, OR MISCONDUCT.

(D) THE DIRECTOR OF THE GOVERNOR'S GRANTS OFFICE OR THE DIRECTOR'S DESIGNEE SHALL SERVE AS CHAIR OF THE COUNCIL.

(E) THE STAFFING RESPONSIBILITIES OF THE COUNCIL SHALL BE SHARED BY THE AGENCIES REPRESENTED ON THE COUNCIL.

(F) A MEMBER OF THE COUNCIL:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COUNCIL; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(G) THE COUNCIL SHALL:

(1) ADVISE THE GOVERNOR'S GRANTS OFFICE AND THE ~~BOARD OF PUBLIC WORKS~~ DEPARTMENT OF BUDGET AND MANAGEMENT ON THE IMPLEMENTATION OF ~~§ 2-110~~ 2-210 OF THIS SUBTITLE; AND

(2) MONITOR AND REPORT TO THE GOVERNOR'S GRANTS OFFICE AND THE ~~BOARD OF PUBLIC WORKS~~ DEPARTMENT OF BUDGET AND MANAGEMENT ON THE STATE'S PROGRESS TOWARD IMPLEMENTING § ~~2-110~~ 2-210 OF THIS SUBTITLE.

2-210.

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

~~(2) "BOARD" MEANS THE BOARD OF PUBLIC WORKS.~~

~~(2)~~ (2) "COUNCIL" MEANS THE MARYLAND EFFICIENT GRANT APPLICATION COUNCIL ESTABLISHED UNDER § 2-209 OF THIS SUBTITLE.

(3) "DEPARTMENT" MEANS THE DEPARTMENT OF BUDGET AND MANAGEMENT.

(4) (I) "GRANT" MEANS A LEGAL INSTRUMENT OF FINANCIAL ASSISTANCE BETWEEN A STATE GRANT-MAKING ENTITY AND A NON-STATE ENTITY THAT IS:

1. USED TO ENTER INTO A RELATIONSHIP THE PRINCIPAL PURPOSE OF WHICH IS TO TRANSFER ANYTHING OF VALUE FROM THE GRANT-MAKING ENTITY TO THE GRANT RECIPIENT TO CARRY OUT A PUBLIC PURPOSE AUTHORIZED BY LAW AND NOT TO ACQUIRE PROPERTY OR SERVICES FOR THE DIRECT BENEFIT OR USE OF THE GRANT-MAKING ENTITY; AND

2. DISTINGUISHED FROM A COOPERATIVE AGREEMENT IN THAT IT DOES NOT PROVIDE FOR SUBSTANTIAL INVOLVEMENT BETWEEN THE GRANT-MAKING ENTITY AND THE GRANT RECIPIENT IN CARRYING OUT THE ACTIVITY CONTEMPLATED BY THE AWARD.

(II) "GRANT" DOES NOT INCLUDE AN INSTRUMENT THAT PROVIDES ONLY:

1. DIRECT GOVERNMENT CASH ASSISTANCE TO AN INDIVIDUAL;

2. A SUBSIDY;

3. A LOAN;

4. A LOAN GUARANTEE;

**5. INSURANCE;**

**6. GRANTS MADE BY THE STATE HIGHER EDUCATION SYSTEM, THE CAPITAL BUDGET, THE DEPARTMENT OF TRANSPORTATION, OR THE MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION;**

**7. BUSINESS DEVELOPMENT GRANTS MADE BY THE DEPARTMENT OF COMMERCE; OR**

**8. ANY STATE FUNDING THAT IS REQUIRED ANNUALLY AND IS CALCULATED THROUGH A FORMULA SET IN STATUTE.**

**~~(4)~~ (5) “GRANT APPLICATION FORM” MEANS A GRANT APPLICATION TEMPLATE AND RELATED MATERIALS REQUIRED TO BE SUBMITTED BY GRANT APPLICANTS, INCLUDING:**

- (I) REQUIRED ORGANIZATIONAL MATERIALS; AND**
- (II) PROPOSED BUDGET CATEGORIES AND LINE ITEMS.**

**~~(5)~~ (6) “UNIFORM GUIDANCE” MEANS THE OFFICE OF MANAGEMENT AND BUDGET UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS, 2 C.F.R. PART 200.**

**(B) (1) ~~THE~~ IN ORDER TO IMPROVE EFFICIENCY, STREAMLINE AND REDUCE REDUNDANT PROCESSES, REDUCE PAPERWORK AND ADMINISTRATIVE BURDENS ON BOTH GRANTING AGENCIES AND GRANT RECIPIENTS, AND FACILITATE DEVELOPMENT AND IMPLEMENTATION OF A STATEWIDE CENTRALIZED GRANTS MANAGEMENT AND ACCOUNTABILITY SYSTEM, THE COUNCIL SHALL STUDY AND MAKE RECOMMENDATIONS TO THE GOVERNOR’S GRANTS OFFICE AND THE ~~BOARD DEPARTMENT~~ REGARDING THE ENTIRE GRANTS LIFE CYCLE, INCLUDING:**

**(I) THE CREATION OF THE FOLLOWING MATERIALS FOR USE BY GRANT-MAKING AGENCIES, GRANT APPLICANTS, AND GRANT RECIPIENTS IN THE STATE:**

- ~~(I)~~ 1. A UNIFORM GRANT APPLICATION FORM;**
- ~~(II)~~ 2. UNIFORM FINANCIAL CONTROLS AND REPORTING REQUIREMENTS FOR GRANT RECIPIENTS; AND**

~~(HH)~~ 3. UNIFORM PERFORMANCE PROGRESS REPORTING REQUIREMENTS FOR GRANT RECIPIENTS;

(II) REGULATIONS ADOPTING EACH PART OF THE UNIFORM GUIDANCE, WITH APPROPRIATE MODIFICATIONS FOR ITS APPLICATION TO GRANT-MAKING ENTITIES IN THE STATE, INCLUDING MODIFICATIONS OR VARIANCES BASED ON THE SCOPE OR SIZE OF PARTICULAR GRANT PROGRAMS, GRANT-MAKING ENTITIES, OR GRANTEES;

(III) RECOMMENDED TIMEFRAMES AND DEADLINES FOR THE VARIOUS TASKS INCLUDED IN ITEMS (I) AND (II) OF THIS PARAGRAPH;

(IV) RECOMMENDED DEADLINES FOR USE AND IMPLEMENTATION BY THE VARIOUS GRANT-MAKING ENTITIES OF THE MATERIALS PREPARED IN ACCORDANCE WITH ITEM (I) OF THIS PARAGRAPH; AND

(V) RECOMMENDED DEADLINES FOR GRANT-MAKING ENTITIES TO ADMINISTER STATE AND FEDERAL GRANTS IN ACCORDANCE WITH THE PROVISIONS OF PARTS OF UNIFORM GUIDANCE AS ADOPTED BY THE DEPARTMENT BY REGULATION.

(2) IN DEVELOPING MATERIALS AND RECOMMENDATIONS UNDER THIS SUBSECTION, THE COUNCIL SHALL:

(I) ~~SHALL~~ SOLICIT THE INPUT OF DIVERSE STAKEHOLDERS, INCLUDING GRANT-MAKING AGENCIES AND ORGANIZATIONS REPRESENTING LOCAL GOVERNMENTS, GRANT PROFESSIONALS, EXPERTS IN NONPROFIT ACCOUNTING AND AUDITING, AND NONPROFIT SERVICE PROVIDERS; AND

(II) ~~MAY~~ ESTABLISH ONE OR MORE ~~STAKEHOLDER~~ ISSUE WORKING GROUPS ~~TO~~, COMPOSED OF STAKEHOLDERS REPRESENTING DIVERSE BACKGROUNDS APPROPRIATE TO THE CHARGE OF EACH WORKGROUP, AND ALSO REFLECTING THE DEMOGRAPHIC DIVERSITY OF THE STATE AND THE DIVERSITY OF GRANT PROGRAMS AND GRANT RECIPIENTS, INCLUDING ARTS, HISTORY, AND SOCIAL SERVICE, TO PARTICIPATE IN AND FACILITATE THE PROCESS OF DEVELOPING RECOMMENDATIONS.

~~(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON OR BEFORE JULY 1, 2021, THE BOARD SHALL, BY REGULATION, ADOPT:~~

~~(I) A UNIFORM GRANT APPLICATION FORM;~~

~~(H) UNIFORM FINANCIAL CONTROLS AND REPORTING REQUIREMENTS FOR GRANT RECIPIENTS; AND~~

~~(H) UNIFORM PERFORMANCE PROGRESS REPORTING REQUIREMENTS FOR GRANT RECIPIENTS.~~

~~(2) THE UNIFORM GRANT APPLICATION FORM, UNIFORM FINANCIAL CONTROLS AND REPORTING REQUIREMENTS, AND UNIFORM PERFORMANCE PROGRESS REPORTING REQUIREMENTS ADOPTED UNDER THIS SUBSECTION SHALL:~~

~~(I) BE BASED ON RECOMMENDATIONS OF THE COUNCIL DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION; AND~~

~~(II) TO THE GREATEST EXTENT PRACTICABLE, BE CONSISTENT WITH THE UNIFORM GUIDANCE AND RELATED FORMS ADOPTED BY THE OFFICE OF MANAGEMENT AND BUDGET.~~

~~(D) (1) ON OR BEFORE JULY 1, 2022, THE BOARD SHALL ADOPT REGULATIONS THAT ADOPT PARTS A THROUGH E OF THE UNIFORM GUIDANCE FOR ALL STATE AND LOCAL AGENCIES THAT AWARD STATE OR FEDERAL GRANT FUNDS.~~

~~(2) ON OR BEFORE JULY 1, 2024, THE BOARD SHALL ADOPT REGULATIONS THAT ADOPT THE UNIFORM GUIDANCE IN ITS ENTIRETY FOR ALL STATE AND LOCAL AGENCIES THAT AWARD STATE OR FEDERAL GRANT FUNDS.~~

~~(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, ON OR AFTER JULY 1, 2022, ANY STATE OR LOCAL AGENCY THAT AWARDS STATE OR FEDERAL GRANT FUNDS SHALL:~~

~~(I) USE THE UNIFORM GRANT APPLICATION FORM RECOMMENDED BY THE COUNCIL AND ADOPTED BY THE BOARD UNDER SUBSECTION (C) OF THIS SECTION;~~

~~(II) REQUIRE GRANT RECIPIENTS TO MAKE ANNUAL REPORTS IN ACCORDANCE WITH THE UNIFORM FINANCIAL CONTROLS AND REPORTING REQUIREMENTS AND UNIFORM PERFORMANCE PROGRESS REPORTING REQUIREMENTS ADOPTED UNDER SUBSECTION (C) OF THIS SECTION; AND~~

~~(III) ADMINISTER STATE AND FEDERAL GRANTS IN ACCORDANCE WITH PARTS A THROUGH E OF THE UNIFORM GUIDANCE, AS ADOPTED IN REGULATIONS OF THE BOARD.~~

~~(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, ON OR AFTER JULY 1, 2024, EACH STATE AND LOCAL GRANT MAKING AGENCY SHALL ADMINISTER STATE AND FEDERAL GRANTS IN ACCORDANCE WITH THE~~

~~ENTIRETY OF THE UNIFORM GUIDANCE, AS ADOPTED IN REGULATIONS OF THE BOARD.~~

~~(3) (I) IF A REQUIREMENT OF THIS SUBSECTION OR OF REGULATIONS ADOPTED UNDER THIS SUBSECTION WOULD CONFLICT WITH APPLICABLE FEDERAL REQUIREMENTS OR POSE AN UNDUE BURDEN ON A GRANT-MAKING AGENCY, GRANT APPLICANT, OR GRANT RECIPIENT WHEN APPLIED TO A PARTICULAR GRANT PROGRAM, THE STATE OR LOCAL AGENCY THAT ADMINISTERS THE GRANT PROGRAM MAY APPLY FOR AN EXCEPTION TO THE REQUIREMENT.~~

~~(II) THE BOARD, IN CONSULTATION WITH THE COUNCIL AND THE GOVERNOR'S GRANTS OFFICE, SHALL ADOPT REGULATIONS GOVERNING THE CONSIDERATION AND APPROVAL OF REQUESTS FOR EXCEPTIONS UNDER THIS PARAGRAPH, INCLUDING WHICH ENTITIES SHALL BE RESPONSIBLE FOR CONSIDERING REQUESTS REGARDING PARTICULAR GRANT PROGRAMS.~~

(C) ON OR BEFORE JULY 1, 2024, THE COUNCIL SHALL SUBMIT A REPORT ON ITS FULL RECOMMENDATIONS AS REQUIRED BY SUBSECTION (B)(1) OF THIS SECTION TO THE DEPARTMENT AND THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE.

~~(F)~~ (D) ON OR BEFORE OCTOBER 1, 2020, EACH STATE GRANT-MAKING AGENCY SHALL APPOINT A CHIEF ACCOUNTABILITY OFFICER WHO SHALL:

(1) SERVE AS A LIAISON TO THE COUNCIL AND THE GOVERNOR'S GRANTS OFFICE; AND

(2) BE RESPONSIBLE FOR THE AGENCY'S ~~IMPLEMENTATION OF AND COMPLIANCE WITH REGULATIONS ADOPTED~~ REPRESENTATION AND PARTICIPATION IN THE PROCESS ESTABLISHED UNDER THIS SECTION.

~~(G)~~ (E) THE GOVERNOR'S GRANTS OFFICE SHALL PROVIDE TECHNICAL ASSISTANCE AND INTERPRETATIONS OF POLICY REQUIREMENTS IN ORDER TO ENSURE THE EFFECTIVE AND EFFICIENT IMPLEMENTATION OF THIS SECTION ~~BY STATE AND LOCAL GRANT-MAKING AGENCIES.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act and any regulations adopted under this Act shall supersede any conflicting State regulations regarding requirements for grant applications, financial controls and reporting, or performance progress reporting.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That on or before December 31, 2021, the Board of Public Works and the Governor's Grants Office shall jointly report to the~~

~~General Assembly, in accordance with § 2-1257 of the State Government Article, on the implementation of this Act.~~

SECTION 2. AND BE IT FURTHER ENACTED, That, in accordance with § 2-1257 of the State Government Article, the Department of Budget and Management shall:

(1) on or before December 31, 2021, report to the General Assembly on the implementation of this Act, including the timelines and deadlines recommended by the Maryland Efficient Grant Application Council in accordance with § 2-210(b)(1)(iii) of the State Finance and Procurement Article, as enacted by Section 1 of this Act; and

(2) on or before December 31 of the calendar years 2022 through 2026, report to the General Assembly on the progress of the implementation of this Act, including any recommendations of the Maryland Efficient Grant Application Council.

~~SECTION 3.~~ SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial members appointed to the Maryland Efficient Grant Application Council by the Governor shall expire as follows:

(1) two members in 2022; and

(2) ~~two~~ three members in 2024.

~~SECTION 4.~~ SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020. It shall remain effective for a period of 5 years and, at the end of June 30, 2025, 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 485

(Senate Bill 630)

AN ACT concerning

### **Grant Applications and Reporting – Uniform Forms and Requirements**

FOR the purpose of establishing the Maryland Efficient Grant Application Council; providing for the composition, chair, and staffing of the Council; establishing the terms of certain members of the Council; prohibiting a member of the Council from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Council to advise the Governor's Grants Office and the ~~Board of Public Works~~ Department of Budget and Management regarding certain matters; requiring the Council to monitor and report on certain matters; requiring the Council



to study and make recommendations to the Governor's Grants Office and the ~~Board Department~~ regarding the grants life cycle, including the creation of certain materials for use by certain grant-making agencies, grant applicants, and grant recipients, ~~certain regulations, and certain recommended timelines and deadlines; requiring the Council to solicit the input of certain stakeholders and authorizing the Council to establish certain working groups; requiring the Board to adopt by regulation a certain uniform grant application form, uniform financial controls and reporting requirements, and uniform performance progress reporting requirements on or before a certain date; requiring the uniform grant application form, uniform financial controls and reporting requirements, and uniform progress reporting requirements to be based on recommendations of the Council and, to the greatest extent practicable, be consistent with certain federal guidance and related forms; requiring the Board to adopt certain portions of a certain guidance on or before certain dates; requiring a certain agency that awards certain grant funds to administer grants in a certain manner on or after a certain date; authorizing a certain agency to apply for an exception to a certain requirement under certain circumstances; requiring the Board, in consultation with the Council and the Governor's Grants Office, to adopt regulations governing the consideration and approval of certain requests~~ Council to submit a certain report to the Department and the General Assembly on or before a certain date; requiring a certain State agency to appoint a ~~certain~~ Chief Accountability Officer on or before a certain date; requiring the Governor's Grants Office to provide technical assistance and interpretations of policy requirements for certain purposes; ~~providing that the provisions of this Act and any regulations adopted under this Act supersede certain conflicting regulations; defining a certain term~~ certain terms; requiring the ~~Board and the Governor's Grants Office to jointly~~ Department to report to the General Assembly on or before a certain date certain dates; specifying the terms of the initial members of the Council; providing for the termination of this Act; and generally relating to the development and adoption of a uniform grant application form, uniform financial controls and reporting requirements, and uniform progress reporting requirements.

BY adding to

Article – State Finance and Procurement  
 Section 2–209 and 2–210  
 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

#### 2–209.

(A) IN THIS SECTION, “COUNCIL” MEANS THE MARYLAND EFFICIENT GRANT APPLICATION COUNCIL.

(B) THERE IS A MARYLAND EFFICIENT GRANT APPLICATION COUNCIL.

(C) (1) THE COUNCIL CONSISTS OF THE FOLLOWING MEMBERS:

(I) THE DIRECTOR OF THE GOVERNOR'S GRANTS OFFICE OR THE DIRECTOR'S DESIGNEE;

(II) THE CHIEF PROCUREMENT OFFICER OR THE CHIEF PROCUREMENT OFFICER'S DESIGNEE;

(III) THE STATE TREASURER OR THE STATE TREASURER'S DESIGNEE;

(IV) THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL'S DESIGNEE;

(V) THE SECRETARY OF BUDGET AND MANAGEMENT OR THE SECRETARY'S DESIGNEE;

(VI) THE SECRETARY OF HEALTH OR THE SECRETARY'S DESIGNEE;

(VII) THE SECRETARY OF HUMAN SERVICES OR THE SECRETARY'S DESIGNEE;

(VIII) THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT OR THE SECRETARY'S DESIGNEE;

(IX) THE SECRETARY OF AGRICULTURE, OR THE SECRETARY'S DESIGNEE;

(X) THE SECRETARY OF THE ENVIRONMENT, OR THE SECRETARY'S DESIGNEE;

(XI) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE STATE SUPERINTENDENT'S DESIGNEE;

(XII) THE DIRECTOR OF THE MARYLAND ENERGY ADMINISTRATION, OR THE DIRECTOR'S DESIGNEE;

~~(IX)~~ (XIII) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

~~(X) (XIV) ONE MEMBER OF THE SENATE, APPOINTED BY THE PRESIDENT OF THE SENATE;~~

~~(XI) (XV) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE; AND~~

(XIV) THE CHAIR OF THE MARYLAND HIGHER EDUCATION COMMISSION, OR THE CHAIR'S DESIGNEE;

(XV) THE SECRETARY OF NATURAL RESOURCES, OR THE SECRETARY'S DESIGNEE;

~~(XVI) (XV) (XVI)~~ A REPRESENTATIVE FROM THE MARYLAND ASSOCIATION OF COUNTIES;

~~(XVII) (XVI) (XVII)~~ A REPRESENTATIVE FROM THE MARYLAND MUNICIPAL LEAGUE; AND

~~(XII) (XVIII) (XVII) (XVIII)~~ FOUR FIVE REPRESENTATIVES OF PRIVATE NONPROFIT ORGANIZATIONS WITH EXPERIENCE PROVIDING SERVICES FUNDED BY STATE OR FEDERAL GRANTS AND THAT REFLECT THE SIZE AND DIVERSITY OF THE NONPROFIT GRANT RECIPIENTS IN THE STATE, APPOINTED BY THE GOVERNOR;

~~(XVIII) (XIX)~~ ONE REPRESENTATIVE OF A PRIVATE NONPROFIT ORGANIZATION, APPOINTED BY THE PRESIDENT OF THE SENATE; AND

~~(XIV) (XX)~~ ONE REPRESENTATIVE OF A PRIVATE NONPROFIT ORGANIZATION, APPOINTED BY THE SPEAKER OF THE HOUSE.

(2) (I) THIS PARAGRAPH APPLIES TO MEMBERS OF THE COUNCIL APPOINTED UNDER PARAGRAPH ~~(1)(XII)~~ (1)(XVIII) ~~(1)(XVII)~~ (1)(XVIII) OF THIS SUBSECTION.

(II) THE TERM OF A MEMBER IS 4 YEARS.

(III) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COUNCIL ON JULY 1, 2020.

(IV) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(V) 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.

(VI) THE GOVERNOR MAY REMOVE A MEMBER FOR NEGLECT OF DUTY, INCOMPETENCE OR MISCONDUCT.

(D) THE DIRECTOR OF THE GOVERNOR'S GRANTS OFFICE OR THE DIRECTOR'S DESIGNEE SHALL SERVE AS CHAIR OF THE COUNCIL.

(E) THE STAFFING RESPONSIBILITIES OF THE COUNCIL SHALL BE SHARED BY THE AGENCIES REPRESENTED ON THE COUNCIL.

(F) A MEMBER OF THE COUNCIL:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COUNCIL; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(G) THE COUNCIL SHALL:

(1) ADVISE THE GOVERNOR'S GRANTS OFFICE AND THE ~~BOARD OF PUBLIC WORKS~~ DEPARTMENT OF BUDGET AND MANAGEMENT ON THE IMPLEMENTATION OF ~~§ 2-110~~ 2-210 OF THIS SUBTITLE; AND

(2) MONITOR AND REPORT TO THE GOVERNOR'S GRANTS OFFICE AND THE ~~BOARD OF PUBLIC WORKS~~ DEPARTMENT OF BUDGET AND MANAGEMENT ON THE STATE'S PROGRESS TOWARDS IMPLEMENTING ~~§ 2-110~~ 2-210 OF THIS SUBTITLE.

2-210.

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

~~(2) "BOARD" MEANS THE BOARD OF PUBLIC WORKS.~~

~~(3)~~ (2) "COUNCIL" MEANS THE MARYLAND EFFICIENT GRANT APPLICATION COUNCIL ESTABLISHED UNDER § 2-209 OF THIS SUBTITLE.

(3) "DEPARTMENT" MEANS THE DEPARTMENT OF BUDGET AND MANAGEMENT.

**(4) (I) “GRANT” MEANS A LEGAL INSTRUMENT OF FINANCIAL ASSISTANCE BETWEEN A STATE GRANT-MAKING ENTITY AND A NON-STATE ENTITY THAT IS:**

**1. USED TO ENTER INTO A RELATIONSHIP THE PRINCIPAL PURPOSE OF WHICH IS TO TRANSFER ANYTHING OF VALUE FROM THE GRANT-MAKING ENTITY TO THE GRANT RECIPIENT TO CARRY OUT A PUBLIC PURPOSE AUTHORIZED BY LAW AND NOT TO ACQUIRE PROPERTY OR SERVICES FOR THE DIRECT BENEFIT OR USE OF THE GRANT-MAKING ENTITY; AND**

**2. DISTINGUISHED FROM A COOPERATIVE AGREEMENT IN THAT IT DOES NOT PROVIDE FOR SUBSTANTIAL INVOLVEMENT BETWEEN THE GRANT-MAKING ENTITY AND THE GRANT RECIPIENT IN CARRYING OUT THE ACTIVITY CONTEMPLATED BY THE AWARD.**

**(II) “GRANT” DOES NOT INCLUDE AN INSTRUMENT THAT PROVIDES ONLY:**

**1. DIRECT GOVERNMENT CASH ASSISTANCE TO AN INDIVIDUAL;**

**2. A SUBSIDY;**

**3. A LOAN;**

**4. A LOAN GUARANTEE;**

**5. INSURANCE;**

**6. GRANTS MADE BY THE STATE HIGHER EDUCATION SYSTEM, THE CAPITAL BUDGET, THE DEPARTMENT OF TRANSPORTATION, OR THE MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION;**

**7. BUSINESS DEVELOPMENT GRANTS MADE BY THE DEPARTMENT OF COMMERCE; OR**

**8. ANY STATE FUNDING THAT IS REQUIRED ANNUALLY AND IS CALCULATED THROUGH A FORMULA SET IN STATUTE.**

**(4) (5) “GRANT APPLICATION FORM” MEANS A GRANT APPLICATION TEMPLATE AND RELATED MATERIALS REQUIRED TO BE SUBMITTED BY GRANT APPLICANTS, INCLUDING:**

- (I) REQUIRED ORGANIZATIONAL MATERIALS; AND
- (II) PROPOSED BUDGET CATEGORIES AND LINE ITEMS.

~~(5)~~ (6) “UNIFORM GUIDANCE” MEANS THE OFFICE OF MANAGEMENT AND BUDGET UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS, 2 C.F.R. PART 200.

(B) (1) ~~THE~~ IN ORDER TO IMPROVE EFFICIENCY, STREAMLINE AND REDUCE REDUNDANT PROCESSES, REDUCE PAPERWORK AND ADMINISTRATIVE BURDENS ON BOTH GRANTING AGENCIES AND GRANT RECIPIENTS, AND FACILITATE DEVELOPMENT AND IMPLEMENTATION OF A STATEWIDE CENTRALIZED GRANTS MANAGEMENT AND ACCOUNTABILITY SYSTEM, THE COUNCIL SHALL STUDY AND MAKE RECOMMENDATIONS TO THE GOVERNOR’S GRANTS OFFICE AND THE ~~BOARD DEPARTMENT~~ REGARDING THE ENTIRE GRANTS LIFE CYCLE, INCLUDING:

(I) THE CREATION OF THE FOLLOWING MATERIALS FOR USE BY GRANT-MAKING AGENCIES, GRANT APPLICANTS, AND GRANT RECIPIENTS IN THE STATE:

~~(I)~~ 1. A UNIFORM GRANT APPLICATION FORM;

~~(II)~~ 2. UNIFORM FINANCIAL CONTROLS AND REPORTING REQUIREMENTS FOR GRANT RECIPIENTS; AND

~~(III)~~ 3. UNIFORM PERFORMANCE PROGRESS REPORTING REQUIREMENTS FOR GRANT RECIPIENTS;

(II) REGULATIONS ADOPTING EACH PART OF THE UNIFORM GUIDANCE, WITH APPROPRIATE MODIFICATIONS FOR ITS APPLICATION TO GRANT-MAKING ENTITIES IN THE STATE, INCLUDING MODIFICATIONS OR VARIANCES BASED ON THE SCOPE OR SIZE OF PARTICULAR GRANT PROGRAMS, GRANT-MAKING ENTITIES, OR GRANTEES;

(III) RECOMMENDED TIMEFRAMES AND DEADLINES FOR THE VARIOUS TASKS INCLUDED IN ITEMS (I) AND (II) OF THIS PARAGRAPH;

(IV) RECOMMENDED DEADLINES FOR USE AND IMPLEMENTATION BY THE VARIOUS GRANT-MAKING ENTITIES OF THE MATERIALS PREPARED IN ACCORDANCE WITH ITEM (I) OF THIS PARAGRAPH; AND

(V) RECOMMENDED DEADLINES FOR GRANT-MAKING ENTITIES TO ADMINISTER STATE AND FEDERAL GRANTS IN ACCORDANCE WITH THE

PROVISIONS OF PARTS OF UNIFORM GUIDANCE AS ADOPTED BY THE DEPARTMENT BY REGULATION.

(2) IN DEVELOPING MATERIALS AND RECOMMENDATIONS UNDER THIS SUBSECTION, THE COUNCIL SHALL:

(I) ~~SHALL~~ SOLICIT THE INPUT OF DIVERSE STAKEHOLDERS, INCLUDING GRANT-MAKING AGENCIES AND ORGANIZATIONS REPRESENTING LOCAL GOVERNMENTS, GRANT PROFESSIONALS, EXPERTS IN NONPROFIT ACCOUNTING AND AUDITING, AND NONPROFIT SERVICE PROVIDERS; AND

(II) ~~MAY~~ ESTABLISH ONE OR MORE ~~STAKEHOLDER~~ ISSUE WORKING GROUPS ~~TO~~, COMPOSED OF STAKEHOLDERS REPRESENTING DIVERSE BACKGROUNDS APPROPRIATE TO THE CHARGE OF EACH WORKGROUP, AND ALSO REFLECTING THE DEMOGRAPHIC DIVERSITY OF THE STATE AND THE DIVERSITY OF GRANT PROGRAMS AND GRANT RECIPIENTS, INCLUDING ARTS, HISTORY, AND SOCIAL SERVICE, TO PARTICIPATE IN AND FACILITATE THE PROCESS OF DEVELOPING RECOMMENDATIONS.

~~(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON OR BEFORE JULY 1, 2021, THE BOARD SHALL, BY REGULATION, ADOPT:~~

~~(I) A UNIFORM GRANT APPLICATION FORM;~~

~~(II) UNIFORM FINANCIAL CONTROLS AND REPORTING REQUIREMENTS FOR GRANT RECIPIENTS; AND~~

~~(III) UNIFORM PERFORMANCE PROGRESS REPORTING REQUIREMENTS FOR GRANT RECIPIENTS.~~

~~(2) THE UNIFORM GRANT APPLICATION FORM, UNIFORM FINANCIAL CONTROLS AND REPORTING REQUIREMENTS, AND UNIFORM PERFORMANCE PROGRESS REPORTING REQUIREMENTS ADOPTED UNDER THIS SUBSECTION SHALL:~~

~~(I) BE BASED ON RECOMMENDATIONS OF THE COUNCIL DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION; AND~~

~~(II) TO THE GREATEST EXTENT PRACTICABLE, BE CONSISTENT WITH THE UNIFORM GUIDANCE AND RELATED FORMS ADOPTED BY THE OFFICE OF MANAGEMENT AND BUDGET.~~

~~(D) (1) ON OR BEFORE JULY 1, 2022, THE BOARD SHALL ADOPT REGULATIONS THAT ADOPT PARTS A THROUGH E OF THE UNIFORM GUIDANCE FOR ALL STATE AND LOCAL AGENCIES THAT AWARD STATE OR FEDERAL GRANT FUNDS.~~

~~(2) ON OR BEFORE JULY 1, 2024, THE BOARD SHALL ADOPT REGULATIONS THAT ADOPT THE UNIFORM GUIDANCE IN ITS ENTIRETY FOR ALL STATE AND LOCAL AGENCIES THAT AWARD STATE OR FEDERAL GRANT FUNDS.~~

~~(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, ON OR AFTER JULY 1, 2022, ANY STATE OR LOCAL AGENCY THAT AWARDS STATE OR FEDERAL GRANT FUNDS SHALL:~~

~~(I) USE THE UNIFORM GRANT APPLICATION FORM RECOMMENDED BY THE COUNCIL AND ADOPTED BY THE BOARD UNDER SUBSECTION (C) OF THIS SECTION;~~

~~(II) REQUIRE GRANT RECIPIENTS TO MAKE ANNUAL REPORTS IN ACCORDANCE WITH THE UNIFORM FINANCIAL CONTROLS AND REPORTING REQUIREMENTS AND UNIFORM PERFORMANCE PROGRESS REPORTING REQUIREMENTS ADOPTED UNDER SUBSECTION (C) OF THIS SECTION; AND~~

~~(III) ADMINISTER STATE AND FEDERAL GRANTS IN ACCORDANCE WITH PARTS A THROUGH E OF THE UNIFORM GUIDANCE, AS ADOPTED IN REGULATIONS OF THE BOARD.~~

~~(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, ON OR AFTER JULY 1, 2024, EACH STATE AND LOCAL GRANT MAKING AGENCY SHALL ADMINISTER STATE AND FEDERAL GRANTS IN ACCORDANCE WITH THE ENTIRETY OF THE UNIFORM GUIDANCE, AS ADOPTED IN REGULATIONS OF THE BOARD.~~

~~(3) (I) IF A REQUIREMENT OF THIS SUBSECTION OR OF REGULATIONS ADOPTED UNDER THIS SUBSECTION WOULD CONFLICT WITH APPLICABLE FEDERAL REQUIREMENTS OR POSE AN UNDUE BURDEN ON A GRANT MAKING AGENCY, GRANT APPLICANT, OR GRANT RECIPIENT WHEN APPLIED TO A PARTICULAR GRANT PROGRAM, THE STATE OR LOCAL AGENCY THAT ADMINISTERS THE GRANT PROGRAM MAY APPLY FOR AN EXCEPTION TO THE REQUIREMENT.~~

~~(II) THE BOARD, IN CONSULTATION WITH THE COUNCIL AND THE GOVERNOR'S GRANTS OFFICE, SHALL ADOPT REGULATIONS GOVERNING THE CONSIDERATION AND APPROVAL OF REQUESTS FOR EXCEPTIONS UNDER THIS PARAGRAPH, INCLUDING WHICH ENTITIES SHALL BE RESPONSIBLE FOR CONSIDERING REQUESTS REGARDING PARTICULAR GRANT PROGRAMS.~~

~~(C) ON OR BEFORE JULY 1, 2024, THE COUNCIL SHALL SUBMIT A REPORT ON ITS FULL RECOMMENDATIONS AS REQUIRED BY SUBSECTION (B)(1) OF THIS~~



SECTION TO THE DEPARTMENT AND THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE.

~~(F)~~ (D) ON OR BEFORE OCTOBER 1, 2020, EACH STATE GRANT-MAKING AGENCY SHALL APPOINT A CHIEF ACCOUNTABILITY OFFICER WHO SHALL:

(1) SERVE AS A LIAISON TO THE COUNCIL AND THE GOVERNOR'S GRANTS OFFICE; AND

(2) BE RESPONSIBLE FOR THE AGENCY'S ~~IMPLEMENTATION OF AND COMPLIANCE WITH REGULATIONS ADOPTED~~ REPRESENTATION AND PARTICIPATION IN THE PROCESS ESTABLISHED UNDER THIS SECTION.

~~(G)~~ (E) THE GOVERNOR'S GRANTS OFFICE SHALL PROVIDE TECHNICAL ASSISTANCE AND INTERPRETATIONS OF POLICY REQUIREMENTS IN ORDER TO ENSURE THE EFFECTIVE AND EFFICIENT IMPLEMENTATION OF THIS SECTION ~~BY STATE AND LOCAL GRANT-MAKING AGENCIES.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act and any regulations adopted under this Act shall supersede any conflicting State regulations regarding requirements for grant applications, financial controls and reporting, or performance progress reporting.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That on or before December 31, 2021, the Board of Public Works and the Governor's Grants Office shall jointly report to the General Assembly, in accordance with § 2-1257 of the State Government Article, on the implementation of this Act.~~

SECTION 2. AND BE IT FURTHER ENACTED, That, in accordance with § 2-1257 of the State Government Article, the Department of Budget and Management shall:

(1) on or before December 31, 2021, report to the General Assembly on the implementation of this Act, including the timelines and deadlines recommended by the Maryland Efficient Grant Application Council in accordance with § 2-210(b)(1)(iii) of the State Finance and Procurement Article, as enacted by Section 1 of this Act; and

(2) on or before December 31 of the calendar years 2022 through 2026, report to the General Assembly on the progress of the implementation of this Act, including any recommendations of the Maryland Efficient Grant Application Council.

~~SECTION 4. 3.~~ AND BE IT FURTHER ENACTED, That the terms of the initial members appointed to the Maryland Efficient Grant Application Council by the Governor shall expire as follows:

(1) two members in 2022; and

(2) ~~two~~ three members in 2024.

SECTION ~~5~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020. It shall remain effective for a period of 5 years and, at the end of June 30, 2025, 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 486

### (House Bill 1556)

AN ACT concerning

#### Calvert County – Procurement – Contract Renewal

FOR the purpose of limiting the number of times certain contracts entered into by Calvert County may be renewed; making certain stylistic changes; and generally relating to procurement in Calvert County.

BY repealing and reenacting, with amendments,  
The Public Local Laws of Calvert County  
Section 6–103  
Article 5 – Public Local Laws of Maryland  
(2002 Edition and July 2019 Supplement, as amended and Zoning Ordinances  
through August 2019)

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

#### Article 5 – Calvert County

6–103.

(a) When it is advantageous to the county to do so, the county may contract to purchase supplies or services for periods of more than one year if:

(1) Funds for the total cost of the contract are available at the time [of] the contract is executed; or

(2) Subject to Subsection [(C)] (C) of this section, a contract requiring the payment of funds from appropriations of more than one fiscal year is approved by resolution of the Commissioners.

(b) Notwithstanding Subsection (a) of this section, the County may enter into a contract for solid waste disposal that:

(1) May include transportation;

(2) May require payment of funds from appropriations of the County or receipt of payment to the County; and

(3) Is not for more than a twenty-year initial term.

(c) A contract requiring the payment of funds from appropriations of more than one fiscal year, approved by resolution of the Commissioners, shall be awarded as a one-year contract with the option to renew for [four additional one-year terms]:

**(1) NOT MORE THAN FOUR ONE-YEAR TERMS; OR**

**(2) NOT MORE THAN 19 ONE-YEAR TERMS IF THE CONTRACT IS FOR:**

**(I) BANKING AND INVESTMENT SERVICES;**

**(II) RETIREMENT AND PENSION SYSTEM MANAGEMENT;**

**(III) HEALTH INSURANCE; OR**

**(IV) SOFTWARE.**

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 487

**(House Bill 1560)**

AN ACT concerning

### **Washington Suburban Sanitary Commission – Discrimination – Prohibited**

**PG/MC 103-20**

FOR the purpose of prohibiting the Washington Suburban Sanitary Commission from discriminating against a person on the basis of genetic information or ~~the presence of children~~ family responsibilities; requiring that a certain nondiscrimination

provision in contracts entered into by the Commission prohibit certain discrimination based on genetic information; defining ~~a certain term~~ certain terms; and generally relating to prohibiting discrimination by the Washington Suburban Sanitary Commission and to nondiscrimination provisions in contracts entered into by the Commission.

BY repealing and reenacting, without amendments,

Article – Insurance

Section 27–909(a)(1) and (3)

Annotated Code of Maryland

(2017 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Utilities

Section 16–101, 17–402, and 17–402.1

Annotated Code of Maryland

(2010 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**

27–909.

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

(3) (i) “Genetic information” means information:

1. about chromosomes, genes, gene products, or inherited characteristics that may derive from an individual or a family member;

2. obtained for diagnostic and therapeutic purposes; and

3. obtained at a time when the individual to whom the information relates is asymptomatic for the disease.

(ii) “Genetic information” does not include:

1. routine physical measurements;

2. chemical, blood, and urine analyses that are widely accepted and in use in clinical practice;

3. tests for use of drugs; or

4. tests for the presence of the human immunodeficiency virus.

### Article – Public Utilities

16–101.

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

(b) “Commission” means the Washington Suburban Sanitary Commission.

(c) “Commissioner” means a member of the Washington Suburban Sanitary Commission.

(d) “County” means a county of the State or Baltimore City.

**(E) “FAMILY RESPONSIBILITIES” MEANS THE LEGAL RESPONSIBILITY FOR THE CARE AND SUPPORT OF A DEPENDENT INDIVIDUAL.**

**(F) “GENETIC INFORMATION” HAS THE MEANING STATED IN § 27–909(A) OF THE INSURANCE ARTICLE.**

~~(G)~~ **(G)** “Hookup” means a connection between the plumbing on the owner’s property and the Commission service connection.

~~(H)~~ **(H)** “Municipality” means a municipal corporation that is organized under Article XI–E of the Maryland Constitution.

~~(I)~~ **(I)** “Person” means an individual, receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind and any partnership, firm, association, corporation, or other entity.

~~(h) “PRESENCE OF CHILDREN” MEANS THE REGULAR PRESENCE OF AN INDIVIDUAL UNDER THE AGE OF 18 YEARS IN A PROPERTY SERVED OR TO BE SERVED BY THE COMMISSION.~~

~~(J)~~ **(J)** “Public roadway” means any State, county, or municipal street, road, alley, or highway.

**[(i) (K)] (K)** (1) “Sanitary district” means the Washington Suburban Sanitary District, as described in Chapter 805 of the Acts of the General Assembly of 1981.

(2) “Sanitary district” does not include any special exemption provided for by law.

**[(j)] ~~(H)~~ (L)** “Service connection” means a lateral service line that is constructed by the Commission from a Commission water or sewer main to a property line.

**[(k)] ~~(H)~~ (M)** (1) Except as provided in paragraph (2) of this subsection, “state” means:

(i) a state, possession, territory, or commonwealth of the United States; or

(ii) the District of Columbia.

(2) When capitalized, “State” means Maryland.

17-402.

The Commission may not discriminate against a person on the basis of sex, race, creed, color, age, mental or physical disability, sexual orientation, religion, marital status, gender identity, **GENETIC INFORMATION**, ~~THE PRESENCE OF CHILDREN~~ **FAMILY RESPONSIBILITIES**, or national origin.

17-402.1.

(a) (1) The Commission may not enter into a contract unless the contract contains a provision obliging the contractor:

(i) not to discriminate in any manner against an employee or an applicant for employment on the basis of sex, race, creed, color, age, mental or physical disability, sexual orientation, religion, marital status, gender identity, **GENETIC INFORMATION**, or national origin; and

(ii) to include a similar nondiscrimination provision in all subcontracts.

(2) (i) If the nondiscrimination provision is omitted from a contract or subcontract, the Commission shall provide the contractor a reasonable opportunity to cure the defect, subject to this section.

(ii) If the contractor fails to cure the defect:

1. the Commission may declare the contract to be void; and

2. the contractor is entitled to the reasonable value of work performed and materials provided by the contractor.

(iii) If the contractor cures the defect, the contract remains in force according to its revised terms.

(b) (1) In accordance with this section, the Commission may compel a contractor to continue to perform under a contract if:

(i) the contractor willfully fails to comply with the requirements of a nondiscrimination provision; and

(ii) the contract is partially executory.

(2) If the Commission compels performance under this subsection, the Commission:

(i) is liable for no more than the reasonable value of work performed and materials provided by the contractor after the date on which the breach of contract was or should have been discovered; and

(ii) shall deduct any money that has been paid under the contract from the money that comes due under item (i) of this paragraph.

(c) (1) If a subcontractor willfully fails to comply with the requirements of a nondiscrimination provision, the contractor may declare the subcontract to be void.

(2) If a contractor declares a subcontract to be void under this subsection, the contractor is liable for no more than the reasonable value of work performed or materials provided by the subcontractor.

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 488

### (House Bill 1564)

AN ACT concerning

### **Public Health – Emergency Evaluations – Duties of Peace Officers and Emergency Facilities**

FOR the purpose of requiring a peace officer, to the extent practicable, to notify a certain emergency facility in advance that the peace officer is bringing an emergency evaluatee to the emergency facility; altering the individuals who may request that a peace officer stay with a certain evaluatee; defining a certain term; making conforming changes; and generally relating to emergency evaluations.

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 10–620 and 10–624  
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**

10–620.

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

(b) “Court” means a district or circuit court of this State.

(c) “Emergency evaluatee” means an individual for whom an emergency evaluation is sought or made under Part IV of this subtitle.

(d) (1) “Emergency facility” means a facility that the Department designates, in writing, as an emergency facility.

(2) “Emergency facility” includes a licensed general hospital that has an emergency room, unless the Department, after consultation with the health officer, exempts the hospital.

**(E) “EMERGENCY FACILITY PERSONNEL” MEANS A PHYSICIAN, PHYSICIAN ASSISTANT, NURSE PRACTITIONER, OR OTHER ADVANCED PRACTICE PROFESSIONAL EMPLOYED OR UNDER CONTRACT WITH THE EMERGENCY FACILITY.**

[(e)] **(F)** (1) “Mental disorder” means the behavioral or other symptoms that indicate:

(i) To a lay petitioner who is submitting an emergency petition, a clear disturbance in the mental functioning of another individual; and

(ii) To the following health professionals doing an examination, at least one mental disorder that is described in the version of the American Psychiatric Association’s “Diagnostic and Statistical Manual – Mental Disorders” that is current at the time of the examination:

1. Physician;
2. Psychologist;



3. Clinical social worker;
4. Licensed clinical professional counselor;
5. Clinical nurse specialist in psychiatric and mental health nursing (APRN/PMH);
6. Psychiatric nurse practitioner (CRNP–PMH); or
7. Licensed clinical marriage and family therapist.

(2) “Mental disorder” does not include intellectual disability.

**[(f)] (G)** “Peace officer” means a sheriff, a deputy sheriff, a State police officer, a county police officer, a municipal or other local police officer, or a Secret Service agent who is a sworn special agent of the United States Secret Service or Department of Homeland Security authorized to exercise powers delegated under 18 U.S.C. § 3056.

10–624.

(a) (1) A peace officer shall take an emergency evaluatee to the nearest emergency facility if the peace officer has a petition under Part IV of this subtitle that:

(i) Has been endorsed by a court within the last 5 days; or

(ii) Is signed and submitted by a physician, psychologist, clinical social worker, licensed clinical professional counselor, clinical nurse specialist in psychiatric and mental health nursing, psychiatric nurse practitioner, licensed clinical marriage and family therapist, health officer or designee of a health officer, or peace officer.

**(2) TO THE EXTENT PRACTICABLE, A PEACE OFFICER SHALL NOTIFY THE EMERGENCY FACILITY IN ADVANCE THAT THE PEACE OFFICER IS BRINGING AN EMERGENCY EVALUEE TO THE EMERGENCY FACILITY.**

**(3)** After a peace officer **[(takes)] BRINGS** the emergency evaluatee to an emergency facility, the peace officer need not stay unless, because the emergency evaluatee is violent, **[a physician asks] EMERGENCY FACILITY PERSONNEL ASK** the supervisor of the peace officer to have the peace officer stay.

**[(3)] (4)** A peace officer shall stay until the supervisor responds to the request for assistance. If the emergency evaluatee is violent, the supervisor shall allow the peace officer to stay.

**[(4)] (5)** If **[a physician asks] EMERGENCY FACILITY PERSONNEL ASK** that a peace officer stay, a physician shall examine the emergency evaluatee as promptly as possible.

(b) (1) If the petition is executed properly, the emergency facility shall accept the emergency evaluatee.

(2) Within 6 hours after an emergency evaluatee is brought to an emergency facility, a physician shall examine the emergency evaluatee, to determine whether the emergency evaluatee meets the requirements for involuntary admission.

(3) Promptly after the examination, the emergency evaluatee shall be released unless the emergency evaluatee:

(i) Asks for voluntary admission; or

(ii) Meets the requirements for involuntary admission.

(4) An emergency evaluatee may not be kept at an emergency facility for more than 30 hours.

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 489

### (Senate Bill 938)

AN ACT concerning

#### **Hospitals – Changes in Status – Hospital Employee Retraining and Placement**

FOR the purpose of ~~requiring each hospital~~ providing that the assessment of a certain fee by the State Health Services Cost Review Commission for funding the Hospital Employees Retraining Fund is to be in the case of a hospital closure, merger, or full delicensure; altering the circumstances under which hospitals are required to pay a certain fee directly to the Maryland Department of Labor on a certain date each year; requiring certain hospitals to pay a certain direct remittance to the Department on a certain date each year; requiring the Secretary of Labor to pay certain fees remittances into a certain fund the Fund; requiring the State Health Services Cost Review Commission to collect certain additional fees for a certain purpose under certain circumstances; authorizing the Commission to require certain hospitals to pay to the Department a certain remittance for a certain purpose under certain circumstances; prohibiting the Commission from raising certain rates as part of a certain update factor for a certain purpose; requiring each hospital and certain employee organizations to submit certain reports to the Commission and the

Department; altering the purposes of a certain program required to be established by the Department; requiring that a certain program include certain job-seeking assistance and training and skills development; requiring that a certain program ~~to~~ require that the hospital work with certain persons for a certain purpose; authorizing the Department to use certain other programs before using a certain program established under a certain provision of law; authorizing the Department to use vendors for certain purposes and to pay the vendors using a certain fund; requiring that certain unexpended funds be returned to certain hospitals on a certain basis; requiring the Department, in conjunction with the Commission, to submit a certain report to certain committees of the General Assembly on or before a certain date; requiring certain money to be returned to certain hospitals under certain circumstances; defining certain terms; making conforming and stylistic changes; providing for the termination of this Act; and generally relating to the retraining and placement of hospital employees related to changes in hospital status.

BY repealing and reenacting, with amendments,

Article – Health – General  
Section 19–223 and 19–326.1  
Annotated Code of Maryland  
(2019 Replacement Volume)

~~BY adding to~~

~~Article – Health – General  
Section 19–326.1 and 19–326.2  
Annotated Code of Maryland  
(2019 Replacement Volume)~~

BY repealing and reenacting, with amendments,

Article – Labor and Employment  
Section 11–201  
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 – Health – General**

19–223.

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

**(2) “CLOSURE” MEANS THE COMPLETE CESSATION OF ALL SERVICES IN A HEALTH CARE FACILITY WHOSE RATES ARE SET BY THE COMMISSION.**

**(3) “FULL DELICENSURE” MEANS THE TOTAL WITHDRAWAL BY THE SECRETARY OF THE LICENSE TO OPERATE SERVICES IN ACCORDANCE WITH THE PROCESS ESTABLISHED UNDER § 19–325 OF THIS TITLE.**

**(4) “MERGER” MEANS THE UNION OF TWO OR MORE HOSPITALS BY THE TRANSFER OF ALL THE PROPERTY OF ONE OR MORE OF THE HOSPITALS TO ONE OF THE HOSPITALS THAT CONTINUES TO EXIST.**

**(B) The Commission shall assess a fee on all hospitals whose rates have been approved by the Commission to pay for:**

**(1) To the extent provided for in Title 10, Subtitle 3, Part IV of the Economic Development Article, the amounts required by § 10–350 of the Economic Development Article with respect to public obligations or closure costs of a closed or delicensed hospital; and**

**(2) Funding the Hospital Employees Retraining Fund IN THE CASE OF A HOSPITAL CLOSURE, MERGER, OR FULL DELICENSURE.**

‡19–326.1.

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

**(2) “ACQUISITION” MEANS:**

**(I) ANY TRANSFER OF STOCK OR ASSETS THAT RESULT IN A CHANGE OF THE PERSON OR PERSONS WHO CONTROL A HEALTH CARE FACILITY; OR**

**(II) THE TRANSFER OF ANY STOCK OR OWNERSHIP INTEREST IN A HEALTH CARE FACILITY IN EXCESS OF 25%.**

**(3) “CLOSURE” MEANS THE COMPLETE CESSATION OF ALL SERVICES IN A HEALTH CARE FACILITY WHOSE RATES ARE SET BY THE COMMISSION.**

**(4) “COMMISSION” MEANS THE STATE HEALTH SERVICES COST REVIEW COMMISSION.**

**(5) “DOWNSIZE” MEANS TO REDUCE THE NUMBER OF EMPLOYEES OF A HEALTH CARE FACILITY BY AT LEAST 17 FULL–TIME EQUIVALENT EMPLOYEES IN ANY CONSECUTIVE 3–MONTH PERIOD.**

**(6) “FULL DELICENSURE” MEANS THE TOTAL WITHDRAWAL BY THE SECRETARY OF THE LICENSE TO OPERATE SERVICES IN ACCORDANCE WITH THE PROCESS ESTABLISHED UNDER § 19–325 OF THIS SUBTITLE.**

**(7) “MERGER” MEANS THE UNION OF TWO OR MORE HOSPITALS BY THE TRANSFER OF ALL THE PROPERTY OF ONE OR MORE OF THE HOSPITALS TO ONE OF THE HOSPITALS THAT CONTINUES TO EXIST.**

**(8) “PARTIAL CLOSURE” MEANS THE CLOSURE OF A SERVICE LINE OF A HEALTH CARE FACILITY WHOSE RATES ARE SET BY THE COMMISSION.**

**(9) “PARTIAL DELICENSURE” MEANS WITHDRAWAL BY THE SECRETARY OF THE LICENSE TO OPERATE A PORTION OF BEDS OR SERVICES IN A HEALTH CARE FACILITY WHOSE RATES ARE SET BY THE COMMISSION IN ACCORDANCE WITH THE PROCESS ESTABLISHED UNDER § 19-325 OF THIS TITLE.**

**(10) “SERVICE LINE” MEANS A GROUPING OF SERVICES INTO HIGHER LEVEL CATEGORIES THAT REFLECT SIMILAR CLINICAL DELIVERY.**

**(B) (1)** If a hospital ~~voluntarily~~ closes, merges, or is **FULLY** delicensed under § 19-325 of this subtitle and workers are displaced, ~~(1) Each, EACH~~ hospital shall pay a fee directly to the Maryland Department of Labor.

**(2)** The fee ~~shall~~ **MAY** not exceed 0.01 percent of the gross operating revenue for the fiscal year immediately preceding the closure or delicensing of the hospital.

**(3)** A fee shall only be assessed once for each ~~voluntary~~ closure, merger, or **FULL** delicensure.

~~(2)~~ **(4)** The Secretary of Labor shall pay the fees received under this section into the Hospital Employees ~~Training~~ **RETRAINING** Fund established under § 11-201 of the Labor and Employment Article.†

~~19-326.1.~~

~~(A)~~ **(C)** **(1)** ON JULY 1 EACH YEAR, EACH HOSPITAL **REGULATED BY THE COMMISSION SHALL PAY DIRECTLY TO THE MARYLAND DEPARTMENT OF LABOR A FEE DIRECT REMITTANCE EQUAL TO 0.006% OF THE HOSPITAL’S TOTAL GROSS PATIENT ANNUAL REVENUE APPROVED BY THE HEALTH SERVICES COST REVIEW COMMISSION FOR THE HOSPITAL FOR THE IMMEDIATELY PRECEDING YEAR.**

**(2)** THE SECRETARY OF LABOR SHALL PAY THE ~~FEES~~ **REMITTANCE** PAID UNDER THIS SECTION INTO THE HOSPITAL EMPLOYEES ~~TRAINING~~ **RETRAINING** FUND ESTABLISHED UNDER § 11-201 OF THE LABOR AND EMPLOYMENT ARTICLE.

~~(B)~~ (D) IN ANY YEAR, IF THE FUND BALANCE IN THE HOSPITAL EMPLOYEES RETRAINING FUND IS DEPLETED, THE ~~STATE HEALTH SERVICES COST REVIEW~~ COMMISSION SHALL REQUIRE EACH HOSPITAL TO PAY ~~ADDITIONAL FEES TO THE MARYLAND DEPARTMENT OF LABOR A DIRECT REMITTANCE~~ IN ORDER TO ADDRESS THE NEEDS OF ANY PARTIAL CLOSURE, ~~MERGER~~ DOWNSIZING, ACQUISITION, OR PARTIAL DELICENSURE OF A HOSPITAL.

~~19-326.2.~~

(E) THE COMMISSION MAY NOT RAISE HOSPITAL RATES AS PART OF THE ANNUAL UPDATE FACTOR TO OFFSET THE HOSPITALS' DIRECT REMITTANCES TO THE HOSPITAL EMPLOYEES RETRAINING FUND UNDER SUBSECTIONS (C) AND (D) OF THIS SECTION.

(F) EACH HOSPITAL SHALL SUBMIT AN ANNUAL REPORT TO THE ~~HEALTH SERVICES COST REVIEW~~ COMMISSION AND THE MARYLAND DEPARTMENT OF LABOR ON:

(1) THE NUMBER OF HOSPITAL EMPLOYEES DISPLACED DUE TO LAYOFFS; AND

(2) THE CATEGORIES OF HOSPITAL EMPLOYEES DISPLACED DUE TO LAYOFFS; ~~AND~~

~~(3) THE NUMBER OF HOSPITAL EMPLOYEES TO WHOM HOSPITALS DIRECTLY PROVIDED FUNDING FOR RETRAINING PURPOSES.~~

(G) AN ORGANIZATION REPRESENTING HOSPITAL EMPLOYEES THAT RECEIVES FUNDING FROM HOSPITALS FOR THE PURPOSE OF WORKER RETRAINING SHALL SUBMIT AN ANNUAL REPORT TO THE MARYLAND DEPARTMENT OF LABOR AND THE COMMISSION THAT DETAILS THE FUNDING RECEIVED AND THE TRAINING PROVIDED.

### Article – Labor and Employment

11-201.

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

(2) “ACQUISITION” MEANS:

(I) ANY TRANSFER OF STOCK OR ASSETS THAT RESULTS IN A CHANGE OF THE PERSON OR PERSONS WHO CONTROL A HEALTH CARE FACILITY; OR

(II) THE TRANSFER OF ANY STOCK OR OWNERSHIP INTEREST IN A HEALTH CARE FACILITY IN EXCESS OF 25%.

(3) "CLOSURE" MEANS THE COMPLETE CESSATION OF ALL SERVICES IN A HEALTH CARE FACILITY WHOSE RATES ARE SET BY THE COMMISSION.

(4) "COMMISSION" MEANS THE STATE HEALTH SERVICES COST REVIEW COMMISSION.

~~(2)~~ (5) "DOWNSIZE" MEANS TO REDUCE THE NUMBER OF EMPLOYEES OF AN ACUTE CARE HOSPITAL LOCATION SITE REGULATED BY THE HEALTH SERVICES COST REVIEW COMMISSION ENTITY BY AT LEAST 17 FULL-TIME EQUIVALENT EMPLOYEES IN ANY CONSECUTIVE 3-MONTH PERIOD.

(6) "MERGER" MEANS THE UNION OF TWO OR MORE HOSPITALS BY THE TRANSFER OF ALL THE PROPERTY OF ONE OR MORE OF THE HOSPITALS TO ONE OF THE HOSPITALS THAT CONTINUES TO EXIST.

~~(3)~~ (7) "PARTIAL CLOSURE" MEANS TO CLOSE A SERVICE LINE OF AN ACUTE CARE HOSPITAL.

~~(4)~~ (8) "SERVICE LINE" MEANS A GROUPING OF SERVICES INTO HIGHER LEVEL CATEGORIES THAT REFLECT SIMILAR CLINICAL DELIVERY.

[(a)] (B) (1) The Department shall establish a program for the retraining [and placement] of, AND JOB-SEEKING ASSISTANCE FOR, hospital employees who are NONEXECUTIVE EMPLOYEES, WHO ARE NOT LICENSED PHYSICIANS OR ~~PHYSICAL~~ PHYSICIAN ASSISTANTS, AND WHO ARE unemployed or who may become unemployed as a result of the closing, PARTIAL CLOSURE, delicensing, downsizing, or [possible downsizing] ACQUISITION of a hospital or the merging of hospitals under [§ 19-325] TITLE 19, SUBTITLE 3 of the Health – General Article.

(2) THE PROGRAM ESTABLISHED UNDER THIS SUBSECTION SHALL INCLUDE:

(I) JOB-SEEKING ASSISTANCE WITH AN AFFILIATED HOSPITAL OR HEALTH CARE ENTITY, AN UNAFFILIATED HOSPITAL OR HEALTH CARE ENTITY, OR A NONHEALTH CARE-RELATED POSITION; AND

(II) TRAINING AND SKILLS DEVELOPMENT THROUGH PROGRAMS FUNDED BY THE DEPARTMENT, BY THE HOSPITAL OR HEALTH SYSTEM, OR BY OTHER PROGRAMS AVAILABLE TO PROVIDE TRAINING AND SKILLS DEVELOPMENT.

**(C) THE PROGRAM ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION SHALL REQUIRE THAT THE HOSPITAL WORK WITH EMPLOYEES AND, IF APPLICABLE, THE EMPLOYEES' REPRESENTATIVES TO IDENTIFY AVAILABLE AND APPROPRIATE TRAINING OR RETRAINING PROGRAMS THAT MAY BE USED IN ANTICIPATION OF THE CLOSURE, PARTIAL CLOSURE, OR CONVERSION TO A FREESTANDING MEDICAL FACILITY.**

**(D) BEFORE THE DEPARTMENT USES THE PROGRAM ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION, THE DEPARTMENT MAY USE OTHER PROGRAMS IN THE DEPARTMENT TO PROVIDE TRAINING AND ASSISTANCE TO THE HOSPITAL EMPLOYEES WHO WOULD BE ELIGIBLE FOR TRAINING AND ASSISTANCE UNDER THE PROGRAM.**

**(E) THE DEPARTMENT MAY:**

**(1) USE VENDORS TO PROVIDE THE SERVICES REQUIRED UNDER THIS SECTION; AND**

**(2) USE THE FUND ESTABLISHED UNDER SUBSECTION (G) OF THIS SECTION TO PAY THE VENDORS.**

**[(b)] (F)** The Secretary and the Secretary of Health shall adopt regulations to implement this section.

**[(c)] (G)** There is a Hospital Employees Retraining Fund. The Fund shall be used:

**(1) for the purposes described in this section; and**

**(2) to pay any and all expenses of the Department in administering this section.**

**[(d)] (H)** Any unexpended funds remaining in the Hospital Employees Retraining Fund at the end of the fiscal year:

**(1) may not revert to the General Fund of the State; AND**

**(2) SHALL BE RETURNED TO THE HOSPITALS THAT CONTRIBUTED TO THE FUND ON A PRO RATA BASIS.**

**(I) (1) ON OR BEFORE SEPTEMBER 30, 2023, THE DEPARTMENT, IN CONJUNCTION WITH THE ~~STATE HEALTH SERVICES COST REVIEW~~ COMMISSION, SHALL SUBMIT A REPORT TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, IN ACCORDANCE WITH §**



2-1257 OF THE STATE GOVERNMENT ARTICLE, ON THE IMPLEMENTATION OF THIS SECTION.

(2) THE REPORT SHALL INCLUDE:

(I) THE ANNUAL FEE CONTRIBUTED BY EACH HOSPITAL TO THE HOSPITAL EMPLOYEES RETRAINING FUND;

(II) ANY ADDITIONAL FEE REQUIRED BY THE ~~STATE HEALTH SERVICES COST REVIEW~~ COMMISSION UNDER § 19-326.1(B) OF THE HEALTH - GENERAL ARTICLE AND PAID TO THE HOSPITAL EMPLOYEES RETRAINING FUND;

(III) THE ~~QUARTERLY~~ ANNUAL REPORTS SUBMITTED BY EACH HOSPITAL UNDER § ~~19-326.2~~ 19-326.1 OF THE HEALTH - GENERAL ARTICLE;

(IV) THE AMOUNT OF MONEY DRAWN FROM THE HOSPITAL EMPLOYEES RETRAINING FUND FOR RETRAINING PROGRAMS AND THE FUND BALANCE;

(V) THE NUMBER OF ELIGIBLE EMPLOYEES THAT USED THE PROGRAM ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION DURING THE REPORTING PERIOD;

(VI) THE NUMBER OF ELIGIBLE EMPLOYEES THAT USED OTHER PROGRAMS UNDER SUBSECTION (D) OF THIS SECTION; AND

(VII) THE NUMBER OF ELIGIBLE EMPLOYEES DENIED ACCESS TO THE PROGRAM ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION DUE TO FUNDING SHORTAGES.

SECTION 2. AND BE IT FURTHER ENACTED, That any monies remaining in the Hospital Employees Retraining Fund on September 30, 2023, shall be returned to the contributing hospitals, pro rata.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020. It shall remain effective for a period of 3 years and, at the end of September 30, 2023, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

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

---

**Chapter 490****(House Bill 1571)**

AN ACT concerning

**Hospitals – Changes in Status – Hospital Employee Retraining and Placement**

FOR the purpose of providing that the assessment of a certain fee by the State Health Services Cost Review Commission for funding the Hospital Employees Retraining Fund is to be in the case of a hospital closure, merger, or full delicensure; altering the circumstances under which hospitals are required to pay a certain fee directly to the Maryland Department of Labor; requiring certain hospitals to pay a certain direct remittance to the Department on a certain date each year; requiring the Secretary of Labor to pay certain remittances into the Fund; authorizing the Commission to require certain hospitals to pay to the Department a certain remittance for a certain purpose under certain circumstances; prohibiting the Commission from raising certain rates as part of a certain update factor for a certain purpose; requiring each hospital and certain employee organizations to submit certain reports to the Commission and the Department; altering the purposes of a certain program required to be established by the Department; requiring that a certain program include certain job-seeking assistance and training and skills development; requiring that a certain program require that the hospital work with certain persons for a certain purpose; authorizing the Department to use certain other programs before using a certain program established under a certain provision of law; authorizing the Department to use vendors for certain purposes and to pay the vendors using a certain fund; requiring that certain unexpended funds be returned to certain hospitals on a certain basis; requiring the Department, in conjunction with the Commission, to submit a certain report to certain committees of the General Assembly on or before a certain date; requiring certain money to be returned to certain hospitals under certain circumstances; defining certain terms; making conforming and stylistic changes; providing for the termination of this Act; and generally relating to the retraining and placement of hospital employees related to changes in hospital status.

BY repealing and reenacting, with amendments,

Article – Health – General  
Section 19–223 and 19–326.1  
Annotated Code of Maryland  
(2019 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Labor and Employment  
Section 11–201  
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 – Health – General**

19–223.

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

(2) “CLOSURE” MEANS THE COMPLETE CESSATION OF ALL SERVICES IN A ~~HOSPITAL~~ HEALTH CARE FACILITY WHOSE RATES ARE SET BY THE COMMISSION.

(3) “FULL DELICENSURE” MEANS THE TOTAL WITHDRAWAL BY THE SECRETARY OF THE LICENSE TO OPERATE SERVICES IN ACCORDANCE WITH THE PROCESS ESTABLISHED UNDER § 19–325 OF THIS TITLE.

(4) “MERGER” MEANS THE UNION OF TWO OR MORE HOSPITALS BY THE TRANSFER OF ALL THE PROPERTY OF ONE OR MORE OF THE HOSPITALS TO ONE OF THE HOSPITALS THAT CONTINUES TO EXIST.

(B) The Commission shall assess a fee on all hospitals whose rates have been approved by the Commission to pay for:

(1) To the extent provided for in Title 10, Subtitle 3, Part IV of the Economic Development Article, the amounts required by § 10–350 of the Economic Development Article with respect to public obligations or closure costs of a closed or delicensed hospital; and

(2) Funding the Hospital Employees Retraining Fund **IN THE CASE OF A HOSPITAL CLOSURE, MERGER, OR FULL DELICENSURE.**

19–326.1.

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

(2) “ACQUISITION” MEANS:

(I) ANY TRANSFER OF STOCK OR ASSETS THAT RESULTS IN A CHANGE OF THE PERSON OR PERSONS WHO CONTROL A HEALTH CARE FACILITY; OR

(II) THE TRANSFER OF ANY STOCK OR OWNERSHIP INTEREST IN A HEALTH CARE FACILITY IN EXCESS OF 25%.

(3) “CLOSURE” MEANS THE COMPLETE CESSATION OF ALL SERVICES IN A HEALTH CARE FACILITY WHOSE RATES ARE SET BY THE COMMISSION.

(4) “COMMISSION” MEANS THE STATE HEALTH SERVICES COST REVIEW COMMISSION.

(5) “DOWNSIZE” MEANS TO REDUCE THE NUMBER OF EMPLOYEES OF ~~AN ENTITY~~ A HEALTH CARE FACILITY BY AT LEAST 17 FULL-TIME EQUIVALENT EMPLOYEES IN ANY CONSECUTIVE 3-MONTH PERIOD.

(6) “FULL DELICENSURE” MEANS THE TOTAL WITHDRAWAL BY THE SECRETARY OF THE LICENSE TO OPERATE SERVICES IN ACCORDANCE WITH THE PROCESS ESTABLISHED UNDER § 19-325 OF THIS SUBTITLE.

(7) “MERGER” MEANS THE UNION OF TWO OR MORE HOSPITALS BY THE TRANSFER OF ALL THE PROPERTY OF ONE OR MORE OF THE HOSPITALS TO ONE OF THE HOSPITALS THAT CONTINUES TO EXIST.

(8) “PARTIAL CLOSURE” MEANS THE CLOSURE OF A SERVICE LINE OF A HEALTH CARE FACILITY WHOSE RATES ARE SET BY THE COMMISSION.

(9) “PARTIAL DELICENSURE” MEANS WITHDRAWAL BY THE SECRETARY OF THE LICENSE TO OPERATE A PORTION OF BEDS OR SERVICES IN A HEALTH CARE FACILITY WHOSE RATES ARE SET BY THE COMMISSION IN ACCORDANCE WITH THE PROCESS ESTABLISHED UNDER §19-325 OF THIS SUBTITLE.

(10) “SERVICE LINE” MEANS A GROUPING OF SERVICES INTO HIGHER LEVEL CATEGORIES THAT REFLECT SIMILAR CLINICAL DELIVERY.

(B) (1) If a hospital [voluntarily] closes, merges, or is FULLY delicensed under § 19-325 of this subtitle and workers are displaced[:

(1) Each] ~~THE~~, EACH hospital shall pay a fee directly to the Maryland Department of Labor.

(2) The fee [shall] MAY not exceed 0.01 percent of the gross operating revenue for the fiscal year immediately preceding the closure or delicensing of the hospital.

(3) A fee shall only be assessed once for each [voluntary] closure, merger, or FULL delicensure.

[(2)] (4) The Secretary of Labor shall pay the fees received under this section into the Hospital Employees [Training] **RETRAINING** Fund established under § 11-201 of the Labor and Employment Article.

(C) (1) **ON JULY 1 EACH YEAR, EACH HOSPITAL REGULATED BY THE COMMISSION SHALL PAY TO THE MARYLAND DEPARTMENT OF LABOR A DIRECT REMITTANCE EQUAL TO 0.006% OF THE HOSPITAL'S TOTAL ANNUAL REVENUE APPROVED BY THE COMMISSION FOR THE HOSPITAL FOR THE IMMEDIATELY PRECEDING YEAR.**

(2) **THE SECRETARY OF LABOR SHALL PAY THE REMITTANCE PAID UNDER THIS SECTION INTO THE HOSPITAL EMPLOYEES RETRAINING FUND ESTABLISHED UNDER § 11-201 OF THE LABOR AND EMPLOYMENT ARTICLE.**

(D) **IN ANY YEAR, IF THE FUND BALANCE IN THE HOSPITAL EMPLOYEES RETRAINING FUND IS DEPLETED, THE COMMISSION SHALL REQUIRE EACH HOSPITAL TO PAY TO THE MARYLAND DEPARTMENT OF LABOR A DIRECT REMITTANCE IN ORDER TO ADDRESS THE NEEDS OF ANY PARTIAL CLOSURE, DOWNSIZING, ACQUISITION, OR PARTIAL DELICENSURE OF A HOSPITAL.**

(E) **THE COMMISSION MAY NOT RAISE HOSPITAL RATES AS PART OF THE ANNUAL UPDATE FACTOR TO OFFSET THE HOSPITALS' DIRECT REMITTANCES TO THE HOSPITAL EMPLOYEES RETRAINING FUND UNDER SUBSECTIONS (C) AND (D) OF THIS SECTION.**

(F) **EACH HOSPITAL SHALL SUBMIT AN ANNUAL REPORT TO THE COMMISSION AND THE MARYLAND DEPARTMENT OF LABOR ON:**

(1) **THE NUMBER OF HOSPITAL EMPLOYEES DISPLACED DUE TO LAYOFFS; AND**

(2) **THE CATEGORIES OF HOSPITAL EMPLOYEES DISPLACED DUE TO LAYOFFS.**

(G) **AN ORGANIZATION REPRESENTING HOSPITAL EMPLOYEES THAT RECEIVES FUNDING FROM HOSPITALS FOR THE PURPOSE OF WORKER RETRAINING SHALL SUBMIT AN ANNUAL REPORT TO THE MARYLAND DEPARTMENT OF LABOR AND THE COMMISSION THAT DETAILS THE FUNDING RECEIVED AND THE TRAINING PROVIDED.**

#### **Article – Labor and Employment**

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

(2) “ACQUISITION” MEANS:

(I) ANY TRANSFER OF STOCK OR ASSETS THAT RESULTS IN A CHANGE OF THE PERSON OR PERSONS WHO CONTROL A HEALTH CARE FACILITY; OR

(II) THE TRANSFER OF ANY STOCK OR OWNERSHIP INTEREST IN A HEALTH CARE FACILITY IN EXCESS OF 25%.

(3) “CLOSURE” MEANS THE COMPLETE CESSATION OF ALL SERVICES IN A HEALTH CARE FACILITY WHOSE RATES ARE SET BY THE COMMISSION.

(4) “COMMISSION” MEANS THE STATE HEALTH SERVICES COST REVIEW COMMISSION.

~~(2)~~ (5) “DOWNSIZE” MEANS TO REDUCE THE NUMBER OF EMPLOYEES OF AN ~~ACUTE CARE HOSPITAL~~ ENTITY BY AT LEAST 17 FULL-TIME EQUIVALENT EMPLOYEES IN ANY CONSECUTIVE 3-MONTH PERIOD.

(6) “MERGER” MEANS THE UNION OF TWO OR MORE HOSPITALS BY THE TRANSFER OF ALL THE PROPERTY OF ONE OR MORE OF THE HOSPITALS TO ONE OF THE HOSPITALS THAT CONTINUES TO EXIST.

~~(3)~~ (7) “PARTIAL CLOSURE” MEANS THE CLOSURE OF A SERVICE LINE OF AN ~~ACUTE CARE HOSPITAL~~ A HEALTH CARE FACILITY WHOSE RATES ARE SET BY THE COMMISSION.

~~(4)~~ (8) “SERVICE LINE” MEANS A GROUPING OF SERVICES INTO HIGHER LEVEL CATEGORIES THAT REFLECT SIMILAR CLINICAL DELIVERY.

[(a)] (B) (1) The Department shall establish a program for the retraining [and placement] of, AND JOB-SEEKING ASSISTANCE FOR, hospital employees who are NONEXECUTIVE EMPLOYEES, WHO ARE NOT LICENSED PHYSICIANS OR PHYSICIAN ASSISTANTS, AND WHO ARE unemployed or who may become unemployed as a result of the closing, PARTIAL CLOSURE, delicensing, downsizing, or [possible downsizing] ACQUISITION of a hospital or the merging of hospitals under [§ 19-325] TITLE 19, SUBTITLE 3 of the Health – General Article.

(2) THE PROGRAM ESTABLISHED UNDER THIS SUBSECTION SHALL INCLUDE:

**(I) JOB-SEEKING ASSISTANCE WITH AN AFFILIATED HOSPITAL OR HEALTH CARE ENTITY, AN UNAFFILIATED HOSPITAL OR HEALTH CARE ENTITY, OR A NONHEALTH CARE RELATED POSITION; AND**

**(II) TRAINING AND SKILLS DEVELOPMENT THROUGH PROGRAMS FUNDED BY THE DEPARTMENT, BY THE HOSPITAL OR HEALTH SYSTEM, OR BY OTHER PROGRAMS AVAILABLE TO PROVIDE TRAINING AND SKILLS DEVELOPMENT.**

**(C) THE PROGRAM ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION SHALL REQUIRE THAT THE HOSPITAL WORK WITH EMPLOYEES AND, IF APPLICABLE, THE EMPLOYEES' REPRESENTATIVES TO IDENTIFY AVAILABLE AND APPROPRIATE TRAINING OR RETRAINING PROGRAMS THAT MAY BE USED IN ANTICIPATION OF THE CLOSURE, PARTIAL CLOSURE, OR CONVERSION TO A FREESTANDING MEDICAL FACILITY.**

**(D) BEFORE THE DEPARTMENT USES THE PROGRAM ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION, THE DEPARTMENT MAY USE OTHER PROGRAMS IN THE DEPARTMENT TO PROVIDE TRAINING AND ASSISTANCE TO THE HOSPITAL EMPLOYEES WHO WOULD BE ELIGIBLE FOR TRAINING AND ASSISTANCE UNDER THE PROGRAM.**

**(E) THE DEPARTMENT MAY:**

**(1) USE VENDORS TO PROVIDE THE SERVICES REQUIRED UNDER THIS SECTION; AND**

**(2) USE THE FUND ESTABLISHED UNDER SUBSECTION (G) OF THIS SECTION TO PAY THE VENDORS.**

**[(b)] (F)** The Secretary and the Secretary of Health shall adopt regulations to implement this section.

**[(c)] (G)** There is a Hospital Employees Retraining Fund. The Fund shall be used:

**(1)** for the purposes described in this section; and

**(2)** to pay any and all expenses of the Department in administering this section.

**[(d)] (H)** Any unexpended funds remaining in the Hospital Employees Retraining Fund at the end of the fiscal year:

**(1)** may not revert to the General Fund of the State; AND

(2) SHALL BE RETURNED TO THE HOSPITALS THAT CONTRIBUTED TO THE FUND ON A PRO RATA BASIS.

(I) (1) ON OR BEFORE SEPTEMBER 30, 2023, THE DEPARTMENT, IN CONJUNCTION WITH THE ~~STATE HEALTH SERVICES COST REVIEW~~ COMMISSION, SHALL SUBMIT A REPORT TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON THE IMPLEMENTATION OF THIS SECTION.

(2) THE REPORT SHALL INCLUDE:

(I) THE ANNUAL FEE CONTRIBUTED BY EACH HOSPITAL TO THE HOSPITAL EMPLOYEES RETRAINING FUND;

(II) ANY ADDITIONAL FEE REQUIRED BY THE ~~STATE HEALTH SERVICES COST REVIEW~~ COMMISSION UNDER § 19-326.1(B) OF THE HEALTH – GENERAL ARTICLE AND PAID TO THE HOSPITAL EMPLOYEES RETRAINING FUND;

(III) THE ANNUAL REPORTS SUBMITTED BY EACH HOSPITAL UNDER § 19-326.1 OF THE HEALTH – GENERAL ARTICLE;

(IV) THE AMOUNT OF MONEY DRAWN FROM THE HOSPITAL EMPLOYEES RETRAINING FUND FOR RETRAINING PROGRAMS AND THE FUND BALANCE;

(V) THE NUMBER OF ELIGIBLE EMPLOYEES THAT USED THE PROGRAM ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION DURING THE REPORTING PERIOD;

(VI) THE NUMBER OF ELIGIBLE EMPLOYEES THAT USED OTHER PROGRAMS UNDER SUBSECTION (D) OF THIS SECTION; AND

(VII) THE NUMBER OF ELIGIBLE EMPLOYEES DENIED ACCESS TO THE PROGRAM ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION DUE TO FUNDING SHORTAGES.

SECTION 2. AND BE IT FURTHER ENACTED, That any monies remaining in the Hospital Employees Retraining Fund on September 30, 2023, shall be returned to the contributing hospitals, pro rata.

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



30, 2023, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

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

---

## Chapter 491

### (House Bill 1629)

AN ACT concerning

**Office of the Attorney General – Firearm Crime, *Injuries, Fatalities, and Crime Firearms* – Study**

FOR the purpose of requiring the Office of the Attorney General to study and identify certain information relating to certain firearm crimes, *injuries, fatalities, and crime firearms*; requiring all State and local law enforcement agencies and other governmental units to provide the Office of the Attorney General with certain information; requiring the Office of the Attorney General to report certain findings and conclusions to the Governor and the General Assembly on or before certain dates; defining a certain ~~term~~ *terms*; providing for the termination of this Act; and generally relating to crimes involving firearms, *injuries and fatalities caused by firearms, and crime firearms*.

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

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

(2) “Crime firearm” means a firearm that is:

(i) used in the commission of a crime of violence, as defined in § 5–101 of the Public Safety Article; or

(ii) recovered by law enforcement in connection with illegal firearm possession, transportation, or transfer.

(3) “~~firearm~~ Firearm crime” means a crime of violence, as defined in § 5–101 of the Public Safety Article, involving the use of a firearm.

(4) “Firearm injury and fatality” means an injury or fatality caused by a firearm.

(b) The Office of the Attorney General shall:

(1) study information regarding firearm crimes committed in the State since August 1, 2015, including:

- (i) the number and types of firearm crimes;
- (ii) the jurisdictions where the firearm crimes occurred; and
- (iii) 9–1–1 requests for emergency assistance involving firearm crimes; ~~and~~

(2) identify, for each 9–1–1 request for emergency assistance involving a firearm crime:

- (i) the jurisdiction;
- (ii) whether any arrests were made and, if so, the age of each individual arrested;
- (iii) whether any charges were filed and, if so, the specific crimes charged, disposition of each charge, and the age of each individual charged; and
- (iv) the type of firearm recovered and whether the firearm had a serial number;

(3) study information regarding firearm injuries and fatalities occurring in the State since July 1, 2020, including:

- (i) whether persons injured or killed were minors or adults;
- (ii) the jurisdiction where the injuries or fatalities occurred; and
- (iii) whether the injuries or fatalities occurred as a result of suicides, accidents, or homicides; and

(4) with regard to crime firearms:

(i) study information regarding crime firearms in the State, including:

- 1. the number and types of crime firearms;
- 2. the sources of the crime firearms, including the importer, dealer, and first purchaser for all recovered crime firearms; and
- 3. the jurisdictions where crime firearms were recovered;

including: (ii) report the crimes committed with crime firearms by jurisdiction,

1. the number of charges and convictions for:

A. crimes of violence;

B. illegal transfers;

C. illegal possession;

D. illegal transportation; and

E. straw purchases; and

a crime firearm; 2. the number and types of criminal charges associated with

of crime firearms, including: (iii) compile all available information and data regarding the source

1. for out-of-state crime firearms:

A. the country, state, or city of origin; and

B. the location in the State where the crime firearm was  
recovered;

2. for in-State crime firearms:

A. the jurisdiction of origin; and

B. the location where the crime firearm was recovered;

3. information on the top 10 dealers of crime firearms in the  
State, including:

A. names;

B. locations; and

C. the dates and outcomes of audits conducted by the  
Maryland State Police of the dealers; and

4. the 10 states where the most crime firearms recovered in  
the State originated, including a comparison of the other states' firearm laws regarding:

- A. licensing;
- B. background checks;
- C. waiting periods;
- D. straw purchases; and
- E. concealed carry laws;

(iv) collect information on the length of time between the origination and recovery of a crime firearm; and

(v) gather information regarding whether the individuals found in possession of crime firearms were previously prohibited from possessing a firearm.

(c) All State and local law enforcement agencies and other governmental units shall provide the Office of the Attorney General with any and all information necessary to complete the study.

(d) (1) On or before December 1, 2020, the Office of the Attorney General shall report its findings and conclusions with regard to firearm crimes committed, firearm injuries and fatalities occurring, and crime firearms recovered from August 1, 2015, through July 31, 2019, to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

(2) On or before December 1, 2021, the Office of the Attorney General shall report its findings and conclusions with regard to firearm crimes committed, firearm injuries and fatalities occurring, and crime firearms recovered from August 1, 2019, through July 31, 2020, to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

(3) On or before December 1, 2022, the Office of the Attorney General shall report its findings and conclusions with regard to firearm crimes committed, firearm injuries and fatalities occurring, and crime firearms recovered from August 1, ~~2019~~ 2020, through July 31, 2021, 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 June 1, 2020. It shall remain effective for a period of 2 years and 7 months and, at the end of December 31, 2022, 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 492

(Senate Bill 4)

AN ACT concerning

~~Gaming – Sports Betting – Implementation~~  
Expansion of Commercial Gaming – Sports and Event Wagering Referendum and  
Minority Business Enterprise Disparity Study

FOR the purpose of providing that the General Assembly may authorize, by law, the State Lottery and Gaming Control Commission to issue certain sports and event wagering licenses; requiring certain implementing legislation to include certain criteria and specifications; declaring the intent of the General Assembly that certain revenues be used for the funding of public education; requiring the Maryland Department of Transportation and the State Lottery and Gaming Control Commission to contract with a certain expert to conduct a certain review of a certain disparity study for certain purposes; requiring a certain certification agency, in consultation with the General Assembly and the Office of the Attorney General, to initiate a certain disparity study and to report the findings of the disparity study under certain circumstances; authorizing certain license holders to accept wagers on certain sporting events from certain individuals and by certain methods at certain locations; altering the authorized uses of the Problem Gambling Fund; requiring the State Lottery and Gaming Control Commission to regulate sports wagering in the State; requiring the State Lottery and Gaming Control Agency to provide certain assistance to the Commission; requiring certain persons to apply to the Commission for certain licenses; requiring certain applicants to sign certain memoranda of understanding relating to compliance with the Minority Business Enterprise Program as a condition of the Commission's approval of certain licenses requiring certain fees for the issuance and renewal of certain licenses; providing for the terms of certain licenses; providing that certain applicants and licensees are subject to certain minority business participation goals; authorizing the Commission to provide waivers or exemptions from certain licensing requirements under certain circumstances; requiring applicants for certain licenses to pay certain fees set by the Commission; requiring an applicant for a certain sports wagering license or the renewal of the license to pay a certain fee for the license or renewal; establishing certain license terms for a certain number of years; providing for the distribution of certain licensing fees collected by the Commission; requiring providing that certain applicants and licensees have a certain responsibility; requiring certain applicants and licensees to provide certain information, assistance, and cooperation; requiring applicants and licensees to establish certain qualification criteria, including the existence of a certain labor peace agreement; establishing certain procedures and requirements for the issuance of certain licenses; authorizing the Commission to grant or deny certain licenses; authorizing the Commission to deny, suspend, or revoke a license and reprimand or fine a licensee under certain circumstances; authorizing the Commission to impose a certain penalty under certain circumstances; establishing certain procedures and requirements for the issuing of certain licenses; authorizing

~~certain sports wagering licensees to enter into certain agreements for the operation of online sports wagering; providing that an individual may register for online sports wagering either in person or online; prohibiting certain individuals from making a wager and certain sports wagering licensees from accepting a wager from certain individuals; requiring certain sports wagering licensees to establish certain procedures, provide certain safeguards, and report certain information to the Commission relating to sports wagering; providing for the accounting and distribution of certain sports wagering proceeds and certain unclaimed winning wagers; requiring the Commission, under certain circumstances, to terminate and revoke the sports wagering license of the owner of a sports facility; altering the purposes for which expenditures from a certain fund may be made; requiring the Commission to adopt certain regulations; requiring the Commission to report annually to the Governor and the General Assembly on certain matters on or before a certain date; requiring a certain certification agency, in consultation with the Office of the Attorney General and the Governor's Office of Small, Minority, and Women Business Affairs, to initiate certain analyses; requiring a certain certification agency to submit certain reports to the Legislative Policy Committee on or before certain dates; declaring the intent of the General Assembly; making conforming changes; defining certain terms; submitting this Act to a referendum of the qualified voters of the State; *requiring the State Board of Elections to do certain things necessary to provide for and hold the referendum*; and generally relating to ~~wagering on sporting events~~ *sports and event wagering in the State*.~~

~~BY repealing and reenacting, without amendments,  
Article — State Government  
Section 9-1A-01(a) and (k) and 9-1A-30(a)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2019 Supplement)~~

~~BY repealing and reenacting, with amendments,  
Article — State Government  
Section 9-1A-03 and 9-1A-30(b)(1), 9-1A-30(b)(1), and 9-1A-33(b)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2019 Supplement)~~

~~BY adding to  
Article — State Government  
Section 9-1E-01 through 9-1E-13 9-1E-14 to be under the new subtitle “Subtitle  
1E. Sports Wagering”  
Annotated Code of Maryland  
(2014 Replacement Volume and 2019 Supplement)~~

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

That:

(a) Subject to subsection (b) of this section, the General Assembly may authorize, by law, the State Lottery and Gaming Control Commission to issue a license to offer sports and event wagering in the State.

(b) Legislation enacted by the General Assembly to implement the provisions of this Act shall include the criteria for eligible applications for a licensee and specifications of the permissible forms, means of conduct, and premises of wagering.

SECTION 2. AND BE IT FURTHER ENACTED, That, if the voters of this State adopt a referendum that authorizes sports and event wagering in the State, the State's share of revenues generated by sports and event wagering shall primarily be used for the funding of public education.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Department of Transportation and the State Lottery and Gaming Control Commission, in consultation with the Office of the Attorney General, shall contract with an appropriate expert to review the "Business Disparities in the Maryland Market Area" study completed on February 8, 2017, to evaluate, on or before October 1, 2020, whether the data in the study demonstrates a compelling interest to implement remedial measures, including the application of the State Minority Business Enterprise Program under Title 14, Subtitle 3 of the State Finance and Procurement Article or a similar program, to assist minorities and women in the sports and event wagering industry and market.

(b) (1) If a determination is made under subsection (a) of this section that the data in the February 8, 2017, study "Business Disparities in the Maryland Market Area" does not appropriately apply to the sports and event wagering industry, the certification agency designated by the Board of Public Works under § 14-303(b) of the State Finance and Procurement Article, in consultation with the General Assembly and the Office of the Attorney General, shall initiate a disparity study of the sports and event wagering industry to evaluate whether there is a compelling interest to implement remedial measures, including the application of the State Minority Business Enterprise Program under Title 14, Subtitle 3 of the State Finance and Procurement Article or a similar program, to assist minorities and women in the sports and event wagering industry and market.

(2) The State Lottery and Gaming Control Commission shall provide to the certification agency any information necessary to perform the study required under paragraph (1) of this subsection.

(3) The certification agency shall report to the State Lottery and Gaming Control Commission and, in accordance with § 2-1257 of the State Government Article, the Legislative Policy Committee on the findings of the study required under paragraph (1) of this subsection.

SECTION 4. AND BE IT FURTHER ENACTED, That the provisions of Section 1 of this Act, which authorize the General Assembly to authorize, by law, the State Lottery and

Gaming Control Commission to issue sports and event wagering licenses to certain licensees in the State, are subject to a referendum of the qualified voters of the State as provided in Section 5 of this Act, and on voter approval of this Act at the general election to be held in November 2020, legislation shall be required to provide for the operation, regulation, and disposition of proceeds of sports and event wagering in the State.

SECTION 5. AND BE IT FURTHER ENACTED, That:

(a) In accordance with Article XIX, § 1(e) of the Maryland Constitution, before Section 1 of this Act, which authorizes additional forms or expansion of commercial gaming, becomes effective, a question substantially similar to the following shall be submitted to a referendum of the qualified voters of the State at the general election to be held in November 2020:

“Do you favor the expansion of commercial gaming in the State of Maryland to authorize sports and event betting for the primary purpose of raising revenue for education?”

(b) The State Board of Elections shall do those things necessary and proper to provide for and hold the referendum required by this section. If a majority of the votes cast on the question are “For the referred law”, this Act shall become effective on the 30th day following the official canvass of votes for the referendum, but if a majority of the votes cast on the question are “Against the referred law”, this Act, with no further action required by the General Assembly, shall be null and void.

SECTION 6. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect July 1, 2020.

SECTION 7. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 5 of this Act and except as provided in Section 6 of this Act, and for the sole purpose of providing for the referendum required by Section 5 of this Act, this Act shall take effect July 1, 2020.

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

~~Article State Government~~

~~9-1A-01.~~

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

~~(k) “Commission” means the State Lottery and Gaming Control Commission.~~

~~9-1A-03.~~



~~(a) Except as provided in subsection (b) of this section, any additional forms or expansion of commercial gaming other than as expressly provided in this subtitle AND SUBTITLE 1E OF THIS TITLE are prohibited.~~

~~(b) This subtitle, including the authority provided to the Commission under this subtitle, does not apply to:~~

~~(1) lotteries conducted under Subtitle 1 of this title;~~

~~(2) wagering on horse racing conducted under Title 11 of the Business Regulation Article;~~

~~(3) the operation of slot machines as provided under Titles 12 and 13 of the Criminal Law Article; or~~

~~(4) other gaming conducted under Titles 12 and 13 of the Criminal Law Article.~~

~~9-1A-30.~~

~~(a) There is an Education Trust Fund which is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.~~

~~(b) (1) There shall be credited to the Education Trust Fund all proceeds allocated to the Fund under § 9-1A-27 of this subtitle AND SUBTITLE 1E OF THIS TITLE.~~

~~9-1A-33.~~

~~(b) (1) (i) There is a Problem Gambling Fund in the Maryland Department of Health.~~

~~(ii) The purpose of the Fund is primarily to provide funding for problem gambling treatment and prevention programs, including:~~

~~1. inpatient and residential services;~~

~~2. outpatient services;~~

~~3. intensive outpatient services;~~

~~4. continuing care services;~~

~~5. educational services;~~

~~6. services for victims of domestic violence; and~~

~~7. other preventive or rehabilitative services or treatment.~~

~~(2) The Problem Gambling Fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.~~

~~(3) Money in the Problem Gambling Fund shall be invested and reinvested by the Treasurer, and interest and earnings shall accrue to the Fund.~~

~~(4) Except as provided in paragraph (5) of this subsection, expenditures from the Problem Gambling Fund shall be made only by the Maryland Department of Health to:~~

~~(i) establish a 24-hour hotline for compulsive and problem gamblers and to provide counseling and other support services for compulsive and problem gamblers;~~

~~(ii) establish an outreach program for compulsive and problem gamblers, including individuals who requested placement on the voluntary exclusion list established by the Commission under § 9-1A-24 of this subtitle, for the purpose of participating in problem gambling treatment and prevention programs; [and]~~

~~(iii) develop and implement free or reduced cost problem gambling treatment and prevention programs, including the programs established under Title 19, Subtitle 8 of the Health General Article; AND~~

~~(IV) DEVELOP AND IMPLEMENT FREE OR REDUCED COST PROBLEM GAMBLING TREATMENT AND PREVENTION PROGRAMS TARGETED AT INDIVIDUALS WITH PROBLEM GAMBLING ISSUES RELATED TO SPORTS WAGERING.~~

~~(5) After satisfying the requirements of paragraph (4) of this subsection, any unspent funds in the Problem Gambling Fund may be expended by the Maryland Department of Health on drug and other addiction treatment services.~~

~~(6) Expenditures from the Problem Gambling Fund shall be made in accordance with an appropriation approved by the General Assembly in the annual State budget or by the budget amendment procedure provided for in § 7-209 of the State Finance and Procurement Article.~~

#### ~~SUBTITLE 1E. SPORTS WAGERING.~~

##### ~~9-1E-01.~~

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

~~(B) "COMMISSION" HAS THE MEANING STATED IN § 9-1A-01 OF THIS TITLE.~~

~~(C) (1) "HORSE RACING LICENSEE" MEANS THE HOLDER OF A LICENSE ISSUED BY THE STATE RACING COMMISSION UNDER TITLE 11, SUBTITLE 5 OF THE BUSINESS REGULATION ARTICLE.~~

~~(2) "HORSE RACING LICENSEE" DOES NOT INCLUDE THE HOLDER OF A LICENSE ISSUED UNDER § 11-526 OF THE BUSINESS REGULATION ARTICLE.~~

~~(C) (D) "ONLINE SPORTS WAGERING" MEANS SPORTS WAGERING THROUGH AN ONLINE GAMING SYSTEM:~~

~~(1) ON A COMPUTER, A MOBILE DEVICE, OR ANY OTHER INTERACTIVE DEVICE; AND~~

~~(2) THAT IS ACCEPTED BY A SPORTS WAGERING LICENSEE OR AN ONLINE SPORTS WAGERING OPERATOR.~~

~~(D) (E) "ONLINE SPORTS WAGERING OPERATOR" MEANS AN ENTITY THAT HOLDS A LICENSE ISSUED BY THE COMMISSION UNDER THIS SUBTITLE TO OPERATE ONLINE SPORTS WAGERING ON BEHALF OF A SPORTS WAGERING LICENSEE.~~

~~(E) (F) "PROCEEDS" MEANS THE PART OF THE AMOUNT OF MONEY WAGERED ON SPORTING EVENTS UNDER THIS SUBTITLE THAT IS NOT RETURNED TO SUCCESSFUL BETTORS BUT IS OTHERWISE ALLOCATED UNDER THIS SUBTITLE.~~

~~(F) (G) (1) "SPORTING EVENT" MEANS:~~

~~(I) A PROFESSIONAL SPORTS OR ATHLETIC EVENT;~~

~~(II) A COLLEGIATE SPORTS OR ATHLETIC EVENT;~~

~~(III) AN OLYMPIC OR INTERNATIONAL SPORTS OR ATHLETIC EVENT IN WHICH THE MAJORITY OF THE PARTICIPANTS ARE AT LEAST 18 YEARS OLD;~~

~~(IV) AN ELECTRONIC SPORTS OR VIDEO GAME COMPETITION:~~

~~1. SANCTIONED BY AN ESORTS GOVERNING ENTITY;~~

~~AND~~

~~2. IN WHICH EACH PARTICIPANT IS AT LEAST 18 YEARS~~

~~OLD;~~

~~(V) A MOTOR RACE EVENT SANCTIONED BY A MOTOR RACING GOVERNING ENTITY; OR~~

~~(VI) ANY PORTION OF A SPORTING EVENT, INCLUDING THE INDIVIDUAL PERFORMANCE STATISTICS OF ATHLETES OR COMPETITORS IN A SPORTING EVENT.~~

~~(2) "SPORTING EVENT" DOES NOT INCLUDE:~~

~~(I) A HIGH SCHOOL SPORTS OR ATHLETIC EVENT; OR~~

~~(II) A FANTASY COMPETITION REGULATED UNDER SUBTITLE 1D OF THIS TITLE; OR~~

~~(III) A HORSE RACE AUTHORIZED UNDER TITLE 11 OF THE BUSINESS REGULATION ARTICLE.~~

~~(H) (1) "SPORTS FACILITY" MEANS:~~

~~(I) A STADIUM LOCATED IN PRINCE GEORGE'S COUNTY THAT IS USED PRIMARILY FOR PROFESSIONAL FOOTBALL; AND~~

~~(II) PRACTICE FIELDS OR OTHER AREAS WHERE A PROFESSIONAL FOOTBALL TEAM PRACTICES OR PERFORMS.~~

~~(2) "SPORTS FACILITY" INCLUDES PARKING LOTS, GARAGES, AND ANY OTHER PROPERTY ADJACENT AND DIRECTLY RELATED TO A STADIUM OR PRACTICE FIELDS.~~

~~(G) (I) "SPORTS WAGERING" MEANS THE BUSINESS OF ACCEPTING WAGERS ON ANY SPORTING EVENT BY ANY SYSTEM OR METHOD OF WAGERING, INCLUDING SINGLE GAME BETS, TEASER BETS, PARLAYS, OVER UNDER, MONEYLINE, POOLS, EXCHANGE WAGERING, IN GAME WAGERING, IN PLAY BETS, PROPOSITION BETS, AND STRAIGHT BETS.~~

~~(H) (J) "SPORTS WAGERING LICENSE" MEANS A LICENSE ISSUED BY THE COMMISSION UNDER THIS SUBTITLE THAT AUTHORIZES THE HOLDER TO ACCEPT WAGERS ON SPORTING EVENTS.~~

~~(I) (K) "SPORTS WAGERING LICENSEE" MEANS THE HOLDER OF A SPORTS WAGERING LICENSE.~~

~~(J) "SPORTS WAGERING LOUNGE" MEANS A NONSMOKING AREA LOCATED IN A VIDEO LOTTERY FACILITY WHERE SPORTS WAGERING IS CONDUCTED.~~

~~(K) (L) (1) "VIDEO LOTTERY FACILITY" HAS THE MEANING STATED IN § 9-1A-01 OF THIS TITLE.~~

~~(2) "VIDEO LOTTERY FACILITY" DOES NOT INCLUDE A LOCATION IN THE FACILITY WHERE SATELLITE SIMULCAST BETTING IS CONDUCTED.~~

~~(L) (M) "VIDEO LOTTERY OPERATION LICENSE" HAS THE MEANING STATED IN § 9-1A-01 OF THIS TITLE.~~

~~(M) (N) "VIDEO LOTTERY OPERATOR" HAS THE MEANING STATED IN § 9-1A-01 OF THIS TITLE.~~

~~9-1E-02.~~

~~(A) (1) THE COMMISSION SHALL REGULATE THE OPERATION OF SPORTS WAGERING IN ACCORDANCE WITH THIS SUBTITLE.~~

~~(2) THE STATE LOTTERY AND GAMING CONTROL AGENCY SHALL PROVIDE ASSISTANCE TO THE COMMISSION IN THE PERFORMANCE OF THE COMMISSION'S DUTIES UNDER THIS SUBTITLE.~~

~~(A) UNLESS THE CONTEXT REQUIRES OTHERWISE, THE REQUIREMENTS UNDER §§ 9-1A-04, 9-1A-06, 9-1A-07, 9-1A-08, 9-1A-12, 9-1A-14, 9-1A-18, 9-1A-19, 9-1A-20, AND 9-1A-25 OF THIS TITLE APPLY TO THE AUTHORITY, DUTIES, AND RESPONSIBILITIES OF THE COMMISSION, A SPORTS WAGERING LICENSEE, AND AN EMPLOYEE OR A CONTRACTOR OF A SPORTS WAGERING LICENSEE UNDER THIS SUBTITLE.~~

~~(B) THIS SUBTITLE AUTHORIZES A SPORTS WAGERING LICENSEE TO CONDUCT AND OPERATE SPORTS WAGERING IN THE STATE AS PROVIDED IN THIS SUBTITLE.~~

~~9-1E-03.~~

~~(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE COMMISSION SHALL REGULATE SPORTS WAGERING AND THE CONDUCT OF SPORTS WAGERING TO THE SAME EXTENT THAT THE COMMISSION REGULATES THE OPERATION OF VIDEO LOTTERY TERMINALS AND TABLE GAMES UNDER SUBTITLE 1A OF THIS TITLE.~~

~~(B) IN ACCORDANCE WITH THIS SUBTITLE, THE COMMISSION SHALL ADOPT REGULATIONS THAT ESTABLISH:~~

~~(1) THE FORM AND CONTENT OF AND THE DEADLINE TO SUBMIT AN APPLICATION FOR ANY LICENSE REQUIRED UNDER THIS SUBTITLE;~~

~~(2) THE METHODS, PROCEDURES, AND FORM FOR DELIVERY OF INFORMATION FROM AN APPLICANT OR A LICENSEE CONCERNING ANY PERSON'S FAMILY, HABITS, CHARACTER, ASSOCIATES, CRIMINAL RECORD, BUSINESS ACTIVITIES, AND FINANCIAL AFFAIRS;~~

~~(3) THE PROCEDURES FOR THE FINGERPRINTING OF AN APPLICANT FOR ANY LICENSE REQUIRED UNDER THIS SUBTITLE OR OTHER METHODS OF IDENTIFICATION THAT MAY BE NECESSARY IN THE JUDGMENT OF THE COMMISSION TO ACCOMPLISH EFFECTIVE ENFORCEMENT OF THE PROVISIONS OF THIS SUBTITLE;~~

~~(4) APPLICATION AND RENEWAL FEES AS REQUIRED UNDER § 9-1E-06(C) OF THIS SUBTITLE;~~

~~(5) (4) THE GROUNDS AND PROCEDURES FOR REPRIMANDS OF LICENSEES OR THE REVOCATION OR SUSPENSION OF LICENSES ISSUED UNDER THIS SUBTITLE;~~

~~(6) (5) THE MANNER AND METHOD OF COLLECTION OF TAXES, FEES, AND CIVIL PENALTIES;~~

~~(7) (6) STANDARDS, PROCEDURES, AND RULES THAT GOVERN THE CONDUCT OF SPORTS WAGERING, INCLUDING:~~

~~(I) DEFINING AND LIMITING THE AREAS OF OPERATION FOR SPORTS WAGERING AND SPECIFYING THE SQUARE FOOTAGE, DESIGN, TYPE OF EQUIPMENT, SECURITY MEASURES, AND ANY OTHER MATTER RELATING TO A SPORTS WAGERING LOUNGE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE;~~

~~(II) (I) THE APPROVAL PROCESS FOR SELF-SERVICE KIOSKS OR MACHINES, SECURITY MEASURES FOR THE KIOSKS OR MACHINES, THE AMOUNT OF WAGERS AUTHORIZED ON THE KIOSKS OR MACHINES, AND ANY OTHER MATTER RELATING TO A SELF-SERVICE KIOSK OR MACHINE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE;~~

~~(III) (II) THE TYPES OF WAGERS ON SPORTING EVENTS THAT MAY BE ACCEPTED BY A SPORTS WAGERING LICENSEE;~~

~~(IV) (III) THE TYPES AND VALUES OF PROMOTIONAL ITEMS THAT MAY BE GIVEN AWAY TO ENCOURAGE SPORTS WAGERING;~~

~~(V) (IV) THE MANNER IN WHICH WAGERS ARE RECEIVED, PAYOUTS ARE REMITTED, AND POINT SPREADS, LINES, AND ODDS ARE DETERMINED;~~

~~(VI) (V) THE MAXIMUM WAGERS THAT MAY BE ACCEPTED BY A SPORTS WAGERING LICENSEE OR ONLINE SPORTS WAGERING OPERATOR FROM A SINGLE BETTOR ON A SINGLE SPORTING EVENT;~~

~~(VII) (VI) THE AMOUNT OF CASH RESERVES TO BE MAINTAINED BY SPORTS WAGERING LICENSEES TO COVER WINNING WAGERS;~~

~~(VIII) (VII) ACCEPTABLE FORMS OF PAYMENT AND ADVANCE DEPOSIT METHODS BY BETTORS;~~

~~(IX) (VIII) MINIMUM UNIFORM STANDARDS OF ACCOUNTANCY METHODS, PROCEDURES, AND FORMS AS ARE NECESSARY TO ENSURE CONSISTENCY, COMPARABILITY, AND EFFECTIVE DISCLOSURE OF ALL FINANCIAL INFORMATION, INCLUDING PERCENTAGES OF PROFIT;~~

~~(X) (IX) PERIODIC FINANCIAL REPORTS AND THE FORM OF THE REPORTS, INCLUDING AN ANNUAL AUDIT PREPARED BY A CERTIFIED PUBLIC ACCOUNTANT LICENSED TO DO BUSINESS IN THE STATE, DISCLOSING WHETHER THE ACCOUNTS, RECORDS, AND CONTROL PROCEDURES EXAMINED ARE MAINTAINED BY THE SPORTS WAGERING LICENSEE AS REQUIRED BY THIS SUBTITLE AND THE REGULATIONS THAT SHALL BE ISSUED UNDER THIS SUBTITLE IN ACCORDANCE WITH THE STATEMENT ON STANDARDS FOR ATTESTATION ENGAGEMENTS AND GENERALLY ACCEPTED ACCOUNTING PRINCIPLES;~~

~~(XI) (X) REQUIRING LICENSEES UNDER THIS SUBTITLE TO DEMONSTRATE AND MAINTAIN FINANCIAL VIABILITY; AND~~

~~(XII) (XI) ENSURING THAT SPORTS WAGERING IS CONDUCTED LEGALLY; AND~~

~~(8) (7) ANY OTHER REGULATION NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.~~

~~9-1E-04.~~

~~(A) THE FOLLOWING PERSONS SHALL BE LICENSED UNDER THIS SUBTITLE:~~

~~(1) A VIDEO LOTTERY OPERATOR, A HORSE RACING LICENSEE, OR THE OWNER OF A SPORTS FACILITY THAT OPERATES SPORTS WAGERING;~~

~~(2) A PERSON THAT OPERATES SPORTS WAGERING ON BEHALF OF A SPORTS WAGERING LICENSEE, INCLUDING AN ONLINE SPORTS WAGERING OPERATOR;~~

~~(3) A PERSON NOT LICENSED UNDER ITEM (1) OR (2) OF THIS SUBSECTION THAT MANAGES, OPERATES, SUPPLIES, PROVIDES SECURITY FOR, OR PROVIDES SERVICE, MAINTENANCE, OR REPAIRS FOR SPORTS WAGERING EQUIPMENT AND DEVICES; AND~~

~~(4) AN INDIVIDUAL EMPLOYED IN THE OPERATION OF SPORTS WAGERING BY A SPORTS WAGERING LICENSEE IF THE INDIVIDUAL DOES NOT OTHERWISE HOLD A VALID LICENSE UNDER SUBTITLE 1A OF THIS TITLE.~~

~~(B) SUBJECT TO THE REQUIREMENTS OF THIS SUBTITLE, THE COMMISSION MAY ISSUE A SPORTS WAGERING LICENSE TO:~~

~~(1) A VIDEO LOTTERY OPERATOR;~~

~~(2) A HORSE RACING LICENSEE; AND~~

~~(3) THE OWNER OF A SPORTS FACILITY.~~

~~(B)(C) THE COMMISSION MAY BY REGULATION REQUIRE A PERSON THAT CONTRACTS WITH A LICENSEE AND THE PERSON'S EMPLOYEES TO OBTAIN A LICENSE UNDER THIS SUBTITLE IF THE COMMISSION DETERMINES THAT THE LICENSING REQUIREMENTS ARE NECESSARY IN ORDER TO PROTECT THE PUBLIC INTEREST AND ACCOMPLISH THE POLICIES ESTABLISHED BY THIS SUBTITLE.~~

~~(C)(D) FOR ALL LICENSES REQUIRED UNDER THIS SUBTITLE, IF AN APPLICANT HOLDS A VALID LICENSE IN ANOTHER STATE AND THE COMMISSION DETERMINES THAT THE LICENSING STANDARDS OF THE OTHER STATE ARE COMPREHENSIVE AND THOROUGH AND PROVIDE SIMILAR AND ADEQUATE SAFEGUARDS TO THOSE PROVIDED IN THIS SUBTITLE, THE COMMISSION MAY:~~

~~(1) WAIVE SOME OR ALL OF THE REQUIREMENTS OF THIS SUBTITLE;~~  
~~AND~~

~~(2) ISSUE A LICENSE TO THAT APPLICANT.~~

~~(D)(E) (1) ON THE REQUEST OF AN APPLICANT, THE COMMISSION MAY GRANT AN EXEMPTION OR A WAIVER OF A LICENSING REQUIREMENT OR GROUNDS FOR DENIAL OF A LICENSE IF THE COMMISSION DETERMINES THAT THE REQUIREMENT OR GROUNDS FOR DENIAL OF A LICENSE AS APPLIED TO THE APPLICANT ARE NOT NECESSARY TO PROTECT THE PUBLIC INTEREST OR ACCOMPLISH THE POLICIES ESTABLISHED BY THIS SUBTITLE.~~



~~(2) ON GRANTING TO AN APPLICANT AN EXEMPTION OR A WAIVER UNDER THIS SUBSECTION, OR AT ANY TIME AFTER A WAIVER OR AN EXEMPTION HAS BEEN GRANTED, THE COMMISSION MAY:~~

~~(I) LIMIT OR PLACE RESTRICTIONS ON THE EXEMPTION OR WAIVER AS THE COMMISSION CONSIDERS NECESSARY IN THE PUBLIC INTEREST; AND~~

~~(II) REQUIRE THE PERSON THAT IS GRANTED THE EXEMPTION OR WAIVER TO COOPERATE WITH THE COMMISSION AND TO PROVIDE THE COMMISSION WITH ANY ADDITIONAL INFORMATION REQUIRED BY THE COMMISSION AS A CONDITION OF THE WAIVER OR EXEMPTION.~~

~~9-1E-05.~~

~~(A) A VIDEO LOTTERY OPERATOR, HORSE RACING LICENSEE, OR THE OWNER OF A SPORTS FACILITY MAY APPLY TO THE COMMISSION FOR A SPORTS WAGERING LICENSE.~~

~~(B) AN APPLICATION SUBMITTED BY AN APPLICANT FOR A SPORTS WAGERING LICENSE UNDER THIS SECTION SHALL INCLUDE AN APPLICATION FEE OF \$2,500,000:~~

~~(1) AN INITIAL LICENSE FEE OF \$2,500,000 IF THE APPLICANT IS A VIDEO LOTTERY FACILITY WITH AT LEAST 1,000 VIDEO LOTTERY TERMINALS, A HORSE RACING LICENSEE WITH A LICENSE ISSUED UNDER § 11-510 OF THE BUSINESS REGULATION ARTICLE, OR THE OWNER OF A SPORTS FACILITY; OR~~

~~(2) AN INITIAL LICENSE FEE OF \$1,500,000 IF THE APPLICANT IS A VIDEO LOTTERY FACILITY WITH FEWER THAN 1,000 VIDEO LOTTERY TERMINALS OR A HORSE RACING LICENSEE WITH A LICENSE ISSUED UNDER § 11-524 OF THE BUSINESS REGULATION ARTICLE.~~

~~(C) A SPORTS WAGERING LICENSEE MAY NOT BEGIN ACCEPTING WAGERS ON SPORTING EVENTS UNTIL THE FEE UNDER SUBSECTION (B) OF THIS SECTION IS PAID IN FULL.~~

~~(D) THE TERM OF A SPORTS WAGERING LICENSE UNDER THIS SECTION IS 1 YEAR 5 YEARS.~~

~~(E) (1) ON APPLICATION BY THE SPORTS WAGERING LICENSEE AND SUBMISSION OF A \$250,000 LICENSE RENEWAL FEE, THE COMMISSION MAY RENEW FOR 1 YEAR 5 YEARS A SPORTS WAGERING LICENSE.~~

~~(2) THE LICENSE RENEWAL FEE IS 25% OF THE INITIAL LICENSE FEE PAID BY THE SPORTS WAGERING LICENSEE.~~

~~9-1E-06.~~

~~(A) AN APPLICANT FOR A LICENSE UNDER THIS SUBTITLE SHALL SUBMIT TO THE COMMISSION AN APPLICATION:~~

~~(1) IN THE FORM THAT THE COMMISSION REQUIRES; AND~~

~~(2) ON OR BEFORE THE DATE SET BY THE COMMISSION.~~

~~(B) AS A CONDITION TO THE COMMISSION'S APPROVAL OF A LICENSE UNDER THIS SUBTITLE, THE APPLICANT SHALL SIGN A MEMORANDUM OF UNDERSTANDING WITH THE COMMISSION THAT REQUIRES THE APPLICANT TO USE BEST EFFORTS AND EFFECTIVE OUTREACH TO COMPLY, TO THE EXTENT PRACTICABLE AND AUTHORIZED BY THE UNITED STATES CONSTITUTION, WITH THE STATE'S MINORITY BUSINESS ENTERPRISE PROGRAM.~~

~~(B) (1) AN APPLICANT OR A LICENSEE IS SUBJECT TO:~~

~~(I) THE MINORITY BUSINESS PARTICIPATION GOAL ESTABLISHED FOR A UNIT BY THE SPECIAL SECRETARY FOR THE OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS UNDER § 14-302(A)(1)(II) OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND~~

~~(II) ANY OTHER CORRESPONDING PROVISIONS OF LAW UNDER TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

~~(2) THE MINORITY BUSINESS PARTICIPATION GOAL APPLIES TO:~~

~~(I) CONSTRUCTION RELATED TO SPORTS WAGERING; AND~~

~~(II) PROCUREMENT RELATED TO THE OPERATION OF SPORTS WAGERING, INCLUDING PROCUREMENT OF EQUIPMENT AND ONGOING SERVICES.~~

~~(3) ON OR AFTER JULY 1, 2023, THE PROVISIONS OF THIS SUBSECTION AND ANY REGULATIONS ADOPTED UNDER THIS SUBSECTION SHALL BE OF NO EFFECT AND MAY NOT BE ENFORCED.~~

~~(C) (1) THIS SUBSECTION DOES NOT APPLY TO THE APPLICATION OR LICENSE RENEWAL FEES FOR A SPORTS WAGERING LICENSE REQUIRED UNDER § 9-1E-05 OF THIS SUBTITLE.~~

~~(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COMMISSION SHALL ADOPT REGULATIONS THAT ESTABLISH AN APPLICATION FEE AND LICENSE RENEWAL FEE FOR A LICENSE UNDER THIS SUBTITLE.~~

~~(II) THE APPLICATION FEE FOR AN ONLINE SPORTS WAGERING OPERATOR LICENSE MAY NOT BE LESS THAN \$5,000.~~

~~(3) AN APPLICANT SHALL SUBMIT THE APPLICATION FEE WITH THE APPLICATION.~~

~~(4) THE TERM OF THE LICENSE IS 1 YEAR 5 YEARS.~~

~~(D) ON A PROPERLY APPROVED TRANSMITTAL PREPARED BY THE COMMISSION, THE COMPTROLLER SHALL PAY THE APPLICATION FEES AND LICENSE RENEWAL FEES INITIAL LICENSE FEES AND LICENSE RENEWAL FEES COLLECTED BY THE COMMISSION UNDER THIS SECTION AND § 9-1E-05 OF THIS SUBTITLE TO THE EDUCATION TRUST FUND ESTABLISHED UNDER § 9-1A-30 OF THIS TITLE.~~

~~(E) (1) APPLICANTS AND LICENSEES SHALL HAVE THE AFFIRMATIVE RESPONSIBILITY TO ESTABLISH BY CLEAR AND CONVINCING EVIDENCE THE APPLICANT'S OR LICENSEE'S QUALIFICATIONS.~~

~~(2) APPLICANTS AND LICENSEES SHALL PROVIDE INFORMATION REQUIRED BY THIS SUBTITLE AND SATISFY REQUESTS FOR INFORMATION RELATING TO QUALIFICATIONS IN THE FORM SPECIFIED BY THE COMMISSION, IF APPLICABLE.~~

~~(3) (I) APPLICANTS AND LICENSEES SHALL:~~

~~1. PROVIDE ASSISTANCE OR INFORMATION REQUIRED BY THE COMMISSION; AND~~

~~2. COOPERATE IN AN INQUIRY, AN INVESTIGATION, OR A HEARING CONDUCTED BY THE COMMISSION.~~

~~(II) ON ISSUANCE OF A FORMAL REQUEST TO ANSWER OR PRODUCE INFORMATION, EVIDENCE, OR TESTIMONY, IF AN APPLICANT OR A LICENSEE REFUSES TO COMPLY, THE APPLICATION OR LICENSE MAY BE DENIED, SUSPENDED, OR REVOKED BY THE COMMISSION.~~

~~(4) (I) IF THE APPLICANT IS AN INDIVIDUAL, THE APPLICANT SHALL BE PHOTOGRAPHED AND FINGERPRINTED FOR IDENTIFICATION AND INVESTIGATION PURPOSES.~~

~~(H) IF THE APPLICANT IS NOT AN INDIVIDUAL, THE COMMISSION BY REGULATION MAY ESTABLISH THE CATEGORIES OF INDIVIDUALS WHO SHALL BE PHOTOGRAPHED AND FINGERPRINTED FOR IDENTIFICATION AND INVESTIGATION PURPOSES.~~

~~(5) (I) APPLICANTS AND LICENSEES SHALL INFORM THE COMMISSION OF AN ACT OR OMISSION THAT THE PERSON KNOWS OR SHOULD KNOW CONSTITUTES A VIOLATION OF THIS SUBTITLE OR THE REGULATIONS ADOPTED UNDER THIS SUBTITLE.~~

~~(H) APPLICANTS AND LICENSEES MAY NOT DISCRIMINATE AGAINST A PERSON WHO IN GOOD FAITH INFORMS THE COMMISSION OF AN ACT OR OMISSION THAT THE PERSON BELIEVES CONSTITUTES A VIOLATION OF THIS SUBTITLE OR THE REGULATIONS ADOPTED UNDER THIS SUBTITLE.~~

~~(6) APPLICANTS AND LICENSEES SHALL PRODUCE INFORMATION, DOCUMENTATION, AND ASSURANCES TO ESTABLISH THE FOLLOWING QUALIFICATION CRITERIA BY CLEAR AND CONVINCING EVIDENCE:~~

~~(I) THE FINANCIAL STABILITY, INTEGRITY, AND RESPONSIBILITY OF THE APPLICANT OR LICENSEE;~~

~~(H) THE INTEGRITY OF ANY FINANCIAL BACKERS, INVESTORS, MORTGAGEES, BONDHOLDERS, AND HOLDERS OF OTHER EVIDENCES OF INDEBTEDNESS THAT BEAR A RELATION TO THE APPLICATION;~~

~~(H) THE APPLICANT'S OR LICENSEE'S GOOD CHARACTER, HONESTY, AND INTEGRITY; AND~~

~~(IV) SUFFICIENT BUSINESS ABILITY AND EXPERIENCE OF THE APPLICANT OR LICENSEE; AND~~

~~(V) THAT:~~

~~1. THE APPLICANT OR LICENSEE HAS ENTERED INTO A LABOR PEACE AGREEMENT WITH EACH LABOR ORGANIZATION THAT IS ACTIVELY ENGAGED IN REPRESENTING OR ATTEMPTING TO REPRESENT SPORTS WAGERING INDUSTRY WORKERS IN THE STATE;~~

~~2. THE LABOR PEACE AGREEMENT IS VALID AND ENFORCEABLE UNDER 29 U.S.C. § 158;~~

~~3. THE LABOR PEACE AGREEMENT PROTECTS THE STATE'S REVENUES BY PROHIBITING THE LABOR ORGANIZATION AND ITS MEMBERS~~

~~FROM ENGAGING IN PICKETING, WORK STOPPAGES, BOYCOTTS, AND ANY OTHER ECONOMIC INTERFERENCE WITH THE OPERATION OF SPORTS WAGERING WITHIN THE FIRST 5 YEARS OF THE EFFECTIVE DATE OF A SPORTS WAGERING LICENSE; AND~~

~~4. THE LABOR PEACE AGREEMENT APPLIES TO ALL OPERATIONS AT A FACILITY OR LOCATION WHERE SPORTS WAGERING IS CONDUCTED.~~

~~(F) (1) ON THE FILING OF AN APPLICATION FOR ANY LICENSE REQUIRED UNDER THIS SUBTITLE AND ANY SUPPLEMENTAL INFORMATION REQUIRED BY THE COMMISSION, THE COMMISSION SHALL CONDUCT A BACKGROUND INVESTIGATION ON THE QUALIFICATIONS OF THE APPLICANT AND ANY PERSON WHO IS REQUIRED TO BE QUALIFIED UNDER THIS SUBTITLE AS A CONDITION OF A LICENSE.~~

~~(2) THE COMMISSION MAY REFER AN APPLICATION FOR A LICENSE TO AN APPROVED VENDOR UNDER § 9-1A-20 OF THIS TITLE TO CONDUCT THE BACKGROUND INVESTIGATION FOR THE COMMISSION.~~

~~(G) (1) AFTER RECEIVING THE RESULTS OF THE BACKGROUND INVESTIGATION, THE COMMISSION MAY EITHER GRANT A LICENSE TO AN APPLICANT WHOM THE COMMISSION DETERMINES TO BE QUALIFIED OR DENY THE LICENSE TO AN APPLICANT WHOM THE COMMISSION DETERMINES TO BE NOT QUALIFIED OR DISQUALIFIED.~~

~~(2) IF AN APPLICATION FOR A LICENSE IS DENIED, THE COMMISSION SHALL PREPARE AND FILE AN ORDER DENYING THE LICENSE WITH A STATEMENT OF THE REASONS FOR THE DENIAL, INCLUDING THE SPECIFIC FINDINGS OF FACT.~~

~~(H) (1) AN INDIVIDUAL MAY NOT KNOWINGLY GIVE FALSE INFORMATION OR MAKE A MATERIAL MISSTATEMENT IN AN APPLICATION REQUIRED FOR ANY LICENSE UNDER THIS SUBTITLE OR IN ANY SUPPLEMENTAL INFORMATION REQUIRED BY THE COMMISSION.~~

~~(2) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.~~

~~9-1E-07.~~

~~(A) THE COMMISSION MAY DENY A LICENSE TO AN APPLICANT FOR A LICENSE UNDER § 9-1E-04 OF THIS SUBTITLE, REPRIMAND OR FINE A LICENSEE, OR SUSPEND OR REVOKE A LICENSE FOR A VIOLATION OF:~~

~~(1) THIS SUBTITLE;~~

~~(2) A REGULATION ADOPTED UNDER THIS SUBTITLE; OR~~

~~(3) A CONDITION THAT THE COMMISSION SETS.~~

~~(B) FOR EACH VIOLATION SPECIFIED IN SUBSECTION (A) OF THIS SECTION, THE COMMISSION MAY IMPOSE A PENALTY NOT EXCEEDING \$5,000.~~

~~(C) EACH DAY THAT A PERSON IS IN VIOLATION UNDER THIS SECTION SHALL BE CONSIDERED A SEPARATE VIOLATION.~~

~~(D) TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED UNDER SUBSECTION (B) OF THIS SECTION, THE COMMISSION SHALL CONSIDER:~~

~~(1) THE SERIOUSNESS OF THE VIOLATION;~~

~~(2) THE HARM CAUSED BY THE VIOLATION; AND~~

~~(3) THE GOOD FAITH OR LACK OF GOOD FAITH OF THE PERSON WHO COMMITTED THE VIOLATION.~~

~~(E) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, NOTHING CONTAINED IN THIS SUBTITLE ABROGATES OR LIMITS THE CRIMINAL LAWS OF THE STATE OR LIMITS THE AUTHORITY OF THE GENERAL ASSEMBLY TO ENACT STATUTES ESTABLISHING CRIMINAL OFFENSES AND PENALTIES RELATING TO SPORTS WAGERING OPERATIONS.~~

~~9-1E-08.~~

~~(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A SPORTS WAGERING LICENSEE MAY NOT ACCEPT WAGERS ON SPORTING EVENTS UNLESS A SPORTS WAGERING LOUNGE, APPROVED BY THE COMMISSION, IS ESTABLISHED AND HAS COMMENCED OPERATION IN THE LICENSEE'S VIDEO LOTTERY FACILITY.~~

~~(2) A SPORTS WAGERING LICENSEE MAY PETITION THE COMMISSION TO CONDUCT SPORTS WAGERING DURING THE CONSTRUCTION OF A SPORTS WAGERING LOUNGE IN THE LICENSEE'S VIDEO LOTTERY FACILITY FOR A PERIOD NOT TO EXCEED 18 MONTHS:~~

~~(i) AT A TEMPORARY FACILITY THAT IS PHYSICALLY CONNECTED TO, ATTACHED TO, OR ADJACENT TO THE APPLICANT'S VIDEO LOTTERY FACILITY; OR~~

~~(H) THROUGH ONLINE SPORTS WAGERING.~~

~~(B) A SPORTS WAGERING LICENSEE THAT HAS MET THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION MAY ACCEPT WAGERS ON SPORTING EVENTS THAT ARE MADE:~~

~~(1) BY AN INDIVIDUAL PHYSICALLY PRESENT IN A SPORTS WAGERING LOUNGE LOCATED AT THE LICENSEE'S VIDEO LOTTERY FACILITY OR A TEMPORARY FACILITY AUTHORIZED UNDER SUBSECTION (A) OF THIS SECTION;~~

~~(I) IN A VIDEO LOTTERY FACILITY, IF THE SPORTS WAGERING LICENSEE IS A VIDEO LOTTERY OPERATOR;~~

~~(II) AT PIMLICO RACE COURSE OR A RACE TRACK LOCATED AT LAUREL PARK OR IN TIMONIUM, IF THE SPORTS WAGERING LICENSEE IS A HORSE RACING LICENSEE;~~

~~(III) IN A SPORTS FACILITY, IF THE SPORTS WAGERING LICENSEE IS THE OWNER OF A SPORTS FACILITY; OR~~

~~(IV) SUBJECT TO SUBSECTION (C) OF THIS SECTION, AT A LOCATION IDENTIFIED IN A SATELLITE SIMULCAST FACILITY PERMIT GRANTED UNDER § 11-820 OF THE BUSINESS REGULATION ARTICLE;~~

~~(2) ON A SELF-SERVICE KIOSK OR MACHINE, APPROVED BY THE COMMISSION, BY AN INDIVIDUAL PHYSICALLY PRESENT IN THE LICENSEE'S VIDEO LOTTERY FACILITY LOCATED IN A FACILITY OR AT A LOCATION IDENTIFIED UNDER PARAGRAPH (1) OF THIS SUBSECTION; OR~~

~~(3) THROUGH ONLINE SPORTS WAGERING BY AN INDIVIDUAL PHYSICALLY LOCATED IN THE STATE.~~

~~(C) (B) TO PARTICIPATE IN ONLINE SPORTS WAGERING UNDER THIS SECTION, A BETTOR SHALL REGISTER:~~

~~(1) IN PERSON AT THE SPORTS WAGERING LICENSEE'S VIDEO LOTTERY FACILITY A FACILITY OR LOCATION IDENTIFIED UNDER SUBSECTION (A)(1) OF THIS SECTION; OR~~

~~(2) ONLINE USING A WEBSITE OR MOBILE APPLICATION APPROVED BY THE COMMISSION.~~

~~(C) A SPORTS WAGERING LICENSEE THAT ACCEPTS WAGERS AT A LOCATION IDENTIFIED IN A SATELLITE SIMULCAST FACILITY PERMIT GRANTED UNDER §~~

~~11-820 OF THE BUSINESS REGULATION ARTICLE SHALL OWN OR LEASE THE SPORTS WAGERING EQUIPMENT AT A SATELLITE SIMULCAST FACILITY AND SHALL, WITH ITS EMPLOYEES, OPERATE THE EQUIPMENT.~~

~~9-1E-09.~~

~~(A) (1) A SPORTS WAGERING LICENSEE:~~

~~(I) MAY CONDUCT AND OPERATE ONLINE SPORTS WAGERING;~~

~~OR~~

~~(II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION AND SUBSECTION (B) OF THIS SECTION, MAY ENTER INTO A CONTRACT WITH AN ONLINE SPORTS WAGERING OPERATOR TO CONDUCT ONLINE SPORTS WAGERING ON ITS BEHALF.~~

~~(2) A PERSON OTHER THAN THE SPORTS WAGERING LICENSEE MAY NOT CONDUCT ONLINE SPORTS WAGERING, EXCEPT FOR TESTING PURPOSES, UNTIL THE PERSON RECEIVES FROM THE COMMISSION AN ONLINE SPORTS WAGERING LICENSE.~~

~~(3) (I) A SPORTS WAGERING LICENSEE MAY NOT CONTRACT WITH MORE THAN ONE ONLINE SPORTS WAGERING OPERATOR TO CONDUCT ONLINE SPORTS WAGERING ON THE LICENSEE'S BEHALF.~~

~~(II) ALL SPORTS WAGERING LICENSEES THAT ARE RELATED ENTITIES ARE TREATED AS A SINGLE SPORTS WAGERING LICENSEE FOR PURPOSES OF THE LIMITATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.~~

~~(B) (1) A SPORTS WAGERING LICENSEE MAY NOT ENTER INTO A CONTRACT WITH AN ONLINE SPORTS WAGERING OPERATOR UNLESS THE CONTRACT IS IN WRITING AND HAS BEEN APPROVED BY THE COMMISSION.~~

~~(2) A SPORTS WAGERING LICENSEE SHALL SUBMIT ANY MATERIAL CHANGE IN AN ONLINE SPORTS WAGERING CONTRACT PREVIOUSLY APPROVED BY THE COMMISSION TO THE COMMISSION FOR ITS APPROVAL OR REJECTION BEFORE THE MATERIAL CHANGE MAY TAKE EFFECT.~~

~~(3) (B) (I) (1) THE DUTIES AND RESPONSIBILITIES OF AN ONLINE SPORTS WAGERING OPERATOR MAY NOT BE ASSIGNED, DELEGATED, SUBCONTRACTED, OR TRANSFERRED TO A THIRD PARTY WITHOUT THE PRIOR APPROVAL OF THE COMMISSION.~~



~~(H) (2) A THIRD PARTY MUST BE LICENSED AS AN ONLINE SPORTS WAGERING OPERATOR BEFORE PROVIDING SERVICES.~~

~~(C) AN ONLINE SPORTS WAGERING OPERATOR MAY CONDUCT ONLINE SPORTS WAGERING ON BEHALF OF MORE THAN ONE SPORTS WAGERING LICENSEE.~~

~~9-1E-10.~~

~~(A) AN INDIVIDUAL MAY NOT WAGER ON A SPORTING EVENT AND A SPORTS WAGERING LICENSEE MAY NOT ACCEPT A WAGER FROM AN INDIVIDUAL ON A SPORTING EVENT IF THE INDIVIDUAL:~~

- ~~(1) IS UNDER THE AGE OF 21 YEARS;~~
- ~~(2) IS NOT PHYSICALLY PRESENT IN THE STATE;~~
- ~~(3) IS AN ATHLETE, A COACH, A REFEREE, OR A DIRECTOR OR AN EMPLOYEE OF A SPORTS GOVERNING ENTITY OR ANY OF ITS MEMBER TEAMS;~~
- ~~(4) IS THE DIRECT OR INDIRECT LEGAL OR BENEFICIAL OWNER OF 10% OR MORE OF A SPORTS GOVERNING ENTITY OR ANY OF ITS MEMBER TEAMS IF ANY MEMBER TEAM OF THAT SPORTS GOVERNING ENTITY PARTICIPATES IN THE SPORTING EVENT;~~
- ~~(5) HAS ACCESS TO CERTAIN TYPES OF EXCLUSIVE INFORMATION ON ANY SPORTING EVENT OVERSEEN BY THAT INDIVIDUAL'S SPORTS GOVERNING ENTITY;~~
- ~~(6) HOLDS A POSITION OF AUTHORITY OR INFLUENCE SUFFICIENT TO EXERT INFLUENCE OVER THE PARTICIPANTS IN A SPORTING EVENT, INCLUDING COACHES, MANAGERS, HANDLERS, OR ATHLETIC TRAINERS;~~
- ~~(7) IS IDENTIFIED ON ANY A MANDATORY OR VOLUNTARY SPORTS WAGERING EXCLUSION LIST MAINTAINED BY THE COMMISSION;~~
- ~~(8) IS THE OPERATOR, DIRECTOR, OFFICER, OWNER, OR EMPLOYEE OF THE SPORTS WAGERING LICENSEE OR ONLINE SPORTS WAGERING OPERATOR OR ANY RELATIVE OF THE LICENSEE OR OPERATOR LIVING IN THE SAME HOUSEHOLD AS THE LICENSEE OR OPERATOR; OR~~
- ~~(9) HAS ACCESS TO NONPUBLIC CONFIDENTIAL INFORMATION HELD BY THE SPORTS WAGERING LICENSEE OR ONLINE SPORTS WAGERING OPERATOR.~~

~~(B) FOR ONLINE SPORTS WAGERING, THE SPORTS WAGERING LICENSEE SHALL:~~

~~(1) HAVE IN PLACE TECHNICAL AND OPERATIONAL MEASURES TO PREVENT ACCESS BY INDIVIDUALS WHO ARE UNDERAGE OR PHYSICALLY LOCATED OUTSIDE THE STATE, INCLUDING:~~

~~(I) AGE VERIFICATION PROCEDURES, WHICH MAY REQUIRE THE USE OF A REPUTABLE INDEPENDENT THIRD PARTY THAT IS IN THE BUSINESS OF VERIFYING AN INDIVIDUAL'S PERSONALLY IDENTIFIABLE INFORMATION; AND~~

~~(II) THE USE OF GEOFENCING GEOLOCATION TECHNOLOGY TO VERIFY A BETTOR'S GEOGRAPHIC LOCATION;~~

~~(2) INCLUDE ON ITS ONLINE SPORTS WAGERING WEBSITE A DESCRIPTION OF THE POSSIBLE REPERCUSSIONS FOR AN UNDERAGE OR OUT OF STATE BETTOR, WHICH MAY INCLUDE IMMEDIATE STOPPAGE OF PLAY, ACCOUNT CLOSURE, AND FORFEITURE AND CONFISCATION OF WINNINGS; AND~~

~~(3) ESTABLISH PROCEDURES TO PREVENT PROHIBITED INDIVIDUALS FROM WAGERING ON SPORTING EVENTS.~~

~~(C) A SPORTS WAGERING LICENSEE SHALL:~~

~~(1) ADOPT PROCEDURES TO OBTAIN PERSONALLY IDENTIFIABLE INFORMATION FROM ANY INDIVIDUAL WHO PLACES ANY SINGLE WAGER IN AN AMOUNT OF \$10,000 OR MORE ON A SPORTING EVENT;~~

~~(2) (1) PROMPTLY REPORT TO THE COMMISSION:~~

~~(I) ANY CRIMINAL OR DISCIPLINARY PROCEEDINGS AGAINST THE LICENSEE OR ITS EMPLOYEES IN CONNECTION WITH THE LICENSEE'S SPORTS WAGERING OPERATION;~~

~~(II) ANY ABNORMAL BETTING ACTIVITY OR PATTERNS THAT MAY INDICATE A CONCERN ABOUT THE INTEGRITY OF A SPORTING EVENT;~~

~~(III) ANY OTHER CONDUCT WITH THE POTENTIAL TO CORRUPT THE OUTCOME OF A SPORTING EVENT FOR PURPOSES OF FINANCIAL GAIN, INCLUDING MATCH FIXING; AND~~

~~(IV) ANY SUSPICIOUS OR ILLEGAL WAGERING ACTIVITIES, INCLUDING THE USE OF FUNDS DERIVED FROM ILLEGAL ACTIVITY, WAGERS TO~~

~~CONCEAL OR LAUNDER FUNDS DERIVED FROM ILLEGAL ACTIVITY, USE OF AGENTS TO PLACE WAGERS, OR USE OF FALSE IDENTIFICATION; AND~~

~~(3) (2) MAINTAIN RECORDS OF SPORTS WAGERING OPERATIONS IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE COMMISSION.~~

~~(D) THE COMMISSION IS AUTHORIZED TO SHARE ANY INFORMATION UNDER THIS SECTION WITH ANY LAW ENFORCEMENT AGENCY, SPORTS TEAM, SPORTS GOVERNING ENTITY, OR REGULATORY AGENCY THE COMMISSION DEEMS APPROPRIATE.~~

~~9-1E-11.~~

~~(A) (1) THE COMMISSION SHALL ACCOUNT TO THE COMPTROLLER FOR ALL OF THE REVENUE UNDER THIS SUBTITLE.~~

~~(2) THE PROCEEDS FROM SPORTS WAGERING SHALL BE UNDER THE CONTROL OF THE COMPTROLLER AND DISTRIBUTED AS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION.~~

~~(B) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, ALL PROCEEDS FROM SPORTS WAGERING SHALL BE ELECTRONICALLY TRANSFERRED DAILY INTO THE STATE LOTTERY FUND ESTABLISHED UNDER SUBTITLE 1 OF THIS TITLE.~~

~~(II) A SPORTS WAGERING LICENSEE SHALL RETAIN:~~

~~1. EXCEPT AS PROVIDED IN ITEM 2 OF THIS SUBPARAGRAPH, 80% OF THE PROCEEDS FROM SPORTS WAGERING; OR~~

~~2. 75% OF THE PROCEEDS FROM SPORTS WAGERING IF THE PROCEEDS ARE FROM SPORTS WAGERING AT A SATELLITE SIMULCAST FACILITY.~~

~~(2) ALL PROCEEDS FROM SPORTS WAGERING SHALL BE ELECTRONICALLY TRANSFERRED ON A WEEKLY BASIS INTO IN THE STATE LOTTERY FUND ESTABLISHED UNDER SUBTITLE 1 OF THIS TITLE AND DISTRIBUTED SHALL BE DISTRIBUTED ON A MONTHLY BASIS, ON A PROPERLY APPROVED TRANSMITTAL PREPARED BY THE COMMISSION, AS FOLLOWS:~~

~~(1) (I) TO THE SPORTS WAGERING LICENSEE, 80% OF THE PROCEEDS FROM SPORTS WAGERING SMALL, MINORITY, AND WOMEN OWNED BUSINESS ACCOUNT ESTABLISHED UNDER § 5-1501 OF THE ECONOMIC DEVELOPMENT ARTICLE, 1% OF THE PROCEEDS FROM SPORTS WAGERING; AND~~

~~(2) (H) THE REMAINDER TO THE EDUCATION TRUST FUND ESTABLISHED UNDER § 9-1A-30 OF THIS TITLE.~~

~~(C) A WINNING WAGER ON A SPORTING EVENT THAT IS NOT CLAIMED BY THE WINNER WITHIN 182 DAYS AFTER THE WAGER IS WON SHALL:~~

~~(1) BECOME THE PROPERTY OF THE STATE; AND~~

~~(2) BE DISTRIBUTED TO THE EDUCATION TRUST FUND ESTABLISHED UNDER § 9-1A-30 OF THIS TITLE.~~

~~(D) IF A SPORTS WAGERING LICENSEE RETURNS TO SUCCESSFUL PLAYERS MORE THAN THE AMOUNT OF MONEY WAGERED ON ANY DAY, THE LICENSEE MAY SUBTRACT THAT AMOUNT FROM THE PROCEEDS OF UP TO 90 FOLLOWING DAYS.~~

~~9-1E-12.~~

~~(A) ALL WAGERS ON SPORTING EVENTS AUTHORIZED UNDER THIS SUBTITLE SHALL BE INITIATED, RECEIVED, AND OTHERWISE MADE WITHIN THE STATE UNLESS OTHERWISE DETERMINED BY THE COMMISSION IN ACCORDANCE WITH APPLICABLE FEDERAL AND STATE LAWS.~~

~~(B) CONSISTENT WITH THE INTENT OF THE UNITED STATES CONGRESS AS ARTICULATED IN THE UNLAWFUL INTERNET GAMBLING ENFORCEMENT ACT OF 2006, THE INTERMEDIATE ROUTING OF ELECTRONIC DATA RELATING TO A LAWFUL INTRASTATE WAGER AUTHORIZED UNDER THIS SUBTITLE MAY NOT DETERMINE THE LOCATION IN WHICH THE WAGER IS INITIATED, RECEIVED, OR OTHERWISE MADE.~~

~~(C) NOTWITHSTANDING THE PROVISIONS OF THIS SUBTITLE, A WAGER ON A SPORTING EVENT MAY BE ACCEPTED OR POOLED WITH A WAGER FROM AN INDIVIDUAL WHO IS NOT PHYSICALLY PRESENT IN THE STATE IF THE COMMISSION DETERMINES THAT ACCEPTING OR POOLING THE WAGER IS NOT INCONSISTENT WITH FEDERAL LAW OR THE LAW OF THE JURISDICTION, INCLUDING ANY FOREIGN NATION, IN WHICH THE INDIVIDUAL IS LOCATED, OR THAT SUCH WAGERING IS CONDUCTED IN ACCORDANCE WITH A RECIPROCAL AGREEMENT TO WHICH THE STATE IS A PARTY THAT IS NOT INCONSISTENT WITH FEDERAL LAW.~~

~~9-1E-13.~~

~~ON OR BEFORE DECEMBER 1 EACH YEAR, THE COMMISSION SHALL REPORT TO THE GOVERNOR AND, SUBJECT TO IN ACCORDANCE WITH § 2-1257 OF THIS ARTICLE, TO THE GENERAL ASSEMBLY ON:~~

- ~~(1) THE OPERATION OF SPORTS WAGERING IN THE STATE; AND~~
- ~~(2) SPORTS WAGERING REVENUES FROM THE IMMEDIATELY PRECEDING FISCAL YEAR, INCLUDING THE HANDLE, HOLD, HOLD PERCENTAGE, AND PROCEEDS, BROKEN DOWN BY TYPE OF WAGER, TYPE OF SPORTING EVENT, AND SPORTS WAGERING FACILITY; CATEGORIES DEFINED BY THE COMMISSION.~~
- ~~(3) THE IMPACT OF SPORTS WAGERING ON THE INTEGRITY OF SPORTING EVENTS, INCLUDING THE IMPACT, IF ANY, ON ATHLETES;~~
- ~~(4) (I) THE IMPACT OF SPORTS WAGERING ON PROBLEM GAMBLERS AND GAMBLING ADDICTION IN THE STATE; AND~~
- ~~(II) THE NEED, IF ANY, OF ADDITIONAL PROBLEM GAMBLING FUNDS AND RECOMMENDATIONS ON THE AMOUNT NECESSARY TO ADDRESS THE IMPACT ON PROBLEM GAMBLING; AND~~
- ~~(5) THE EFFECTIVENESS OF THE STATUTORY AND REGULATORY CONTROLS IN PLACE TO ENSURE THE INTEGRITY OF ONLINE SPORTS WAGERING OPERATIONS.~~

~~9-1E-14.~~

- ~~(A) THIS SECTION APPLIES TO THE OWNER OF A SPORTS FACILITY.~~
- ~~(B) THE OWNER OF A SPORTS FACILITY MAY NOT APPLY FOR A SPORTS WAGERING LICENSE UNTIL THE OWNER ENTERS INTO AN AGREEMENT WITH THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY FOR THE CONSTRUCTION OF A MIXED USE DEVELOPMENT AND THE CONSTRUCTION OR RECONSTRUCTION OF A SPORTS FACILITY IN PRINCE GEORGE'S COUNTY WITHIN A 1.5 MILE RADIUS OF THE INTERSECTION OF ARENA DRIVE AND I-495.~~
- ~~(C) THE COMMISSION SHALL TERMINATE AND REVOKE THE SPORTS WAGERING LICENSE OF THE OWNER OF A SPORTS FACILITY IF:~~
- ~~(1) ON OR BEFORE JULY 1, 2022, THE OWNER HAS NOT SUBMITTED ARCHITECTURAL DRAWINGS OF THE SPORTS FACILITY TO THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY; AND~~
- ~~(2) ON OR BEFORE JULY 1, 2024, THE OWNER HAS NOT:~~
- ~~(I) RECEIVED ALL REQUIRED ZONING APPROVALS IN ACCORDANCE WITH THE COUNTY ZONING LAWS FOR A SPORTS FACILITY AND MIXED~~

~~USE DEVELOPMENT PROJECT LOCATED IN PRINCE GEORGE'S COUNTY WITH CONSTRUCTION OR RENOVATION COSTS THAT ARE AT LEAST \$500,000,000; AND~~

~~(H) ENTERED INTO A COMMUNITY BENEFITS AGREEMENT WITH THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY REGARDING BENEFITS TO THE COMMUNITY FROM THE DEVELOPMENT, CONSTRUCTION, AND OPERATION OF THE SPORTS FACILITY.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that, in order to maintain the competitiveness of the State's gaming program, the State Lottery and Gaming Control Agency prepare to implement sports wagering in the State as expeditiously as possible and in a manner that is in the best interests of Maryland and its citizens, by:~~

~~(1) reviewing the implementation processes of other states and consulting with the gaming regulators in those states; and~~

~~(2) developing draft regulations that have been approved by the Director of the Agency ahead of the 2020 general election and initiating the administrative process for those regulations as soon as possible under the law.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That the certification agency designated by the Board of Public Works under § 14-303(b) of the State Finance and Procurement Article to certify and decertify minority business enterprises, in consultation with the Office of the Attorney General and the Governor's Office of Small, Minority, and Women Business Affairs, shall initiate an analysis of the Minority Business Enterprise Program requirements of § 10A-404 of the State Finance and Procurement Article, as enacted by Section 1 of this Act, and the disparity study entitled "Business Disparities in the Maryland Market Area" published on February 8, 2017, to evaluate compliance with the requirements of any federal and constitutional requirements and submit a report on the analysis to the Legislative Policy Committee of the General Assembly, in accordance with § 2-1257 of the State Government Article, on or before September 30, 2020.~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That the certification agency designated by the Board of Public Works under § 14-303(b) of the State Finance and Procurement Article to certify and decertify minority business enterprises, in consultation with the Office of the Attorney General and the Governor's Office of Small, Minority, and Women Business Affairs, shall initiate an analysis of the Minority Business Enterprise Program requirements of § 10A-404 of the State Finance and Procurement Article, as enacted by Section 1 of this Act, and the disparity study submitted pursuant to Chapter 340 of the Acts of the General Assembly of 2017 to evaluate compliance with the requirements of any federal and constitutional requirements and submit a report on the analysis to the Legislative Policy Committee of the General Assembly, in accordance with § 2-1257 of the State Government Article, on or before December 1, 2022.~~

~~SECTION 3. 5. AND BE IT FURTHER ENACTED, That before this Act, which authorizes additional forms or expansion of commercial gaming, becomes effective, it first shall be submitted to a referendum of the qualified voters of the State at the general election to be held in November 2020, in accordance with Article XIX, § 1(c) of the Maryland Constitution. The State Board of Elections shall do those things necessary and proper to provide for and hold the referendum required by this section. If a majority of the votes cast on the question are “For the referred law”, this Act shall become effective on the 30th day following the official canvass of votes for the referendum, but if a majority of the votes cast on the question are “Against the referred law”, this Act, with no further action required by the General Assembly, shall be null and void.~~

~~SECTION 4. 6. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 3 5 of this Act and for the sole purpose of providing for the referendum required by Section 3 5 of this Act, this Act shall take effect July 1, 2020.~~

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

---

## Chapter 493

### (Senate Bill 6)

AN ACT concerning

#### State Real Estate Commission – Sunset Extension

FOR the purpose of continuing the State Real Estate Commission in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to certain statutory and regulatory authority of the Commission; and generally relating to the State Real Estate Commission.

BY repealing and reenacting, with amendments,  
 Article – Business Occupations and Professions  
 Section 17–702  
 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 – Business Occupations and Professions

17–702.

Subject to the evaluation and reestablishment provisions of the Maryland Program

Evaluation Act, this title and all regulations adopted under this title shall terminate and be of no effect after July 1, [2022] **2032**.

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 494**

### **(Senate Bill 7)**

AN ACT concerning

#### **Maryland Green Building Council – Membership**

FOR the purpose of altering the membership of the Maryland Green Building Council; and generally relating to the Maryland Green Building Council.

BY repealing and reenacting, without amendments,  
Article – State Finance and Procurement  
Section 4–809(a)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Finance and Procurement  
Section 4–809(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 Finance and Procurement**

4–809.

- (a) There is a Maryland Green Building Council.
- (b) The Council shall include:
  - (1) the Secretary of General Services, or the Secretary’s designee;
  - (2) the Secretary of Budget and Management, or the Secretary’s designee;



- (3) the Secretary of the Environment, or the Secretary's designee;
- (4) the Secretary of [Housing and Community Development] **LABOR**, or the Secretary's designee;
- (5) the Secretary of Natural Resources, or the Secretary's designee;
- (6) the Secretary of Planning, or the Secretary's designee;
- (7) the Secretary of Transportation, or the Secretary's designee;
- (8) the Director of the Maryland Energy Administration, or the Director's designee;
- (9) the Director of the Interagency Commission on School Construction, or the Director's designee;
- (10) the Chancellor of the University System of Maryland, or the Chancellor's designee; and
- (11) six members appointed by the Governor to represent environmental, business, and citizen interests, one of whom has expertise in energy conservation or green building design standards.

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 495

### (Senate Bill 8)

AN ACT concerning

#### **Subsequent Injury Fund and Uninsured Employers' Fund – ~~Additional~~ Assessment on Awards and Settlements – Amount**

FOR the purpose of altering the percentage of ~~the additional assessment that the Uninsured Employers' Fund Board may direct the Workers' Compensation Commission to impose on certain awards and settlements if the Board determines that the reserves of the Uninsured Employers' Fund are inadequate to meet anticipated losses~~ a certain assessment imposed by the Workers' Compensation Commission payable to the Subsequent Injury Fund; altering the percentage of a

certain assessment imposed by the Commission payable to the Uninsured Employers' Fund; providing for the termination of this Act; and generally relating to assessments related to the Subsequent Injury Fund and the Uninsured Employers' Fund.

BY repealing and reenacting, with amendments,  
Article – Labor and Employment  
Section 9–806(a)(1) and 9–1007  
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**

#### 9–806.

(a) (1) The Commission shall impose an assessment of [6.5%] 5.5%, payable to the Subsequent Injury Fund, on:

(i) each award against an employer or its insurer for permanent disability or death, including awards for disfigurement and mutilation;

(ii) except as provided in paragraph (2) of this subsection, each amount payable by an employer or its insurer under a settlement agreement approved by the Commission; and

(iii) each amount payable under item (i) or (ii) of this paragraph by the Property and Casualty Guaranty Corporation on behalf of an insolvent insurer.

#### 9–1007.

(a) (1) Except as provided in subsection (b) of this section, the Commission shall impose against an employer or, if insured, its insurer an assessment equal to ~~1%~~ 2% of:

(i) each award against the employer for permanent disability or death, including awards for disfigurement or mutilation; and

(ii) except as provided in paragraph (2) of this subsection, each amount payable by the employer or its insurer under a settlement agreement approved by the Commission.

(2) The amount of medical benefits specified in a formal set-aside allocation that is part of an approved settlement agreement shall be excluded from the assessment imposed by the Commission under paragraph (1)(ii) of this subsection if:

(i) 1. the amount of medical benefits is in excess of \$50,000; and

2. the payment of medical benefits by the employer or its insurer is directly to an authorized insurer that provides periodic payments to the covered employee pursuant to a single premium annuity; or

(ii) 1. the amount of medical benefits is in any amount; and

2. the payment of medical benefits by the employer or its insurer is to an independent third-party administrator that controls and pays the medical services in accordance with the formal set-aside allocation, provided there is no reversionary interest to the covered employee or the covered employee's beneficiaries.

(3) (i) Notwithstanding any other provision of law, if the employer is a corporation the assets of which are not sufficient to satisfy an assessment, any officer of the corporation who has responsibility for the general management of the corporation in the State is jointly and severally liable for the assessment if the corporate officer knowingly failed to secure workers' compensation insurance.

(ii) Notwithstanding any other provision of law, if the employer is a limited liability company the assets of which are not sufficient to satisfy an assessment, any member of the limited liability company who has responsibility for the general management of the limited liability company in the State is jointly and severally liable for the assessment if a member of the limited liability company who has general management responsibility knowingly failed to secure workers' compensation insurance.

(b) Notwithstanding the limit on the balance of the Fund under § 9-1011 of this subtitle, if the Board determines that the reserves of the Fund are inadequate to meet anticipated losses, the Board may direct the Commission to assess ~~UP TO~~ an additional ~~1%~~ ~~3%~~ under subsection (a) of this section.

(c) Any fractional dollar of payment under this section shall be rounded off to the nearest whole dollar.

(d) The Commission shall direct payment of an assessment under subsection (a) or (b) of this section into the Fund.

(e) Payments under this section are in addition to the payment of compensation to a covered employee or the dependents of a covered employee under this title.

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 496****(Senate Bill 9)**

AN ACT concerning

**Agriculture – Maryland Egg Law – Revisions**

FOR the purpose of altering the scope of certain provisions of the Maryland Egg Law to include certain eggs produced from certain poultry; requiring shell eggs produced from poultry other than domesticated chickens to be sold in a certain manner; authorizing the Secretary of Agriculture to conduct certain examinations, testing, and sampling for certain purposes; specifying that shell eggs are adulterated when the shell eggs are subjected to certain contamination or conditions; altering certain requirements that apply to a certain applicant for a certain registration; requiring a certain retailer or food service facility to keep a certain invoice delivery ticket for a certain period of time; defining a certain term; altering certain definitions; making clarifying, conforming, and stylistic changes; and generally relating to the Maryland Egg Law.

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 4–301, 4–302, 4–304, 4–307, 4–308, 4–310, 4–311, 4–311.2, and 4–311.7

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**

4–301.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Consumer” means any person who purchases or otherwise acquires shell eggs for household consumption.
- (c) (1) “Distributor” means any person who:
  - (i) Sells, offers, or exposes for sale shell eggs;
  - (ii) Purchases shell eggs for other than household consumption; or
  - (iii) Distributes eggs to a retail outlet or food service facility owned by that person.

(2) “Distributor” does not include any person who purchases shell eggs either exclusively as a retailer or exclusively for use in a food service facility or exclusively both as a retailer and as a food service facility.

(d) “Food service facility” means any person who operates a facility where eggs are used in the preparation of food and who does not distribute eggs to a food service facility owned by that person.

(e) “Packer” means any person who places shell eggs in the original case, carton, or container that is used to hold eggs for distribution or sale to a consumer.

**(F) “POULTRY” MEANS ANY LIVING DOMESTICATED BIRD.**

**[(f)] (G)** “Retailer” means any person who sells shell eggs to a consumer and who does not distribute eggs to a retail outlet owned by that person.

**[(g)] (H)** “Shell eggs” means raw or treated **[chicken] POULTRY** eggs that are still in the shell and intended for human consumption.

**[(h)] (I)** “Treated egg” means a **[chicken] POULTRY** egg that has been subjected to a process that alters the egg while still in the shell.

4–302.

A person may not donate, sell, advertise, offer, or in any manner represent for sale shell eggs to any person unless the shell eggs meet **THE** standards of **[quality, grade, and size classification as provided in]** this subtitle **OR ANY REGULATION ADOPTED IN ACCORDANCE WITH THIS SUBTITLE.**

4–304.

**(A) (1)** The size or weight classification for **[individual shell] DOMESTICATED CHICKEN** eggs in the State shall be the same as the official United States Department of Agriculture weight classes for **[shell] DOMESTICATED CHICKEN** eggs for the following classifications: jumbo, extra large, large, medium, small, and pee wee. **[The Secretary shall adopt rules and regulations prescribing the weights permitted in this subtitle. The net weight of shell eggs does not include the weight of any container.]**

**(2) SHELL EGGS PRODUCED FROM POULTRY OTHER THAN DOMESTICATED CHICKENS SHALL BE SOLD BY NET QUANTITY.**

**(3) WHEN SOLD BY WEIGHT, THE NET WEIGHT OF SHELL EGGS DOES NOT INCLUDE THE WEIGHT OF ANY CONTAINER.**

**(B) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE REQUIREMENTS UNDER THIS SUBTITLE FOR WEIGHTS AND NET QUANTITY.**

4–307.

**(A)** A person may not sell, offer to sell, or deliver any shell eggs not properly designated in respect to quality [and], size [standard], **AND NET QUANTITY STANDARDS.**

**(B)** When shell eggs are sold or offered for sale, the designation shall be plainly and conspicuously shown on the container and in the offer to sell, and if the shell eggs are loose, by a sign placed on or near the eggs.

**(C)** Any shell eggs not designated as [United States Department of Agriculture Grade B] **TO QUALITY** shall be presumed to [be United State Department of Agriculture Grade A in allowing tolerance for quality] **MEET THE MINIMUM STANDARDS FOR QUALITY ESTABLISHED BY THE SECRETARY BY REGULATION.**

4–308.

**(A)** A person may not sell or deliver shell eggs to a distributor, retailer, or food service facility unless at the time of delivery the person [furnishes] **PROVIDES** an invoice delivery ticket accurately detailing the sale of the shell eggs [pursuant to] **IN ACCORDANCE WITH** this section.

**(B)** [Every] **EACH** invoice delivery ticket shall contain [upon] **ON** its face the following information:

- (1) Delivery date;
- (2) Name and address of the seller;
- (3) Name and address of the purchaser;
- (4) The registration number, if any, of the purchaser;
- (5) The quantity;
- (6) The grade and size of the shell eggs delivered; and
- (7) The inspection fee, if applicable.

4–310.

(a) During the usual business hours, the Secretary may enter any warehouse, store, building, market, **FOOD SERVICE FACILITY, PRODUCTION FACILITY, PACKING**

FACILITY, or any other place, carrier, conveyance, or vehicle where or from where shell eggs are **PRODUCED, DISTRIBUTED, PACKED, DONATED**, sold, **OR** offered[,] or exposed for sale, to enforce [the provisions of] this subtitle.

**(B) THE SECRETARY MAY EXAMINE, TEST, OR SAMPLE ANY SHELL EGG, LAYER HOUSE, PEN, COOLER, PACKING FACILITY, WASHING FACILITY, OR ANY OTHER PLACE OR ITEM TO DETERMINE WHETHER THE ENVIRONMENT OF THE FACILITY WHERE SHELL EGGS ARE PRODUCED, PACKED, OR HELD IS IN COMPLIANCE WITH THIS SUBTITLE.**

**[(b)] (C) (1)** If the Secretary finds shell eggs are sold[,] **OR** offered or exposed for sale in violation of this subtitle, [he] **THE SECRETARY** may issue a written or printed “stop–sale” order to the person violating this section.

**(2)** After receipt of [the order] **AN ORDER ISSUED UNDER THIS SUBSECTION**, the recipient **OF THE ORDER** may not sell[,] **OR** offer[,] or expose for sale any shell eggs subject to the order.

**(3)** [Any] **A** person [upon whom] **WHO HAS BEEN ISSUED** a “stop–sale” order [has been served] **UNDER THIS SUBSECTION** may appeal to the Secretary.

4–311.

**(A) SHELL EGGS ARE ADULTERATED IF THE SHELL EGGS ARE:**

**(1) CONTAMINATED BY A PATHOGEN, POISONOUS SUBSTANCE, OR OTHER DELETERIOUS SUBSTANCE; OR**

**(2) SUBJECTED TO CONDITIONS LIKELY TO CAUSE CONTAMINATION THAT MAY RENDER THE SHELL EGGS INJURIOUS TO HUMAN HEALTH.**

**(B)** If the Secretary finds that any shell eggs are adulterated or unfit for human consumption, [he] **THE SECRETARY** shall [segregate them]:

**(1) SEGREGATE THE SHELL EGGS; and [mark them]**

**(2) MARK THE SHELL EGGS** in a permanent manner to permit ready identification.

**(C) (1)** If no appeal is taken from a determination of condemnation, the Secretary shall destroy [them] **THE SHELL EGGS** in a manner prescribed by [the rules and regulations] **REGULATION.**

**(2)** If an appeal is taken, the condemned shell eggs shall be segregated and

stored pending completion of an appeal inspection.

(3) The SHELL eggs may be destroyed in accordance with this section if the appeal is sustained.

4-311.2.

(a) Except as [otherwise] provided in subsection (b) of this section, an applicant for registration shall:

(1) Submit to the Secretary an application on the form that the Secretary provides; [and]

(2) BE IN COMPLIANCE WITH THE FEDERAL STANDARDS ESTABLISHED BY THE U.S. FOOD AND DRUG ADMINISTRATION UNDER 21 C.F.R. PART 16 AND PART 118 FOR THE PREVENTION OF SALMONELLA ENTERITIDIS IN SHELL EGGS DURING PRODUCTION, STORAGE, AND TRANSPORTATION, AS APPLICABLE;

(3) AGREE TO ALLOW THE SECRETARY OR THE SECRETARY’S DESIGNEE TO ENTER THE APPLICANT’S PREMISES TO DETERMINE COMPLIANCE IN ACCORDANCE WITH § 4-310(B) OF THIS SUBTITLE; AND

[(2)] (4) Pay to the Secretary the appropriate registration fee established in subsection (c) of this section.

(b) A packer or distributor who keeps 3,000 or fewer [chickens] POULTRY and who sells[,] OR offers[,] or exposes for sale shell eggs only from those [chickens] POULTRY shall register with the Secretary, but is exempt from paying any fee required by this subtitle.

(c) The following persons shall pay to the Secretary the registration fee indicated:

(1) Packer.....\$30; and

(2) Distributor.....\$30.

4-311.7.

(A) A packer or distributor shall:

(1) Keep accurate records showing the number of eggs sold or delivered to any person;

(2) Keep required records at each place of business or at a central location within the State;



- (3) Keep required records for 1 year; and
- (4) Make required egg records available to the Secretary upon request.

**(B) A RETAILER OR FOOD SERVICE FACILITY SHALL KEEP EACH INVOICE DELIVERY TICKET RECEIVED IN ACCORDANCE WITH § 4-308 OF THIS SUBTITLE FOR 90 DAYS.**

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 497

(Senate Bill 12)

AN ACT concerning

### **Professional Engineers – Qualifications for Licensure – Experience Requirements Requirement**

FOR the purpose of ~~requiring certain applicants for a license to practice engineering to have a certain number of years of progressive work experience in engineering to qualify for a license;~~ repealing a provision of law that requires a certain applicant for a license to practice engineering to have a certain number of years of work experience in responsible charge of other engineers; and generally relating to licensure requirements for professional engineers.

BY repealing and reenacting, without amendments,  
 Article – Business Occupations and Professions  
 Section 14-305(a), ~~(b)(2)~~, (b)(1)(ii) and (2), ~~(c)(2)~~, and (d)(2)  
 Annotated Code of Maryland  
 (2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Business Occupations and Professions  
 Section ~~14-305(b)(1)(ii), (c)(2), and (d)(1)(i)~~ 14-305(d)(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 – Business Occupations and Professions**

14–305.

(a) In addition to the other qualifications for a license set forth in this subtitle, an applicant shall qualify under this section by meeting the educational and experience requirements set forth in subsection (b), (c), or (d) of this section.

(b) (1) An applicant qualifies under this section if the applicant:

(ii) subject to paragraph (2) of this subsection, has at least 4 years of ~~PROGRESSIVE~~ work experience in engineering that is satisfactory to the Board and that indicates to the Board that the applicant may be competent to practice engineering;

(2) If an applicant has completed graduate study in engineering that is satisfactory to the Board, it may allow the applicant up to a 1–year credit toward the experience requirement of paragraph (1)(ii) of this subsection.

(c) An applicant qualifies under this section if the applicant:

(2) has at least 8 years of ~~PROGRESSIVE~~ work experience in engineering that is satisfactory to the Board and that indicates to the Board that the applicant may be competent to practice engineering;

(d) (1) An applicant qualifies under this section if the applicant:

(i) subject to paragraph (2) of this subsection, has at least 12 years of ~~PROGRESSIVE~~ work experience in engineering that is satisfactory to the Board[, in at least 5 years of which the applicant has been in responsible charge, if the collective experience] **AND THAT** indicates to the Board that the applicant may be competent to practice engineering; and

(2) If an applicant has completed 1 or more years of a college or university curriculum in engineering that the Board approves, it may allow, for each of those years, a 1–year credit towards the experience requirement of paragraph (1)(i) 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 498**

**(Senate Bill 14)**

AN ACT concerning

**Financial Institutions – State Banks, Trust Companies, and Savings Banks –  
Incorporators**

FOR the purpose of altering the number and qualifications of the incorporators required to form a commercial bank or a savings bank in the State; repealing certain provisions relating to additional and vacant directorships of certain commercial banks; making stylistic changes; and generally relating to financial institutions in the State.

BY repealing and reenacting, with amendments,  
Article – Financial Institutions  
Section 3–201, 3–202(b), 4–201, and 4–202(b)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2019 Supplement)

BY repealing  
Article – Financial Institutions  
Section 3–407  
Annotated Code of Maryland  
(2011 Replacement Volume and 2019 Supplement)

BY renumbering  
Article – Financial Institutions  
Section 3–408 through 3–411, respectively  
to be Section 3–406 through 3–409, respectively  
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**

3–201.

[Five] **THREE** or more adult individuals, each of whom is a citizen of [this State and] the United States, **AND AT LEAST ONE OF WHOM IS A CITIZEN OF THIS STATE**, may act as incorporators to form a State bank or a trust company under this subtitle.

3–202.

- (b) The articles of incorporation shall include:
- (1) The name and address of each incorporator;

(2) A statement that [each]:

(I) **EACH** incorporator is **AT LEAST** 18 years old [or older and a];

(II) **EACH INCORPORATOR IS A** citizen of [this State and] the United States; **AND**

(III) **AT LEAST ONE OF THE INCORPORATORS IS A CITIZEN OF THIS STATE;**

(3) A statement that the incorporators are associating to form a State bank or a trust company under this subtitle;

(4) The name of the State bank or trust company, which may not be similar in any material respect to the name of any other bank or trust company in this State;

(5) The municipal area and county where the principal banking office of the State bank or trust company is to be located;

(6) The number of directors and the names and residence addresses of those who will serve as directors until their successors are elected and qualify; and

(7) As to its capital stock:

(i) The total number of shares that the State bank or trust company has authority to issue;

(ii) The par value of the shares, which may not be less than \$10 a share; and

(iii) The total par value of all shares.

[3–407.

(a) Subject to the limitation in § 3–402 of this subtitle, at any meeting of the stockholders of a commercial bank, the stockholders may create up to two additional directorships.

(b) The stockholders may leave the two additional directorships vacant, to be filled in the discretion of the board of directors.]

4–201.

[Fifteen] **THREE** or more adult individuals, each of whom is a citizen of [this State and] the United States, **AND AT LEAST ONE OF WHOM IS A CITIZEN OF THIS STATE**, may act as incorporators to form a savings bank under this subtitle.

4–202.

(b) The articles of incorporation shall include:

(1) The name and address of each incorporator;

(2) A statement that [each]:

(I) **EACH** incorporator is **AT LEAST** 18 years old [or older and a];

(II) **EACH INCORPORATOR IS A** citizen of [this State and] the United States; **AND**

(III) **AT LEAST ONE OF THE INCORPORATORS IS A CITIZEN OF THIS STATE;**

(3) A statement that the incorporators are associating to form a savings bank under this subtitle;

(4) The name of the savings bank, which may not be similar in any material respect to the name of any other bank, savings bank, or trust company in this State;

(5) The municipal area and county where the principal banking office of the savings bank is to be located;

(6) The name and residence address of each member; and

(7) The number of directors and the names and residence addresses of those who will serve until their successors are elected and qualify.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 3–408 through 3–411, respectively, of Article – Financial Institutions of the Annotated Code of Maryland be renumbered to be Section(s) 3–406 through 3–409, respectively.

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 499**

**(Senate Bill 15)**

AN ACT concerning

**Financial Institutions – Commissioner of Financial Regulation – Banking  
Institution Powers**

FOR the purpose of altering the process for and circumstances under which a banking institution may engage in any additional activity, service, or other practice that is authorized for national banking associations; requiring a banking institution to provide certain notice to the Commissioner of Financial Regulation at least a certain number of days before engaging in any additional activity, service, or other practice; authorizing a banking institution to engage in any additional activity, service, or other practice on a certain day after the Commissioner receives a certain notice unless the Commissioner specifies a different date or prohibits the activity, service, or other practice; authorizing the Commissioner, under certain circumstances, to extend a certain time period after which a banking institution may engage in any additional activity, service, or other practice; authorizing the Commissioner to prohibit a banking institution from engaging in any additional activity, service, or other practice under certain circumstances; making stylistic changes; and generally relating to the powers of banking institutions.

BY repealing and reenacting, with amendments,  
Article – Financial Institutions  
Section 5–504  
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**

5–504.

(a) Notwithstanding any other provision of the laws or regulations of this State[, if the Commissioner approves,] **AND SUBJECT TO SUBSECTION (B) OF THIS SECTION, A banking [institutions] INSTITUTION** may engage in any additional activity, service, or other practice in which, under federal law, national banking associations may engage **SUBJECT TO THE SAME CONDITIONS THAT FEDERAL LAW REQUIRES OR ALLOWS AS TO NATIONAL BANKING ASSOCIATIONS.**

**(B) (1) A BANKING INSTITUTION SHALL PROVIDE THE COMMISSIONER WITH WRITTEN NOTICE AT LEAST 45 CALENDAR DAYS BEFORE ENGAGING IN ANY ACTIVITY, SERVICE, OR OTHER PRACTICE AUTHORIZED UNDER SUBSECTION (A) OF THIS SECTION.**

**(2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE A DESCRIPTION OF THE PROPOSED ACTIVITY, SERVICE, OR OTHER PRACTICE, INCLUDING:**

**(I) THE SPECIFIC AUTHORITY FOR THE ACTIVITY, SERVICE, OR OTHER PRACTICE; AND**

**(II) ANY CONDITION THAT FEDERAL LAW REQUIRES OR ALLOWS AS TO NATIONAL BANKING ASSOCIATIONS.**

**(3) THE BANKING INSTITUTION MAY BEGIN TO PERFORM THE ACTIVITY, SERVICE, OR OTHER PRACTICE ON THE FIRST BUSINESS DAY AFTER THE 45TH CALENDAR DAY FROM THE DATE THE COMMISSIONER RECEIVES THE NOTICE UNDER PARAGRAPH (1) OF THIS SUBSECTION UNLESS THE COMMISSIONER:**

**(I) SPECIFIES A DIFFERENT DATE; OR**

**(II) PROHIBITS THE ACTIVITY, SERVICE, OR OTHER PRACTICE.**

**(C) THE COMMISSIONER MAY EXTEND THE 45-DAY PERIOD UNDER SUBSECTION (B)(3) OF THIS SECTION IF THE COMMISSIONER DETERMINES THAT THE BANKING INSTITUTION'S NOTICE REQUIRES ADDITIONAL INFORMATION OR ADDITIONAL TIME FOR ANALYSIS.**

**[(b)] (D) The Commissioner may [grant an approval under this section only] PROHIBIT A BANKING INSTITUTION FROM PERFORMING THE ACTIVITY, SERVICE, OR OTHER PRACTICE DESCRIBED IN THE NOTICE PROVIDED UNDER SUBSECTION (B) OF THIS SECTION if [:**

**(1) The] THE Commissioner determines that [approval is:] PERFORMING THE ACTIVITY, SERVICE, OR OTHER PRACTICE WOULD:**

**(1) ADVERSELY AFFECT THE ~~CONDITION~~ SAFETY AND SOUNDNESS OF THE BANKING INSTITUTION;**

**[(i)] (2) [Reasonably required] BE DETRIMENTAL to [protect] the welfare of the general economy of this State [and of banking institutions]; or**

**[(ii)] (3) [Not] BE detrimental to the public interest or to banking institutions[; and**

**(2) The approval imposes the same conditions that federal law requires or permits as to national banking associations].**

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 500**

### **(Senate Bill 18)**

AN ACT concerning

#### **Environment – Lead Poisoning Prevention Commission**

FOR the purpose of altering the membership of the Lead Poisoning Prevention Commission; repealing certain requirements related to the Commission's development of recommendations for establishing a window replacement program; repealing certain provisions requiring the Commission to study and collect information related to the availability of certain insurance and the adequacy of certain qualified offer caps; altering the subjects that the Commission may appoint a subcommittee to study; repealing the requirement for the Department of the Environment to consult with the Commission on establishing certain optional lead-contaminated dust testing standards; and generally relating to the Lead Poisoning Prevention Commission.

BY repealing and reenacting, with amendments,  
Article – Environment  
Section 6–807 and 6–810  
Annotated Code of Maryland  
(2013 Replacement Volume and 2019 Supplement)

BY repealing  
Article – Environment  
Section 6–809  
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**

6–807.

- (a) There is a Lead Poisoning Prevention Commission in the Department.



(b) (1) The Commission consists of ~~19~~ ~~18~~ members.

(2) Of the [19] ~~18~~ members:

(i) One shall be a member of the Senate of Maryland, appointed by the President of the Senate;

(ii) One shall be a member of the Maryland House of Delegates, appointed by the Speaker of the House; and

(iii) ~~17~~ ~~16~~ shall be appointed by the Governor as follows:

1. The Secretary or the Secretary's designee;

2. The Secretary of Health or the Secretary's designee;

3. The Secretary of Housing and Community Development or the Secretary's designee;

4. The Maryland Insurance Commissioner or the Commissioner's designee;

5. The Director of the Early Childhood Development Division, State Department of Education, or the Director's designee;

6. A representative of local government;

7. A representative [from an insurer that offers premises liability coverage in the State] **OF A NONPROFIT ORGANIZATION THAT WORKS ON LEAD POISONING PREVENTION ISSUES IN THE STATE;**

[8. A representative of a financial institution that makes loans secured by rental property;

9.] **8.** A representative of owners of rental property located in Baltimore City built before 1950;

[10.] **9.** A representative of owners of rental property located outside Baltimore City built before 1950;

[11.] **10.** A representative of owners of rental property built after 1949;

[12.] **11.** A representative of a child health or youth advocacy group;

[13.] 12. A health care provider;

[14.] 13. A child advocate;

[15.] 14. A parent of a lead poisoned child;

[16.] 15. A lead hazard identification professional; ~~and~~

[17.] 16. A representative of child care providers; **AND**

**17. A REPRESENTATIVE OF THE MARYLAND CHAPTER OF THE AMERICAN ACADEMY OF PEDIATRICS.**

(3) In appointing members to the Commission, the Governor shall give due consideration to appointing members representing geographically diverse jurisdictions across the State.

(c) (1) (i) The term of a member appointed by the Governor is 4 years.

(ii) A member appointed by the President and Speaker serves at the pleasure of the appointing officer.

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

(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 remainder of the term and until a successor is appointed and qualifies.

[6–809.

(a) In consultation with the Secretary of Housing and Community Development, the Commission shall develop recommendations for establishing a program that would provide financial incentives or assistance to owners of affected property to replace windows.

(b) In developing recommendations for a window replacement program, the Commission shall consider the feasibility and desirability of merging a window replacement program into existing housing programs.

(c) The Commission shall include in its first annual report under § 6–810 of this subtitle its recommendations for establishing a window replacement program.]

6–810.

(a) The Commission shall study and collect information on the:

(1) Effectiveness of this subtitle in:

- (i) Protecting children from lead poisoning; and
- (ii) Lessening risks to responsible owners;

(2) Effectiveness of the treatments specified in §§ 6–815 and 6–819 of this subtitle, including recommendations for changes to those treatments;

[(3) Availability of third-party bodily injury liability insurance and premises liability insurance for affected property, including waivers of lead hazard exclusion and coverage for qualified offers made under Part V of this subtitle;]

[(4) (3) Ability of State and local officials to respond to lead poisoning cases;

[(5) (4) Availability of affordable housing; AND

[(6) Adequacy of the qualified offer caps; and]

[(7) (5) Need to expand the scope of this subtitle to other property serving persons at risk, including child care centers, family child care homes, and preschool facilities.

(b) The Commission may appoint a subcommittee or subcommittees to study the following subjects relating to lead and lead poisoning:

(1) [Medical referral] **CASE MANAGEMENT;**

(2) Regulation and compliance;

(3) [Worker] **LEAD PAINT ABATEMENT SERVICE PROVIDER** education **AND TRAINING;**

(4) Social services;

(5) Educational services;

(6) Legal aspects;

(7) [Employer services] **BLOOD LEAD TESTING;**

(8) Abatement of lead sources;

(9) Financial subsidies and other encouragement and support for the abatement of the causes of lead poisoning;

(10) Laboratory services; and

(11) Other subjects that the Commission considers necessary.

(c) The Commission shall review the implementation and operation of this subtitle and, on or before January 1 of each year, starting in 1996, submit a report to the Governor and, subject to the provisions of § 2–1257 of the State Government Article, the General Assembly on the results of the review, and the Commission’s recommendations concerning this subtitle, other lead poisoning issues, and the need for further action that the Commission determines to be necessary.

~~¶(d) The Department shall consult with the Commission on establishing the optional lead-contaminated dust testing standards under § 6–816 of this subtitle and in developing regulations to implement this subtitle.¶~~

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 501

(Senate Bill 23)

AN ACT concerning

### **Business Regulation – Trademarks, Service Marks, and Trade Names – Registration**

FOR the purpose of altering certain classes of goods and services for which a person may register a mark; prohibiting a person from registering a certain name or surname as a mark; requiring an applicant for registration of a mark or renewal of a mark to submit certain specimens or reproductions of the mark; prohibiting the specimens or reproductions from including certain business papers; requiring the Secretary of State to include a full description of the mark on a certain certificate of registration; requiring the Secretary of State to include certain instructions in a certain mailing; authorizing a certain instrument of assignment of a registration of a mark to be submitted by an officer of the assignor; altering certain definitions; and generally relating to the registration of trademarks, service marks, and trade names.

BY repealing and reenacting, with amendments,  
Article – Business Regulation

Section 1–401(b) and (c), 1–404(c)(1), 1–405, 1–406, 1–409(b), 1–410(b) and (c), and 1–411(c)  
Annotated Code of Maryland  
(2015 Replacement Volume and 2019 Supplement)

BY adding to  
Article – Business Regulation  
Section 1–410(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 – Business Regulation**

1–401.

(b) “Applicant” includes:

**(1) THE OWNER OF A MARK, INCLUDING AN INDIVIDUAL, AN ORGANIZATION, OR A COMPANY, WHO SUBMITS AN APPLICATION FOR REGISTRATION OF THE MARK UNDER THIS SUBTITLE; AND**

**(2)** an assignee, A legal representative, or A successor of a person who submits an application for registration of a mark under this subtitle.

(c) “Mark” means a **LOGO, SLOGAN OR TAG LINE, PROGRAM NAME, BRAND NAME THAT IS DIFFERENT FROM THE BUSINESS NAME**, name, symbol, word, or combination of 2 or more of these that a person:

(1) places on goods that the person sells or distributes, a container of the goods, a display associated with the goods, or a label or tag affixed to the goods to identify those goods that the person makes or sells and to distinguish them from goods that another person makes or sells; or

(2) displays or otherwise uses to advertise or sell services that the person performs to identify those services that the person performs and to distinguish them from services that another person performs.

1–404.

(c) (1) Unless the mark has become distinctive of the person’s goods or services, a person may not register a mark that:

(i) only describes or deceptively misdescribes goods or services;

(ii) primarily describes or deceptively misdescribes the geographic origin of goods or services; or

(iii) is primarily [merely a] **AN INDIVIDUAL'S NAME OR** surname.

1–405.

(a) For convenience of administration of this subtitle, the general classes of goods under this subtitle are:

- (1) raw or partly prepared materials.
- (2) [receptacles] **ANIMAL PRODUCTS.**
- (3) baggage, animal equipments, portfolios, and pocketbooks.
- (4) [abrasives and polishing materials] **MUSIC AND AUDIO.**
- (5) [adhesives] **CANDLES AND ESSENTIAL OILS.**
- (6) chemicals and chemical compositions.
- (7) [cordage] **COMPUTERS AND PERIPHERALS.**
- (8) smokers' articles, not including tobacco products.
- (9) explosives, firearms, equipments, and projectiles.
- (10) fertilizers.
- (11) [inks and inking materials] **APPLICATIONS AND SOFTWARE.**
- (12) construction materials.
- (13) hardware and plumbing and steam–fitting supplies.
- (14) [metals and metal castings and forgings] **FLOWERS AND PLANTS.**
- (15) oils and greases.
- (16) [paints and painters' materials] **CANNABIS.**
- (17) [tobacco products] **NOVELTIES AND SOUVENIRS.**
- (18) medicines and pharmaceutical preparations.

- (19) vehicles.
- (20) [linoleum and oiled cloth] **SMALL AND LARGE APPLIANCES.**
- (21) electrical apparatus, machines, and supplies.
- (22) games, toys, and sporting goods.
- (23) cutlery, machinery, and tools, and parts thereof.
- (24) [laundry appliances and machines] **BOATS AND MARINE ITEMS.**
- (25) [locks and safes] **EDUCATIONAL MATERIALS.**
- (26) measuring and scientific appliances.
- (27) horological instruments.
- (28) jewelry and precious metalware.
- (29) [brooms, brushes, and dusters] **EYEWEAR.**
- (30) crockery, earthenware, and porcelain.
- (31) [filters and refrigerators] **HOME GOODS.**
- (32) furniture and upholstery.
- (33) glassware.
- (34) heating, lighting, and ventilating apparatus.
- (35) belting, hose, machinery packing, and nonmetallic tires.
- (36) musical instruments and supplies.
- (37) paper and stationery.
- (38) prints and publications.
- (39) clothing.
- (40) fancy goods, furnishings and notions.
- (41) [canes, parasols, and umbrellas] **OFFICE GOODS.**

- (42) knitted, netted and textile fabrics, and substitutes therefor.
- (43) [thread and yarn] **SECURITY DEVICES.**
- (44) dental, medical, and surgical appliances.
- (45) soft drinks and carbonated waters.
- (46) [foods] **FOOD** and ingredients of [foods] **FOOD.**
- (47) wines.
- (48) malt beverages and liquors.
- (49) distilled alcoholic liquors.
- (50) merchandise not otherwise classified.
- (51) cosmetics and [toilet preparations] **TOILETRIES.**
- (52) detergents and soaps.

(b) For convenience of administration of this subtitle, the general classes of services under this subtitle are:

- (53) miscellaneous.
- (54) advertising and business.
- (55) insurance and financial.
- (56) construction and repair.
- (57) communications.
- (58) transportation and storage.
- (59) material treatment.
- (60) education and entertainment.
- (61) EMPLOYMENT AND EMPLOYEE BENEFITS.**
- (62) GARDENING AND FARMING.**



- (63) SHIPPING AND PACKAGING.**
- (64) GOVERNMENT SERVICES.**
- (65) HOSPITALITY AND LODGING.**
- (66) COMMUNITY SERVICE AND VOLUNTEERING.**
- (67) RELIGIOUS SERVICES AND CHARITY.**
- (68) SENIOR SERVICES.**
- (69) RESEARCH AND DEVELOPMENT.**
- (70) ANIMAL AND PEST.**
- (71) SOCIAL CLUBS.**
- (72) SECURITY AND POLICE.**
- (73) ARTISTRY AND DESIGN.**
- (74) REAL ESTATE AND SETTLEMENT.**
- (75) MENTAL HEALTH AND WELLNESS.**
- (76) MEDICAL, VISION, AND DENTAL HEALTH.**
- (77) RESTAURANT AND FOOD PREPARATION.**
- (78) FITNESS AND BEAUTY.**
- (79) JANITORIAL AND LANDSCAPE.**
- (80) LEGAL AND CONSULTING.**
- (81) SPORTS AND RECREATION.**
- (82) CHILD SERVICES.**
- (83) FUNERAL.**
- (84) RECYCLING AND DISPOSAL.**
- (85) CANNABIS SERVICES.**

(c) The classification of goods and services in this section does not limit or extend the rights of an applicant or registrant.

1–406.

(a) An applicant for registration of a mark shall:

(1) submit to the Secretary of State:

(i) an application on the form that the Secretary of State provides;  
and

(ii) 3 **DIFFERENT** specimens or reproductions of the mark **AS USED**;  
and

(2) pay to the Secretary of State a fee of \$50.

**(B) A SPECIMEN OR REPRODUCTION SUBMITTED UNDER SUBSECTION (A) OF THIS SECTION MAY NOT INCLUDE A BUSINESS PAPER, INCLUDING LETTERHEAD, A BUSINESS CARD, OR AN ENVELOPE.**

**[(b)] (C) An application shall be signed, under oath, AND THE ORIGINAL SUBMITTED UNDER SUBSECTION (A) OF THIS SECTION:**

(1) for an individual, by the individual;

(2) for a partnership, by a partner; or

(3) for a corporation or association, by an officer of the corporation or association.

**[(c)] (D) In addition to any other information required on an application form, the form shall require:**

(1) the name of the applicant;

(2) the business address of the applicant;

(3) for an applicant that is a corporation, **LIMITED LIABILITY COMPANY, OR PARTNERSHIP**, the state of **[incorporation] FORMATION**;

**(4) A DESCRIPTION OF THE FULL MARK INCLUDING WORDS, IF APPLICABLE;**

**[(4)] (5)** A DESCRIPTION OF the goods or services with which the applicant uses the mark;

**[(5)]** the way the applicant uses the mark with the goods or services;]

**(6)** A LISTING OF THE WAYS THE MARK IS BEING USED, INCLUDING ON UNIFORMS, ADVERTISING, BANNERS, THE INTERNET, SIGNS, VEHICLES, AND PACKAGING;

**[(6)] (7)** the class under § 1–405 of this subtitle to which the goods or services belong;

**[(7)] (8)** the date when the applicant or the applicant's predecessor in business:

- (i) first used the mark anywhere; and
- (ii) first used the mark in the State; and

**[(8)] (9)** a statement that:

- (i) the applicant owns the mark;
- (ii) another person does not have the right to use the mark in the State; and
- (iii) the mark is not deceptively similar to a mark that another person has a right to use in the State.

**[(d)] (E)** A single application for registration of a mark:

(1) may cover use of the mark with any number of goods or services in a single class; but

(2) may not cover use of the mark with goods or services in different classes.

1–409.

(b) The Secretary of State shall include on each certificate of registration:

(1) the signature of the Secretary of State, under the seal of the Secretary of State;

(2) the name of the registrant;

(3) the business of the registrant;

- (4) the address of the registrant;
- (5) for a registrant that is a corporation, the state of incorporation;
- (6) the date that the registrant claims to have first used the mark anywhere;
- (7) the date that the registrant claims to have first used the mark in the State;
- (8) a description of the goods or services with which the registrant uses the mark;
- (9) the class under § 1–405 of this subtitle to which the goods or services belong;
- (10) a [reproduction] **FULL DESCRIPTION** of the mark;
- (11) the date of registration; and
- (12) the term of registration.

1–410.

(b) Within 1 year before registration of a mark expires, the Secretary of State shall mail to the registrant, at the last known address of the registrant~~†~~:

- (1) a renewal application form; and
- (2)~~†~~ a notice that states:
  - ~~†(i)~~ ~~(1)~~ the date on which the current registration expires;
  - ~~†(ii)~~ ~~(2)~~ the date by which the Secretary of State must receive the renewal application for the renewal to be issued and mailed before the registration expires; [and]
  - ~~†(iii)~~ ~~(3)~~ the amount of the renewal fee; **AND**
  - ~~(4)~~ **(IV) INSTRUCTIONS ON HOW TO ACCESS THE RENEWAL APPLICATION FORM ONLINE.**

(c) Before the registration of a mark expires, the registrant periodically may renew it for an additional 10–year term if, within 6 months before the expiration of the term of the registration:

- (1) the registrant submits to the Secretary of State:
- (I) a renewal application on the form that the Secretary of State provides; AND
- (II) **3 DIFFERENT SPECIMENS OR REPRODUCTIONS OF THE MARK BEING USED;**
- (2) the registrant states in the renewal application that the mark is still in use in the State;
- (3) the mark otherwise is entitled to be registered; and
- (4) the registrant pays to the Secretary of State a renewal fee of \$50.

**(E) A SPECIMEN OR REPRODUCTION SUBMITTED UNDER SUBSECTION (C) OF THIS SECTION MAY NOT INCLUDE A BUSINESS PAPER, INCLUDING LETTERHEAD, A BUSINESS CARD, OR AN ENVELOPE.**

1-411.

- (c) A person may record the assignment of registration of a mark by:
- (1) submitting the instrument of assignment **BY AN OFFICER OF THE ASSIGNOR** to the Secretary of State; and
- (2) paying to the Secretary of State a fee of \$10.

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 502

(Senate Bill 27)

AN ACT concerning

**Higher Education – Policy on Student Concerns About Athletic Programs and Activities – Short Title**

FOR the purpose of establishing the short title “Jordan McNair Act” for Subtitle 16 of Title 11 of the Education Article; and generally relating to a policy on student concerns about athletic programs and activities.

BY adding to

Article – Education

Section 11–1602

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**

#### **11–1602.**

**THIS SUBTITLE MAY BE CITED AS THE JORDAN MCNAIR ACT.**

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 503**

**(Senate Bill 37)**

AN ACT concerning

### **Anne Arundel County – Alcoholic Beverages – Class B and Class H Licenses – Renewals**

FOR the purpose of requiring a license holder, before each renewal of a Class B or Class H alcoholic beverages license in Anne Arundel County, to attest in a sworn statement that the gross receipts from food sales for a certain period of time immediately preceding the application for renewal were equal to at least a certain percentage of the gross receipts from the sale of food and alcoholic beverages sold for on-premises consumption; and generally relating to the renewal of Class B and Class H 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 repealing and reenacting, with amendments,  
Article – Alcoholic Beverages  
Section 11–802, 11–805, 11–902, and 11–905  
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.

11–802.

(a) There is a Class B beer and light wine license.

(b) The license authorizes the license holder to sell beer and light wine at a hotel or restaurant, at retail, at the place described in the license, for on– and off–premises consumption.

(c) **BEFORE EACH RENEWAL OF THE LICENSE, THE LICENSE HOLDER SHALL ATTEST IN A SWORN STATEMENT THAT THE GROSS RECEIPTS FROM FOOD SALES FOR THE 12–MONTH PERIOD IMMEDIATELY PRECEDING THE APPLICATION FOR RENEWAL WERE AT LEAST EQUAL TO 51% OF THE GROSS RECEIPTS FROM THE SALE OF FOOD AND ALCOHOLIC BEVERAGES SOLD FOR ON–PREMISES CONSUMPTION.**

(D) The annual license fee is \$480.

11–805.

(a) There is a Class H beer and light wine license.

(b) The license authorizes the license holder to sell beer and light wine at a hotel or restaurant, at retail, at the place described in the license, for on–premises consumption.

(c) **BEFORE EACH RENEWAL OF THE LICENSE, THE LICENSE HOLDER SHALL ATTEST IN A SWORN STATEMENT THAT THE GROSS RECEIPTS FROM FOOD SALES FOR THE 12–MONTH PERIOD IMMEDIATELY PRECEDING THE APPLICATION FOR RENEWAL WERE AT LEAST EQUAL TO 51% OF THE GROSS RECEIPTS FROM THE SALE OF FOOD AND ALCOHOLIC BEVERAGES.**

- (D) The annual license fee is \$360.

11–902.

- (a) There is a Class B beer, wine, and liquor license.

- (b) The Board may issue the license for use by a restaurant that:

(1) has ample space and accommodations for regularly preparing, selling, and serving hot meals to the public at least twice daily;

(2) is equipped with a public dining room with sufficient tables, chairs, cutlery, and glassware to serve the meals prepared in the restaurant;

(3) is equipped with a kitchen that has complete facilities and utensils for preparing and serving hot and cold meals to the public; and

(4) employs a sufficient number of cooks and wait staff to serve the number of customers accommodated in the dining room.

(c) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license, for on– or off–premises consumption.

(d) **BEFORE EACH RENEWAL OF THE LICENSE, THE LICENSE HOLDER SHALL ATTEST IN A SWORN STATEMENT THAT THE GROSS RECEIPTS FROM FOOD SALES FOR THE 12–MONTH PERIOD IMMEDIATELY PRECEDING THE APPLICATION FOR RENEWAL WERE AT LEAST EQUAL TO 51% OF THE GROSS RECEIPTS FROM THE SALE OF FOOD AND ALCOHOLIC BEVERAGES SOLD FOR ON–PREMISES CONSUMPTION.**

- (E) The annual fee for the license is \$1,080.

11–905.

- (a) There is a Class H beer, wine, and liquor license.

(b) The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license, for on–premises consumption.

(c) The license holder may sell beer, wine, and liquor during the hours and days as set out under § 11–2004(e) of this title.

(d) **BEFORE EACH RENEWAL OF THE LICENSE, THE LICENSE HOLDER SHALL ATTEST IN A SWORN STATEMENT THAT THE GROSS RECEIPTS FROM FOOD SALES FOR THE 12–MONTH PERIOD IMMEDIATELY PRECEDING THE APPLICATION FOR RENEWAL WERE AT LEAST EQUAL TO 51% OF THE GROSS RECEIPTS FROM THE SALE OF FOOD AND ALCOHOLIC BEVERAGES.**



(E) The annual license fee is \$960.

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 504

(Senate Bill 41)

AN ACT concerning

### Baltimore County – Vehicle Height Monitoring Systems

FOR the purpose of authorizing the use of certain vehicle height monitoring systems in Baltimore County to enforce certain State and local laws restricting the presence of certain vehicles during certain times; applying to Baltimore County certain provisions of law relating to vehicle height monitoring systems; requiring the establishment of a certain workgroup for a certain purpose before the installation of any vehicle height monitoring systems in Baltimore County; requiring the adoption of a certain local law before the installation of any vehicle height monitoring systems in Baltimore County; authorizing the adoption of a local law exempting certain vehicles from the enforcement of vehicle height restrictions by vehicle height monitoring systems in Baltimore County; defining a certain term; making a stylistic and a technical change; making conforming changes; providing for ~~the application of this Act~~ a delayed effective date; and generally relating to imposing liability on owners of motor vehicles recorded while being operated in violation of a State or local law restricting the presence of vehicles during certain times.

BY repealing and reenacting, without amendments,  
 Article – Courts and Judicial Proceedings  
 Section 7–302(e)  
 Annotated Code of Maryland  
 (2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Transportation  
 Section 24–111.3  
 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 – Courts and Judicial Proceedings**

7–302.

(e) (1) A citation issued pursuant to § 21–202.1, § 21–706.1, § 21–809, § 21–810, or § 24–111.3 of the Transportation Article shall provide that the person receiving the citation may elect to stand trial by notifying the issuing agency of the person’s intention to stand trial at least 5 days prior to the date of payment as set forth in the citation. On receipt of the notice to stand trial, the agency shall forward to the District Court having venue a copy of the citation and a copy of the notice from the person who received the citation indicating the person’s intention to stand trial. On receipt thereof, the District Court shall schedule the case for trial and notify the defendant of the trial date under procedures adopted by the Chief Judge of the District Court.

(2) A citation issued as the result of a vehicle height monitoring system, a traffic control signal monitoring system, or a speed monitoring system, including a work zone speed control system, controlled by a political subdivision or a school bus monitoring camera shall provide that, in an uncontested case, the penalty shall be paid directly to that political subdivision. A citation issued as the result of a traffic control signal monitoring system or a work zone speed control system controlled by a State agency, or as a result of a vehicle height monitoring system, a traffic control signal monitoring system, a speed monitoring system, or a school bus monitoring camera in a case contested in District Court, shall provide that the penalty shall be paid directly to the District Court.

(3) Civil penalties resulting from citations issued using a vehicle height monitoring system, traffic control signal monitoring system, speed monitoring system, work zone speed control system, or school bus monitoring camera that are collected by the District Court shall be collected in accordance with subsection (a) of this section and distributed in accordance with § 12–118 of the Transportation Article.

(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.

(5) From the fines collected by Baltimore City as a result of violations enforced by vehicle height monitoring systems, Baltimore City may:

(i) Recover the costs of implementing and administering the vehicle height monitoring systems; and

(ii) Spend the remaining balance solely on roadway improvements.

### **Article – Transportation**

24-111.3.

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

(2) **“LOCAL LAW ENFORCEMENT AGENCY” MEANS A LAW ENFORCEMENT AGENCY OF A LOCAL JURISDICTION THAT IS AUTHORIZED TO ISSUE A CITATION FOR A VIOLATION OF THE MARYLAND VEHICLE LAW OR OF LOCAL TRAFFIC LAWS OR REGULATIONS.**

(3) **(I)** “Owner” means the registered owner of a motor vehicle.

**(II)** **IN BALTIMORE COUNTY, “OWNER” DOES NOT INCLUDE:**

**1. A MOTOR VEHICLE RENTAL OR LEASING COMPANY;**

**OR**

**2. THE HOLDER OF AN INTERCHANGEABLE REGISTRATION UNDER TITLE 13, SUBTITLE 9, PART III OF THIS ARTICLE.**

**[(3)] (4)** “Recorded image” means an image recorded by a vehicle height monitoring system:

(i) On:

1. A photograph;

2. A microphotograph;
3. An electronic image;
4. Videotape; or
5. Any other medium; and

(ii) Showing:

1. The front or side of a motor vehicle or combination of vehicles;
2. At least two time-stamped images of the motor vehicle or combination of vehicles that include the same stationary object near the motor vehicle or combination of vehicles; and
3. On at least one image or portion of tape, a clear and legible identification of the entire registration plate number of the motor vehicle.

**[(4)] (5)** “Vehicle height monitoring system” means a device with one or more motor vehicle sensors that is capable of producing recorded images of vehicles whose height exceeds a predetermined limit.

**(b) THIS SECTION APPLIES ONLY IN BALTIMORE CITY AND BALTIMORE COUNTY.**

**(c)** (1) A vehicle height monitoring system may be used to record images of vehicles traveling on a highway in **[Baltimore City] A LOCAL JURISDICTION** under this section only if the use of vehicle height monitoring systems is authorized by **[an ordinance] LOCAL LAW** adopted by the **[Baltimore City Council] GOVERNING BODY OF THE LOCAL JURISDICTION** after reasonable notice and a public hearing.

(2) Before **[Baltimore City] A LOCAL JURISDICTION** places or installs a vehicle height monitoring system at a particular location, it shall:

(i) Conduct an analysis to determine the appropriateness of the location; and

(ii) Obtain the approval of the **[Baltimore City Police Commissioner] CHIEF LAW ENFORCEMENT OFFICER OF THE LOCAL LAW ENFORCEMENT AGENCY** or the **[Commissioner’s] CHIEF LAW ENFORCEMENT OFFICER’S** designee.

(3) Before activating a vehicle height monitoring system, **[Baltimore City] A LOCAL JURISDICTION** shall:

(i) Publish notice of the location of the vehicle height monitoring system on its [Web site] **WEBSITE** and in a newspaper of general circulation in the jurisdiction; and

(ii) Ensure that all signs stating restrictions on the presence of certain vehicles during certain times approaching and within the segment of highway on which the vehicle height monitoring system is located include signs that:

1. 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

2. Indicate that a vehicle height monitoring system is in use.

**[(c)] (D)** A vehicle height monitoring system operator shall fill out and sign a daily set-up log for a vehicle height monitoring system that:

(1) States that the operator successfully performed the manufacturer-specified self-test of the vehicle height monitoring system before producing a recorded image;

(2) Shall be kept on file; and

(3) Shall be admitted as evidence in any court proceeding for a violation of this section.

**[(d)] (E)** (1) Unless the driver of the motor vehicle or combination of vehicles received a citation from a police officer at the time of the violation, the owner of a motor vehicle or combination of vehicles is subject to a civil penalty if the motor vehicle or combination of vehicles is recorded by a vehicle height monitoring system while being operated in violation of a State or local law restricting the presence of certain vehicles during certain times.

(2) A civil penalty under this subsection may not exceed:

(i) For a second violation by the owner of the motor vehicle, \$250;  
and

(ii) For a third or subsequent violation by the owner of the motor vehicle, \$500.

(3) For purposes of this section, the District Court shall prescribe:

(i) A uniform citation form consistent with [subsection (d)(1)] **PARAGRAPHS (1) AND (2)** of this [section] **SUBSECTION** and § 7–302 of the Courts Article; and

(ii) A civil penalty, which shall be indicated on the citation, to be paid by persons who choose to prepay the civil penalty without appearing in District Court.

**[(e)] (F)** (1) Subject to the provisions of paragraphs (2) and (3) of this subsection, [the Baltimore City Police Department] **A LOCAL LAW ENFORCEMENT AGENCY** or, **IN BALTIMORE CITY**, the Baltimore City Department of Transportation shall mail to an owner liable under this section a citation that shall include:

(i) The name and address of the registered owner of the motor vehicle;

(ii) The registration number of the motor vehicle involved in the violation;

(iii) The violation charged;

(iv) The location at which the violation occurred;

(v) The date and time of the violation;

(vi) A copy of the recorded image;

(vii) The amount of the civil penalty imposed and the date by which the civil penalty should be paid;

(viii) A signed statement by a duly authorized law enforcement officer commissioned by the [Baltimore City Police Department] **LOCAL LAW ENFORCEMENT AGENCY** that, based on inspection of the recorded image, the motor vehicle or combination of vehicles was being operated in violation of a State or local law restricting the presence of certain vehicles during certain times;

(ix) A statement that the recorded image is evidence of the violation;

(x) Information advising the owner alleged to be liable under this section of the manner and time in which liability as alleged in the citation may be contested in the District Court; and

(xi) Information advising the owner alleged to be liable under this section that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability.

(2) [The Baltimore City Police Department] **A LOCAL LAW ENFORCEMENT AGENCY** or, **IN BALTIMORE CITY**, the Baltimore City Department of Transportation shall, for a first violation, mail a warning notice instead of a citation to an owner liable under this section.

(3) A citation issued under this section shall be mailed no later than 30 days after the alleged violation.

(4) A person who receives a citation under this section may:

(i) Pay the civil penalty, in accordance with instructions on the citation, directly to [Baltimore City] **THE LOCAL JURISDICTION**; or

(ii) Elect to stand trial in the District Court for the alleged violation.

**[(f)] (G)** (1) A certificate alleging that a violation of a State or local law restricting the presence of certain vehicles during certain times occurred and that the requirements under subsections **[(b)] (C)** and **[(c)] (D)** of this section have been affirmed by a duly authorized law enforcement officer commissioned by [the Baltimore City Police Department] **A LOCAL LAW ENFORCEMENT AGENCY**, based on inspection of the recorded image produced by the vehicle height monitoring system, shall be:

(i) Evidence of the facts contained in the certificate; and

(ii) Admissible in a proceeding alleging a violation under this section without the presence or testimony of the vehicle height monitoring system operator.

(2) If a person who received a citation under this section desires the vehicle height monitoring system operator to be present and testify at trial, the person shall notify the court and the State in writing no later than 20 days before trial.

(3) Adjudication of liability shall be based on a preponderance of evidence.

**[(g)] (H)** (1) The District Court may consider in defense of a violation:

(i) Subject to paragraph (2) of this subsection, that the motor vehicle or the registration plates of the motor vehicle were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation; and

(ii) Any other issues and evidence that the District Court deems pertinent.

(2) To demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner shall submit proof that a police report regarding the stolen motor vehicle or registration plates was filed in a timely manner.

**[(h)] (I)** A violation for which a civil penalty is imposed under this section:

(1) Is not a moving violation for the purpose of assessing points under § 16–402 of this article;

(2) May not be recorded by the Administration on the driving record of the owner of the vehicle;

(3) May not be treated as a parking violation for purposes of § 26–305 of this article; and

(4) May not be considered in the provision of motor vehicle insurance coverage.

**[(i)] (J)** In consultation with the **[(Baltimore City Police Department)] APPROPRIATE LOCAL LAW ENFORCEMENT AGENCY**, the Chief Judge of the District Court shall adopt procedures for the issuance of citations, the trial of civil violations, and the collection of civil penalties under this section.

**[(j)] (K)** (1) **[(The Baltimore City Police Department)] A LOCAL LAW ENFORCEMENT AGENCY** or, **IN BALTIMORE CITY**, the Baltimore City Department of Transportation, or a contractor designated by the **[(Baltimore City Police Department)] LOCAL LAW ENFORCEMENT AGENCY** or, **IN BALTIMORE CITY**, the Baltimore City Department of Transportation, shall administer and process civil citations issued under this section in coordination with the District Court.

(2) If a contractor operates a vehicle height monitoring system on behalf of **[(Baltimore City)] A LOCAL JURISDICTION**, the contractor's fee may not be contingent on the number of citations issued or paid.

**(L) (1) THIS SUBSECTION APPLIES ONLY IN BALTIMORE COUNTY.**

**(2) BEFORE THE INSTALLATION OF ANY VEHICLE HEIGHT MONITORING SYSTEMS, THE GOVERNING BODY OF THE LOCAL JURISDICTION SHALL:**

**(I) ESTABLISH A WORKGROUP INCLUDING COMMERCIAL TRANSPORTATION INDUSTRY REPRESENTATIVES TO ASSIST THE LOCAL GOVERNMENT IN:**

**1. EVALUATING EXISTING TRUCK ROUTES;**

**2. IDENTIFYING AREAS FOR VEHICLE HEIGHT MONITORING ENFORCEMENT; AND**



**3. EVALUATING EXISTING SIGNAGE AND IDENTIFYING LOCATIONS WHERE SIGNAGE COULD BE IMPROVED; AND**

**(ii) ADOPT A LOCAL LAW LIMITING THE OVERALL NUMBER OF VEHICLE HEIGHT MONITORING SYSTEMS THAT MAY BE PLACED IN THE LOCAL JURISDICTION.**

**(3) THE GOVERNING BODY OF THE LOCAL JURISDICTION MAY ADOPT A LOCAL LAW EXEMPTING CERTAIN VEHICLES FROM THE ENFORCEMENT OF HEIGHT RESTRICTIONS BY A VEHICLE HEIGHT MONITORING SYSTEM IN THE LOCAL JURISDICTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That, before the installation of any vehicle height monitoring systems in Baltimore County, a workgroup established under § 24-111.3(l) of the Transportation Article, as enacted by Section 1 of this Act, shall examine and make recommendations to the Baltimore County Council on:

(1) developing a map of height-restricted roads in the local jurisdiction and providing the map to operators using the best available technology;

(2) developing and implementing a process for a vehicle owner to easily contest an erroneously issued citation without the necessity of a court hearing;

(3) developing a process for the owner of a vehicle to identify and transfer liability to the operator of a vehicle responsible for incurring a citation; and

(4) exempting certain types of vehicles from enforcement by a vehicle height monitoring system.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, ~~2020~~ 2021.

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

---

**Chapter 505**

**(Senate Bill 42)**

AN ACT concerning

**Health Services Cost Review Commission – Duties and Reports – Revisions**

FOR the purpose of altering the information required to be included in a certain annual report required to be submitted to certain persons by the Health Services Cost

Review Commission; altering a certain reporting date; repealing certain provisions of law rendered obsolete by certain provisions of this Act; repealing the requirement that the Commission annually publish certain acute care hospital charges; authorizing the Commission, on request of the Secretary of Health, to assist in the implementation of certain model programs; requiring that the Commission take certain actions consistent with a certain all-payer model contract; defining a certain term; making conforming and technical changes; and generally relating to the Health Services Cost Review Commission.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 19–201, 19–207(b)(6), (7), and (10), 19–214(b)(5), 19–219(b)(2)(ii) and (c),  
19–220(d), 19–225(a), and 19–226(a)

Annotated Code of Maryland  
(2019 Replacement Volume)

BY repealing

Article – Health – General

Section 19–207(b)(8) and (9)

Annotated Code of Maryland  
(2019 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 15–604

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 – Health – General**

19–201.

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

**(B) “ALL-PAYER MODEL CONTRACT” MEANS THE PAYMENT MODEL DEMONSTRATION AGREEMENT AUTHORIZED UNDER § 1115A OF THE SOCIAL SECURITY ACT, INCLUDING ANY AMENDMENTS TO THE AGREEMENT, BETWEEN THE STATE AND THE FEDERAL CENTER FOR MEDICARE AND MEDICAID INNOVATION.**

**[(b)] (C)** “Commission” means the State Health Services Cost Review Commission.

**[(c)] (D)** “Facility” means, whether operated for a profit or not:

(1) Any hospital; or

(2) Any related institution.

**[(d)] (E)** (1) “Hospital services” means:

(i) Inpatient hospital services as enumerated in Medicare Regulation 42 C.F.R. § 409.10, as amended;

(ii) Emergency services, including services provided at a freestanding medical facility licensed under Subtitle 3A of this title;

(iii) Outpatient services provided at a hospital;

(iv) Outpatient services, as specified by the Commission in regulation, provided at a freestanding medical facility licensed under Subtitle 3A of this title that has received:

1. A certificate of need under § 19–120(o)(1) of this title; or

2. An exemption from obtaining a certificate of need under § 19–120(o)(3) of this title; and

(v) Identified physician services for which a facility has Commission–approved rates on June 30, 1985.

(2) “Hospital services” includes a hospital outpatient service:

(i) Of a hospital that, on or before June 1, 2015, is under a merged asset hospital system;

(ii) That is designated as a part of another hospital under the same merged asset hospital system to make it possible for the hospital outpatient service to participate in the 340B Program under the federal Public Health Service Act; and

(iii) That complies with all federal requirements for the 340B Program and applicable provisions of 42 C.F.R. § 413.65.

(3) “Hospital services” does not include:

(i) Outpatient renal dialysis services; or

(ii) Outpatient services provided at a limited service hospital as defined in § 19–301 of this title, except for emergency services.

[(e)] (F) (1) “Related institution” means an institution that is licensed by the Department as:

(i) A comprehensive care facility that is currently regulated by the Commission; or

(ii) An intermediate care facility–intellectual disability.

(2) “Related institution” includes any institution in paragraph (1) of this subsection, as reclassified from time to time by law.

19–207.

(b) In addition to the duties set forth elsewhere in this subtitle, the Commission shall:

(6) On or before [October] **MAY** 1 of each year, submit to the Governor, to the Secretary, and, subject to § 2–1257 of the State Government Article, to the General Assembly an annual report on the operations and activities of the Commission during the preceding fiscal year, including:

(i) A copy of each summary, compilation, and supplementary report required by this subtitle;

(ii) Budget information regarding the Health Services Cost Review Commission Fund, including:

1. Any balance remaining in the Fund at the end of the previous fiscal year; and

2. The percentage of the total annual costs of the Commission that is represented by the balance remaining in the Fund at the end of the previous fiscal year;

(iii) A summary of the Commission’s role in hospital quality of care activities, including information about the status of any pay for performance initiatives;

(iv) An update on the status of the State’s compliance with the provisions of [Maryland’s] **THE** all–payer model contract that includes [the information specified in item (9) of this subsection]:

**1. PERFORMANCE IN LIMITING INPATIENT AND OUTPATIENT HOSPITAL PER CAPITA COST GROWTH FOR ALL PAYERS TO A TREND BASED ON THE STATE’S 10-YEAR COMPOUND ANNUAL GROSS STATE PRODUCT;**

2. ANNUAL PROGRESS TOWARD ACHIEVING THE STATE'S FINANCIAL TARGETS ESTABLISHED BY THE ~~CURRENT~~ ALL-PAYER MODEL CONTRACT;

3. A SUMMARY OF THE WORK CONDUCTED, RECOMMENDATIONS MADE, INCLUDING RECOMMENDATIONS MADE BY WORKGROUPS CREATED TO PROVIDE TECHNICAL INPUT AND ADVICE, AND COMMISSION ACTION ON ACTIVITIES RELATED TO THE ALL-PAYER MODEL CONTRACT;

4. ACTIONS APPROVED ~~AND CONSIDERED~~ BY THE COMMISSION TO PROMOTE ALTERNATIVE METHODS OF RATE DETERMINATION AND PAYMENT OF AN EXPERIMENTAL NATURE, AS AUTHORIZED UNDER § 19-219(C)(2) OF THIS SUBTITLE;

5. REPORTS SUBMITTED TO THE FEDERAL CENTER FOR MEDICARE AND MEDICAID INNOVATION RELATING TO THE ALL-PAYER MODEL CONTRACT; ~~AND~~

6. ANY KNOWN ADVERSE CONSEQUENCES ~~THAT IN IMPLEMENTING THE ALL-PAYER MODEL CONTRACT HAS HAD ON THE STATE, INCLUDING CHANGES OR INDICATIONS OF CHANGES TO,~~ AS REPORTED TO THE FEDERAL CENTER FOR MEDICARE AND MEDICAID INNOVATION, THAT MAY NEGATIVELY IMPACT QUALITY OF OR ACCESS TO CARE, AND THE ACTIONS ~~THE COMMISSION HAS TAKEN TO ADDRESS AND~~ TAKEN BY THE COMMISSION TO MITIGATE THE CONSEQUENCES; and

7. ANNUAL PROGRESS MADE IN THE DEVELOPMENT OF PUBLIC AND PRIVATE PARTNERSHIPS BETWEEN HOSPITALS AND OTHER ENTITIES, INCLUDING COMMUNITY-BASED PHYSICIANS, COMMUNITY-BASED ORGANIZATIONS, AND OTHER POST-ACUTE CARE PROVIDERS, TO ACHIEVE THE POPULATION HEALTH GOALS ESTABLISHED WITH THE FEDERAL CENTER FOR MEDICARE AND MEDICAID INNOVATION; AND

(v) Any other fact, suggestion, or policy recommendation that the Commission considers necessary;

(7) Oversee and administer the Maryland Trauma Physician Services Fund in conjunction with the Maryland Health Care Commission; AND

[(8) In consultation with the Maryland Health Care Commission, annually publish each acute care hospital's severity-adjusted average charge per case for the 15 most common inpatient diagnosis-related groups;

(9) Subject to item (10)(ii) of this subsection, on or before May 1 each year, submit to the Governor, the Secretary, and, subject to § 2–1257 of the State Government Article, the General Assembly an update on the status of the State’s compliance with the provisions of Maryland’s all–payer model contract, including:

(i) The State’s:

1. Performance in limiting inpatient and outpatient hospital per capita cost growth for all payers to a trend based on the State’s 10–year compound annual gross State product;

2. Progress toward achieving aggregate savings in Medicare spending in the State equal to or greater than \$330,000,000 over the 5 years of the contract, based on lower increases in the cost per Medicare beneficiary;

3. Performance in shifting from a per–case rate system to a population–based revenue system, with at least 80% of hospital revenue shifted to global budgeting;

4. Performance in reducing the hospital readmission rate among Medicare beneficiaries to the national average; and

5. Progress toward achieving a cumulative reduction in the State hospital–acquired conditions of 30% over the 5 years of the contract;

(ii) A summary of the work conducted, recommendations made, and Commission action on recommendations made by any workgroup created to provide technical input and advice on implementation of Maryland’s all–payer model contract;

(iii) Actions approved and considered by the Commission to promote alternative methods of rate determination and payment of an experimental nature, as authorized under § 19–219(c)(2) of this subtitle;

(iv) Reports submitted to the federal Center for Medicare and Medicaid Innovation relating to the all–payer model contract; and

(v) Any known adverse consequences that implementing the all–payer model contract has had on the State, including changes or indications of changes to quality or access to care, and the actions the Commission has taken to address and mitigate the consequences; and]

[(10)] (8) If the Centers for Medicare and Medicaid Services issues a warning notice related to a “triggering event” as described in the all–payer model contract[:

(i) Provide], **PROVIDE** written notification to the Governor, the Secretary, and, subject to § 2–1257 of the State Government Article, the General Assembly within 15 days after the issuance of the notice[; and

(ii) Submit the update required under item (9) of this subsection every 3 months].

19–214.

(b) The Commission may adopt regulations establishing alternative methods for financing the reasonable total costs of hospital uncompensated care and the disproportionate share hospital payment provided that the alternative methods:

(5) Will not result in significantly increasing costs to Medicare or termination of [Maryland’s] **THE** all–payer model contract [approved by the federal Center for Medicare and Medicaid Innovation].

19–219.

(b) (2) A facility shall:

(ii) Comply with the applicable terms and conditions of [Maryland’s] **THE** all–payer model contract [approved by the federal Center for Medicare and Medicaid Innovation].

(c) Consistent with [Maryland’s] **THE** all–payer model contract [approved by the federal Center for Medicare and Medicaid Innovation], and notwithstanding any other provision of this subtitle, the Commission may:

(1) Establish hospital rate levels and rate increases in the aggregate or on a hospital–specific basis; [and]

(2) Promote and approve alternative methods of rate determination and payment of an experimental nature for the duration of the all–payer model contract; **AND**

**(3) ON REQUEST OF THE SECRETARY, ASSIST IN THE IMPLEMENTATION OF FEDERALLY APPROVED MODEL PROGRAMS.**

19–220.

(d) [The] CONSISTENT WITH THE ALL–PAYER MODEL CONTRACT APPROVED BY THE FEDERAL CENTER FOR MEDICARE AND MEDICAID INNOVATION, THE Commission shall:

(1) Permit a nonprofit facility to charge reasonable rates that will permit the facility to provide, on a solvent basis, effective and efficient service that is in the public interest; and

(2) Permit a proprietary profit-making facility to charge reasonable rates that:

(i) Will permit the facility to provide effective and efficient service that is in the public interest; and

(ii) Based on the fair value of the property and investments that are related directly to the facility, include enough allowance for and provide a fair return to the owner of the facility.

19–225.

(a) In any matter that relates to ~~the~~ **A FACILITY’S** cost of services ~~in facilities~~ **AND CONSISTENT WITH THE ALL-PAYER MODEL CONTRACT**, the Commission may:

- (1) Hold a public hearing;
- (2) Conduct an investigation;
- (3) Require the filing of any information; or
- (4) Subpoena any witness or evidence.

19–226.

(a) If the Commission considers a further investigation necessary or desirable to authenticate information in a report that a facility files under this subtitle, **CONSISTENT WITH THE ALL-PAYER MODEL CONTRACT**, the Commission may make any necessary further examination of the records or accounts of the facility, in accordance with the rules or regulations of the Commission.

### Article – Insurance

15–604.

Each authorized insurer, nonprofit health service plan, and fraternal benefit society, and each managed care organization that is authorized to receive Medicaid prepaid capitation payments under Title 15, Subtitle 1 of the Health – General Article, shall:

(1) pay hospitals for hospital services rendered on the basis of the rate approved by the Health Services Cost Review Commission; and



(2) comply with the applicable terms and conditions of [Maryland's] **THE all-payer model contract [approved by the federal Center for Medicare and Medicaid Innovation], AS DEFINED IN § 19–201 OF THE HEALTH – GENERAL 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 506

(Senate Bill 47)

AN ACT concerning

### Commission to Advance Next Generation 9–1–1 Across Maryland – Extension and Alteration

FOR the purpose of requiring the Commission to Advance Next Generation 9–1–1 Across Maryland to report certain findings and recommendations to the Governor and the General Assembly on or before a certain date; making conforming changes; making certain technical corrections; altering the termination date for the Commission; and generally relating to the Commission to Advance Next Generation 9–1–1 Across Maryland.

BY repealing and reenacting, with amendments,  
Chapter 301 of the Acts of the General Assembly of 2018  
Section 1 and 2

BY repealing and reenacting, with amendments,  
Chapter 302 of the Acts of the General Assembly of 2018  
Section 1 and 2

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

#### Chapter 301 of the Acts of 2018

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

(a) There is a Commission to Advance Next Generation 9–1–1 (“NG9–1–1”) Across Maryland.

(b) The Commission consists of the following members:

- (1) two members of the Senate of Maryland, appointed by the President of the Senate;
- (2) two members of the House of Delegates, appointed by the Speaker of the House;
- (3) the Secretary of Disabilities, or the Secretary's designee;
- (4) the Emergency Numbers Systems Board Executive Director, or the Executive Director's designee;
- (5) the Emergency Numbers Systems Board Chair, or the Chair's designee;
- (6) the Secretary of Information Technology, or the Secretary's designee;
- (7) the Maryland Public Service Commission Chair, or the Chair's designee;
- (8) four representatives from county public safety answering points, appointed by the Maryland Association of Counties;
- (9) one 9–1–1 public safety telecommunicator, appointed by the Maryland Association of Counties;
- (10) two county government representatives, with familiarity with county purchasing and finances, appointed by the Maryland Association of Counties; and
- (11) the following members, appointed by the Governor:
  - (i) one representative from the Eastern Shore Communications Alliance, familiar with emergency call and message services;
  - (ii) one representative from the Washington Council of Governments, familiar with emergency call and message services;
  - (iii) one representative from the Baltimore Metropolitan Council of Governments, familiar with emergency call and message services;
  - (iv) one representative from the Maryland chapter of the National Emergency Numbers Association, familiar with emergency call and message services;
  - (v) one representative from the Association of Public–Safety Communications Officials International Mid–Eastern Chapter, familiar with emergency call and message services;

(vi) one nonvoting representative from the broadband industry offering service within Maryland;

(vii) one nonvoting representative from a local exchange carrier offering service within Maryland; and

(viii) one nonvoting representative from the wireless communications industry offering service within Maryland.

(c) The Commission shall elect the chair of the Commission.

(d) (1) The entities represented on the Commission under subsection (b)(3) through (6) of this section jointly shall provide staff for the Commission.

(2) The Emergency Number Systems Board may contract with a third party to provide staff for the Commission under paragraph (1) of this subsection.

(e) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Commission shall study and make recommendations regarding:

(1) the implementation, management, operation, and ongoing development of NG9-1-1 emergency communication services;

(2) the current statutory and regulatory framework for the management and funding of the 9-1-1 system within the State;

(3) federal, State, and local authorities, agencies, and governing bodies whose participation and cooperation will be necessary for the implementation of NG9-1-1 emergency communication services in the State;

(4) any efforts, projects, or initiatives in progress or planned in Maryland or any other state regarding the implementation of NG9-1-1 emergency communication services;

(5) the costs required to plan, test, implement, manage, and operate NG9-1-1 technology and services;

(6) best practices, policies, and procedures for public safety telecommunicators; and

(7) any other issues the Commission may consider useful in the planning and implementation of NG9–1–1 emergency communication services in the State.

(g) On or before December 1, 2018, the Commission shall submit a preliminary report to the Governor and, in accordance with [§ 2–1246] § 2–1257 of the State Government Article, the General Assembly on:

(1) the needs, both capital and operating, to bring efficient and effective NG9–1–1 technology and service across Maryland, and estimated costs required to effect this priority outcome;

(2) the current funding structure for both State and local support for 9–1–1 service and its adequacy in supporting both current service and anticipated next generation service;

(3) comparisons of the current Maryland 9–1–1 fee and additional charge mechanism under § 1–310 of the Public Safety Article and comparable systems used in other states;

(4) potential changes to the Maryland 9–1–1 fee and additional charge mechanism, and their estimated effect on the implementation of full–service NG9–1–1 across Maryland;

(5) potential statutory or administrative changes to the scope of allowable uses for grant funding approved through the Emergency Numbers Systems Board, to promote and ensure ideal support for maintenance, training, and other costs associated with both the transition to NG9–1–1 service and the continued functions of effective call centers;

(6) other matters related to the financing and procurement of NG9–1–1 across Maryland; and

(7) the anticipation and prevention of cybersecurity threats to NG9–1–1 infrastructure.

(h) On or before December 1, 2019, the Commission shall submit [a final] AN INTERIM report to the Governor and, in accordance with [§ 2–1246] § 2–1257 of the State Government Article, the General Assembly on:

(1) the current statutory and regulatory framework for the management and funding of the 9–1–1 system within the State;

(2) the implementation, management, operation, and ongoing development of NG9–1–1 emergency communication services, during both transition to expanded service and their permanent sustenance;

(3) the ideal role and placement for the Emergency Number Systems Board within State government to best service its broad and evolving missions;

(4) federal, State, and local authorities, agencies, and governing bodies whose participation and cooperation will be necessary for the implementation of NG9-1-1 emergency communication services in the State;

(5) any efforts, projects, or initiatives in progress or planned in Maryland or any other state regarding the implementation of NG9-1-1 emergency communication services;

(6) best practices, policies, and procedures for public safety telecommunicators; and

(7) any other issues the Commission may consider useful in the planning and implementation of NG9-1-1 emergency communication services in the State.

**(I) ON OR BEFORE DECEMBER 15, 2020, AND ON OR BEFORE DECEMBER 15, 2021, THE COMMISSION SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE PROGRESS TOWARD THE IMPLEMENTATION AND EVOLUTION OF NG9-1-1 SERVICE ACROSS THE STATE, INCLUDING:**

**(1) A DETERMINATION AS TO WHETHER THE 9-1-1 FEE AND ADDITIONAL CHARGE MECHANISM UNDER § 1-310 OF THE PUBLIC SAFETY ARTICLE GENERATE SUFFICIENT REVENUE TO COVER ELIGIBLE EXPENSES FOR BOTH THE STATE AND COUNTIES;**

**(2) A DETERMINATION AS TO WHETHER THE STATE AND COUNTIES ARE RECEIVING THE FEES IMPOSED UNDER TITLE 1, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE;**

**(3) AN EVALUATION OF OPERATIONAL NEEDS OF THE 9-1-1 SYSTEM, INCLUDING OPTIMAL STAFFING LEVELS AND THE NEEDS OF THOSE STAFF;**

**(4) RECOMMENDATIONS FOR POTENTIAL STATUTORY OR ADMINISTRATIVE CHANGES TO PROTECT AGAINST CYBERSECURITY THREATS TO THE 9-1-1 SYSTEM; AND**

**(5) AN EVALUATION OF THE SATISFACTION OF THE COUNTIES WITH THE ABILITY OF THE CURRENT STATUTORY AND REGULATORY FRAMEWORK FOR THE MANAGEMENT AND FUNDING OF THE 9-1-1 SYSTEM WITHIN THE STATE TO PROVIDE FOR CONTINUED IMPROVEMENT IN 9-1-1 SERVICE TO MARYLAND RESIDENTS AND VISITORS AND ANY RECOMMENDED CHANGES TO THAT FRAMEWORK.**

**[(i)] (J)** A jurisdiction may implement NG9–1–1 services before the Commission has submitted the **[final report] REPORTS** to the Governor and the General Assembly as required by **[subsection (h) of]** this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018. It shall remain effective for a period of **[2] 4** years and 1 month and, at the end of June 30, **[2020] 2022**, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

### Chapter 302 of the Acts of 2018

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

(a) There is a Commission to Advance Next Generation 9–1–1 (“NG9–1–1”) Across Maryland.

(b) The Commission consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of Disabilities, or the Secretary’s designee;

(4) the Emergency Numbers Systems Board Executive Director, or the Executive Director’s designee;

(5) the Emergency Numbers Systems Board Chair, or the Chair’s designee;

(6) the Secretary of Information Technology, or the Secretary’s designee;

(7) the Maryland Public Service Commission Chair, or the Chair’s designee;

(8) four representatives from county public safety answering points, appointed by the Maryland Association of Counties;

(9) one 9–1–1 public safety telecommunicator, appointed by the Maryland Association of Counties;

(10) two county government representatives, with familiarity with county purchasing and finances, appointed by the Maryland Association of Counties; and

(11) the following members, appointed by the Governor:

(i) one representative from the Eastern Shore Communications Alliance, familiar with emergency call and message services;

(ii) one representative from the Washington Council of Governments, familiar with emergency call and message services;

(iii) one representative from the Baltimore Metropolitan Council of Governments, familiar with emergency call and message services;

(iv) one representative from the Maryland chapter of the National Emergency Numbers Association, familiar with emergency call and message services;

(v) one representative from the Association of Public-Safety Communications Officials International Mid-Eastern Chapter, familiar with emergency call and message services;

(vi) one nonvoting representative from the broadband industry offering service within Maryland;

(vii) one nonvoting representative from a local exchange carrier offering service within Maryland; and

(viii) one nonvoting representative from the wireless communications industry offering service within Maryland.

(c) The Commission shall elect the chair of the Commission.

(d) (1) The entities represented on the Commission under subsection (b)(3) through (6) of this section jointly shall provide staff for the Commission.

(2) The Emergency Number Systems Board may contract with a third party to provide staff for the Commission under paragraph (1) of this subsection.

(e) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Commission shall study and make recommendations regarding:

(1) the implementation, management, operation, and ongoing development of NG9-1-1 emergency communication services;

(2) the current statutory and regulatory framework for the management and funding of the 9–1–1 system within the State;

(3) federal, State, and local authorities, agencies, and governing bodies whose participation and cooperation will be necessary for the implementation of NG9–1–1 emergency communication services in the State;

(4) any efforts, projects, or initiatives in progress or planned in Maryland or any other state regarding the implementation of NG9–1–1 emergency communication services;

(5) the costs required to plan, test, implement, manage, and operate NG9–1–1 technology and services;

(6) best practices, policies, and procedures for public safety telecommunicators; and

(7) any other issues the Commission may consider useful in the planning and implementation of NG9–1–1 emergency communication services in the State.

(g) On or before December 1, 2018, the Commission shall submit a preliminary report to the Governor and, in accordance with [§ 2–1246] § 2–1257 of the State Government Article, the General Assembly on:

(1) the needs, both capital and operating, to bring efficient and effective NG9–1–1 technology and service across Maryland, and estimated costs required to effect this priority outcome;

(2) the current funding structure for both State and local support for 9–1–1 service and its adequacy in supporting both current service and anticipated next generation service;

(3) comparisons of the current Maryland 9–1–1 fee and additional charge mechanism under § 1–310 of the Public Safety Article and comparable systems used in other states;

(4) potential changes to the Maryland 9–1–1 fee and additional charge mechanism, and their estimated effect on the implementation of full–service NG9–1–1 across Maryland;

(5) potential statutory or administrative changes to the scope of allowable uses for grant funding approved through the Emergency Numbers Systems Board, to promote and ensure ideal support for maintenance, training, and other costs associated with both the transition to NG9–1–1 service and the continued functions of effective call centers;



(6) other matters related to the financing and procurement of NG9-1-1 across Maryland; and

(7) the anticipation and prevention of cybersecurity threats to NG9-1-1 infrastructure.

(h) On or before December 1, 2019, the Commission shall submit [a final] AN INTERIM report to the Governor and, in accordance with [§ 2-1246] § 2-1257 of the State Government Article, the General Assembly on:

(1) the current statutory and regulatory framework for the management and funding of the 9-1-1 system within the State;

(2) the implementation, management, operation, and ongoing development of NG9-1-1 emergency communication services, during both transition to expanded service and their permanent sustenance;

(3) the ideal role and placement for the Emergency Number Systems Board within State government to best service its broad and evolving missions;

(4) federal, State, and local authorities, agencies, and governing bodies whose participation and cooperation will be necessary for the implementation of NG9-1-1 emergency communication services in the State;

(5) any efforts, projects, or initiatives in progress or planned in Maryland or any other state regarding the implementation of NG9-1-1 emergency communication services;

(6) best practices, policies, and procedures for public safety telecommunicators; and

(7) any other issues the Commission may consider useful in the planning and implementation of NG9-1-1 emergency communication services in the State.

**(I) ON OR BEFORE DECEMBER 15, 2020, AND ON OR BEFORE DECEMBER 15, 2021, THE COMMISSION SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE PROGRESS TOWARD THE IMPLEMENTATION AND EVOLUTION OF NG9-1-1 SERVICE ACROSS THE STATE, INCLUDING:**

**(1) A DETERMINATION AS TO WHETHER THE 9-1-1 FEE AND ADDITIONAL CHARGE MECHANISM UNDER § 1-310 OF THE PUBLIC SAFETY ARTICLE GENERATE SUFFICIENT REVENUE TO COVER ELIGIBLE EXPENSES FOR BOTH THE STATE AND COUNTIES;**

(2) A DETERMINATION AS TO WHETHER THE STATE AND COUNTIES ARE RECEIVING THE FEES IMPOSED UNDER TITLE 1, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE;

(3) AN EVALUATION OF OPERATIONAL NEEDS OF THE 9–1–1 SYSTEM, INCLUDING OPTIMAL STAFFING LEVELS AND THE NEEDS OF THOSE STAFF;

(4) RECOMMENDATIONS FOR POTENTIAL STATUTORY OR ADMINISTRATIVE CHANGES TO PROTECT AGAINST CYBERSECURITY THREATS TO THE 9–1–1 SYSTEM; AND

(5) AN EVALUATION OF THE SATISFACTION OF THE COUNTIES WITH THE ABILITY OF THE CURRENT STATUTORY AND REGULATORY FRAMEWORK FOR THE MANAGEMENT AND FUNDING OF THE 9–1–1 SYSTEM WITHIN THE STATE TO PROVIDE FOR CONTINUED IMPROVEMENT IN 9–1–1 SERVICE TO MARYLAND RESIDENTS AND VISITORS AND ANY RECOMMENDED CHANGES TO THAT FRAMEWORK.

[(i)] (J) A jurisdiction may implement NG9–1–1 services before the Commission has submitted the [final report] **REPORTS** to the Governor and the General Assembly as required by [subsection (h) of] this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018. It shall remain effective for a period of [2] 4 years and 1 month and, at the end of June 30, [2020] **2022**, this Act, with no further action required by the General Assembly, 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 507

(Senate Bill 48)

AN ACT concerning

### **Property Tax – Homeowners’ and Renters’ Property Tax Credits – Deadlines**

FOR the purpose of altering the deadlines by which certain applicants may apply for the homeowners’ and renters’ property tax credits; requiring the State Department of Assessments and Taxation to make available certain homeowners’ tax credit

application forms by a certain day; altering the deadline by which applicants must submit their homeowners' tax credit applications in order for the credit to be reflected on a county's tax bill; making conforming changes; providing for the application of this Act; and generally relating to the renters' property tax credit and the homeowners' property tax credit.

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 9–102(f) and 9–104(l) and (o)

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 – Tax – Property

9–102.

(f) (1) On or before [September 1] **OCTOBER 1** of the year following the calendar year for which property tax relief under this section is sought, a renter may apply to the Department for the property tax relief. The application shall be made on the form that the Department provides.

(2) For good cause, the Department may accept an application from a renter after [September 1] **OCTOBER 1** but on or before October 31 of the year following the calendar year for which property tax relief under this section is sought.

(3) The renter shall state under oath that the statements in the application are true.

(4) To substantiate the application, the applicant may be required to provide a copy of an income tax return, or other evidence detailing gross income or net worth.

9–104.

(l) (1) **ON OR BEFORE THE FEBRUARY 15 THAT PRECEDES THE TAXABLE YEAR IN WHICH THE PROPERTY TAX CREDIT UNDER THIS SECTION IS SOUGHT, THE DEPARTMENT SHALL MAKE AVAILABLE THAT YEAR'S PROPERTY TAX CREDIT APPLICATION FORM.**

(2) Except as provided in subsections (m) and (u) of this section, on or before [September 1] **OCTOBER 1** of the taxable year in which the property tax credit under this section is sought, a homeowner may apply to the Department for a property tax credit under this section. The application shall be made on the form that the Department

provides.

**[(2)] (3)** (i) For good cause, the Department may accept an application after **[September 1] OCTOBER 1** but on or before October 31 of the taxable year.

(ii) The Department shall notify the homeowner in writing of its acceptance or rejection of a late application.

**[(3)] (4)** The homeowner shall state under oath that the facts in the application are true.

**[(4)] (5)** To substantiate the application, the applicant may be required to provide a copy of an income tax return, or other evidence detailing gross income or net worth.

(o) (1) For any eligible application received before the **[May 1] APRIL 15** that precedes the taxable year in which the property tax credit under this section is sought, the Department shall request the appropriate county collector to prepare a tax bill that reflects the final tax liability.

(2) If a homeowner presents the revised tax bill or a tax voucher with the tax bill to the county collector, the homeowner may make a single payment for the final tax liability.

(3) Except as provided in subsection (u) of this section, if a credit is granted for an eligible application received after **[May 1] APRIL 15**, property tax is not due on the property until 30 days after the revised tax bill is sent to the homeowner.

(4) If a municipal corporation or a special taxing district issues a tax bill separate from the county tax bill, the county may require the homeowner to submit:

(i) the separate tax bill; or

(ii) proof of payment of the separate tax bill.

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.**

AN ACT concerning

**Department of Human Services – Food Supplement Program – Renaming**

FOR the purpose of renaming the food supplement program in the Department of Human Services to be the Supplemental Nutrition Assistance Program; providing that the Supplemental Nutrition Assistance Program is the successor of the food supplement program; providing that certain names and titles in certain State documents mean the names and titles of the Supplemental Nutrition Assistance Program; requiring the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, to correct any cross-references or terminology rendered incorrect by this Act and to describe any corrections made in an editor's note following the section affected; making a technical correction; and generally relating to the renaming of the food supplement program.

BY repealing and reenacting, with amendments,  
 Article – Human Services  
 Section 5–501 and 5–503 through 5–505  
 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**

5–501.

(a) (1) The Department may implement a [food supplement program] **SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM** in accordance with the federal Supplemental Nutrition Assistance Program.

(2) The [food supplement program] **SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM** shall include a Restaurant Meals Program in accordance with § 5–505 of this subtitle.

(b) The State shall bear the nonfederal portion of the administrative costs of the [food supplement program] **SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM** for each county.

(c) Each local department shall administer the [food supplement program] **SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**:

- (1) under the supervision and control of the Department; and
- (2) in accordance with the regulations of the Department and federal law.

(d) If a household includes an individual who is at least 62 years old and receives a federally funded benefit in an amount less than \$30 per month under the [food supplement program] **SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**, the State shall provide a supplement to increase the total benefit to \$30 per month.

5–503.

Subject to the State budget, the Department shall provide food supplement benefits to a legal immigrant who:

(1) is a minor;

(2) is ineligible for federally funded Supplemental Nutrition Assistance Program benefits because of immigration status;

(3) meets all other [food supplement program] **SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM** eligibility requirements; and

(4) meets any other requirements of the State.

5–504.

(a) A person may not sell or purchase [food supplement program] **SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM** benefits unless otherwise authorized by law.

(b) A person may not knowingly buy or sell merchandise that has been purchased with [food supplement program] **SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM** benefits.

(c) If the value of the money or goods involved is \$1,000 or more, a person who violates this section is guilty of a felony and on conviction:

(1) is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both; and

(2) shall make full restitution of the money or goods unlawfully received or perform community service, as determined by the court.

(d) If the value of the money or goods involved is less than \$1,000, a person who violates this section is guilty of a misdemeanor and on conviction:

(1) is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both; and

(2) shall make full restitution of the money or goods unlawfully received or perform community service, as determined by the court.

5-505.

(a) In this section, "RMP" means the Restaurant Meals Program.

(b) (1) There is a Restaurant Meals Program within the [food supplement program] **SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM** in the Department.

(2) The purpose of the RMP is to expand food access to individuals who:

- (i) do not have a place to store and cook food;
- (ii) may not be able to prepare food; or
- (iii) do not have access to a grocery store.

(c) A household eligible under subsection (d) of this section to participate in the RMP may purchase hot prepared foods at participating restaurants using a [food supplement program] **SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM** benefit.

(d) A household is eligible to participate in the RMP if the household is eligible to receive [food supplement program] **SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM** benefits under State and federal law, and the household:

(1) lacks a fixed, regular, and adequate nighttime residence;

(2) includes only individuals who are:

- (i) 60 years of age or older; or
- (ii) designated disabled by a government entity;

(3) includes only an individual and the individual's spouse if the individual

is:

- (i) 60 years of age or older; or
- (ii) designated disabled by a government entity; or

(4) includes only:

- (i) individuals who are 60 years of age or older; and
- (ii) individuals who are designated disabled by a government entity.

(e) Before participating in the [Program] **RMP**, a restaurant shall:

(1) submit an application and be approved under a process determined by the Department;

(2) become a Supplemental Nutrition Assistance Program provider licensed by the U.S. Department of Agriculture; and

(3) be able to process electronic benefit transaction card payments at the point of sale.

(f) (1) Each local department shall administer the RMP as part of the [food supplement program] **SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM** authorized under § 5–501 of this subtitle, in accordance with federal law.

(2) The Department shall adopt regulations:

(i) to verify household eligibility for participation in the RMP;

(ii) to establish eligibility standards, an application process, and an approval process for restaurants to participate in the RMP; and

(iii) otherwise necessary to carry out this section.

**SECTION 2. AND BE IT FURTHER ENACTED, That, as provided in this Act:**

(a) The Supplemental Nutrition Assistance Program is the successor of the food supplement program.

(b) In every law, executive order, rule, regulation, policy, or document created by an official, an employee, or a unit of this State, the names and titles of the food supplement program mean the names and titles of the Supplemental Nutrition Assistance Program.

**SECTION 3. AND BE IT FURTHER ENACTED, That the publishers of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross–references and terminology rendered incorrect by this Act. The publishers shall adequately describe any correction that is made in an editor’s note following the section affected.**

**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 509

### (Senate Bill 63)

AN ACT concerning

### **Baltimore City – Property Tax Credit for Newly Constructed Dwellings – Reauthorization and Modification**

FOR the purpose of reauthorizing the Mayor and City Council of Baltimore City to grant, by law, a certain property tax credit against the property tax imposed on certain newly constructed dwellings in Baltimore City, subject to certain limitations; expanding the tax credit program to authorize the Mayor and City Council of Baltimore City to grant, by law, the property tax credit to certain owners of certain substantially rehabilitated dwellings in Baltimore City; altering the calculation of the credit; authorizing the Mayor and City Council of Baltimore City to provide, by law, for a certain application period based in part on the completion date of a certain rehabilitation; providing that the property tax credit may not be granted on or after a certain date; making conforming changes; defining certain terms; altering certain definitions; providing for the application of this Act; and generally relating to a property tax credit in Baltimore City for newly constructed and substantially rehabilitated dwellings.

BY repealing and reenacting, with amendments,

Article – Tax – Property  
Section 9–304(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:

#### **Article – Tax – Property**

9–304.

(d) (1) (i) In this subsection the following words have the meanings indicated.

(II) “ELIGIBLE DWELLING” MEANS RESIDENTIAL REAL PROPERTY ~~WITH AN ASSESSED VALUE OF \$500,000 OR LESS~~ THAT IS:

1. A NEWLY CONSTRUCTED DWELLING; OR
2. A SUBSTANTIALLY REHABILITATED DWELLING.

**(III) 1. “MAJOR BUILDING COMPONENT” MEANS A COMPONENT, AT LEAST 50% OF WHICH IS REPLACED, THAT:**

**A. IS SIGNIFICANT TO THE DWELLING AND ITS USE;**  
**B. IS NORMALLY EXPECTED TO LAST THE USEFUL LIFE OF THE DWELLING; AND**

**C. IS NOT MINOR OR COSMETIC.**

**2. “MAJOR BUILDING COMPONENT” INCLUDES:**

**A. ROOF STRUCTURES;**

**B. WALL OR FLOOR STRUCTURES;**

**C. FOUNDATIONS; OR**

**D. PLUMBING, CENTRAL HEATING AND AIR CONDITIONING, OR ELECTRICAL SYSTEMS.**

**[(ii)] (IV) 1. “Newly constructed dwelling” means residential real property that has not been previously occupied since its construction and for which the building permit for construction was issued:**

**A. on or after October 1, 1994, BUT BEFORE JULY 1, 2019;**  
**OR**

**B. ON OR AFTER JULY 1, 2020.**

**2. “Newly constructed dwelling” includes a “vacant dwelling” as defined in subsection (c)(1) of this section that has been rehabilitated in compliance with applicable local laws and regulations and has not been previously occupied since the rehabilitation.**

**[(iii)] (V) “Owner” means “homeowner” as defined in § 9–105 of this title.**

**(VI) 1. “SUBSTANTIALLY REHABILITATED DWELLING” MEANS RESIDENTIAL REAL PROPERTY THAT, ON OR AFTER JULY 1, 2020, HAS UNDERGONE REPAIRS, REPLACEMENTS, OR IMPROVEMENTS:**

**A. OF TWO OR MORE MAJOR BUILDING COMPONENTS;**

B. THAT COMPLY WITH LOCAL LAWS AND REGULATIONS;  
AND

C. FOR WHICH THE DIRECT CONSTRUCTION COSTS INCURRED BY THE OWNER EXCEED \$6,500 OR, AFTER THE COMPLETION OF THE REPAIRS, REPLACEMENTS, OR IMPROVEMENTS, 30% OF THE PROPERTY'S ASSESSED VALUE IN THE TAXABLE YEAR.

2. "SUBSTANTIALLY REHABILITATED DWELLING" DOES NOT INCLUDE A REHABILITATED "VACANT DWELLING" AS DEFINED IN SUBSECTION (C)(1) OF THIS SECTION.

(2) The Mayor and City Council of Baltimore City may grant, by law, a property tax credit under this subsection against the county property tax imposed on [newly constructed] ELIGIBLE dwellings that are owned by qualifying owners.

~~(3) A property tax credit granted under this subsection may not exceed the amount of county property tax imposed on the real property, less the amount of any other credit applicable in that year, multiplied by:~~

~~(i) FOR AN ELIGIBLE DWELLING WITH AN ASSESSED VALUE OF LESS THAN \$300,000:~~

~~1. 50% 100% for the first taxable year in which the property qualifies for the tax credit;~~

~~(ii) 2. 40% for the second taxable year in which the property qualifies for the tax credit;~~

~~(iii) 3. 30% for the third taxable year in which the property qualifies for the tax credit;~~

~~(iv) 4. 20% for the fourth taxable year in which the property qualifies for the tax credit;~~

~~(v) 5. 10% for the fifth taxable year in which the property qualifies for the tax credit; and~~

~~(vi) 6. 0% for each taxable year thereafter;~~

~~(ii) FOR AN ELIGIBLE DWELLING WITH AN ASSESSED VALUE OF AT LEAST \$300,000 BUT NOT MORE THAN \$500,000:~~

~~1. 50% FOR THE FIRST TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT;~~

~~2. 40% FOR THE SECOND TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT;~~

~~3. 30% FOR THE THIRD TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT;~~

~~4. 20% FOR THE FOURTH TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT;~~

~~5. 10% FOR THE FIFTH TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT; AND~~

~~6. 0% FOR EACH TAXABLE YEAR THEREAFTER; OR~~

~~(HH) FOR AN ELIGIBLE DWELLING WITH AN ASSESSED VALUE OF AT LEAST \$500,000;~~

~~1. 25% FOR THE FIRST TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT;~~

~~2. 20% FOR THE SECOND TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT;~~

~~3. 15% FOR THE THIRD TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT;~~

~~4. 10% FOR THE FOURTH TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT;~~

~~5. 5% FOR THE FIFTH TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT; AND~~

~~6. 0% FOR EACH TAXABLE YEAR THEREAFTER.~~

~~(3) A PROPERTY TAX CREDIT GRANTED UNDER THIS SUBSECTION MAY NOT EXCEED THE SUM OF:~~

~~(1) THE AMOUNT OF COUNTY PROPERTY TAX IMPOSED ON THE REAL PROPERTY THAT IS ATTRIBUTABLE TO THE FIRST \$300,000 OF ASSESSED VALUE, LESS THE AMOUNT OF ANY OTHER CREDIT APPLICABLE IN THAT YEAR THAT IS ATTRIBUTABLE TO THAT AMOUNT OF ASSESSED VALUE, MULTIPLIED BY:~~

1. 100% FOR THE FIRST TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT;

2. 40% FOR THE SECOND TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT;

3. 30% FOR THE THIRD TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT;

4. 20% FOR THE FOURTH TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT;

5. 10% FOR THE FIFTH TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT; AND

6. 0% FOR EACH TAXABLE YEAR THEREAFTER;

(II) THE AMOUNT OF COUNTY PROPERTY TAX IMPOSED ON THE REAL PROPERTY THAT IS ATTRIBUTABLE TO THE AMOUNT OF ASSESSED VALUE IN EXCESS OF \$300,000 BUT NOT EXCEEDING \$500,000, LESS THE AMOUNT OF ANY OTHER CREDIT APPLICABLE IN THAT YEAR THAT IS ATTRIBUTABLE TO THAT AMOUNT OF ASSESSED VALUE, MULTIPLIED BY:

1. 50% FOR THE FIRST TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT;

2. 40% FOR THE SECOND TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT;

3. 30% FOR THE THIRD TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT;

4. 20% FOR THE FOURTH TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT;

5. 10% FOR THE FIFTH TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT; AND

6. 0% FOR EACH TAXABLE YEAR THEREAFTER; AND

(III) THE AMOUNT OF COUNTY PROPERTY TAX IMPOSED ON THE REAL PROPERTY THAT IS ATTRIBUTABLE TO THE AMOUNT OF ASSESSED VALUE IN EXCESS OF \$500,000, LESS THE AMOUNT OF ANY OTHER CREDIT APPLICABLE IN

**THAT YEAR THAT IS ATTRIBUTABLE TO THAT AMOUNT OF ASSESSED VALUE, MULTIPLIED BY:**

**1. 25% FOR THE FIRST TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT;**

**2. 20% FOR THE SECOND TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT;**

**3. 15% FOR THE THIRD TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT;**

**4. 10% FOR THE FOURTH TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT;**

**5. 5% FOR THE FIFTH TAXABLE YEAR IN WHICH THE PROPERTY QUALIFIES FOR THE TAX CREDIT; AND**

**6. 0% FOR EACH TAXABLE YEAR THEREAFTER.**

(4) Notwithstanding the credit amount calculated under paragraph (3) of this subsection, the Mayor and City Council of Baltimore City may establish, by law, maximum limits on the cumulative property tax credit allowed under this subsection or on the amount of the credit allowed for any year.

(5) Owners of [newly constructed] ELIGIBLE dwellings may qualify for the tax credit authorized by this subsection by:

(i) IF THE ELIGIBLE DWELLING IS A NEWLY CONSTRUCTED DWELLING, purchasing [a] THE newly constructed dwelling;

(ii) occupying the [newly constructed] ELIGIBLE dwelling as their principal residence;

(iii) filing a State income tax return during the period of the tax credit as a resident of Baltimore City; and

(iv) satisfying other requirements as may be provided by the Mayor and City Council of Baltimore City.

(6) (i) The Mayor and City Council of Baltimore City may provide, by law, for two application periods during which owners can apply for the property tax credit under this subsection[, one that is] based on:

1. A. IF THE DWELLING IS A NEWLY CONSTRUCTED DWELLING, the purchase date of the dwelling; OR

B. IF THE DWELLING IS A SUBSTANTIALLY REHABILITATED DWELLING, THE DATE ON WHICH THE REHABILITATION IS COMPLETED; and

2. [one that is based on] the date of the assessment notice.

(ii) If granted, the tax credit shall be applied against the owner's property taxes as long as the owner remains the owner-occupant of the dwelling for which the credit is received.

(iii) The Mayor and City Council of Baltimore City shall provide for any procedures necessary and appropriate for implementing the application periods.

(7) The Mayor and City Council of Baltimore City may provide for additional procedures necessary and appropriate for the submission of an application for and the granting of a property tax credit under this subsection, including procedures for granting partial credits for eligibility for less than a full taxable year.

(8) The estimated amount of all tax credits received by owners under this subsection in any fiscal year shall be reported by the Director of Finance of Baltimore City as a "tax expenditure" for that fiscal year and shall be included in the publication of the City's budget for any subsequent fiscal year with the estimated or actual City property tax revenue for the applicable fiscal year.

(9) (i) After June 30, [2019] **2025**, additional owners of [newly constructed] **ELIGIBLE** dwellings may not be granted a credit under this subsection.

(ii) This paragraph does not apply to an owner's continuing receipt of a credit as allowed in paragraph (3) of this subsection, with respect to a property for which a tax credit under this subsection was received for a taxable year ending on or before June 30, [2019] **2025**.

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 510**

**(Senate Bill 69)**

AN ACT concerning

**Baltimore City – Alcoholic Beverages – Class A, A-2, and A-7 Licenses –  
Surveillance System**

FOR the purpose of providing that an application for a certain license renewal is not complete without a certain affidavit; extending in Baltimore City the time during which the Board of License Commissioners may issue a Class A-7 license; repealing the right to exchange certain licenses within a certain area; altering the hours of operation for a holder of a Class A-7 license; requiring the holder of a Class A license, Class A-2 license, or Class A-7 license to install and operate a digital surveillance system on the licensed premises in accordance with regulations adopted by the Board; requiring the digital surveillance system to be equipped with certain cameras; requiring certain cameras to be placed in a certain way; requiring the video recorded from the surveillance system to be retained for a certain number of days; requiring the Board to adopt, in consultation with the Baltimore Police Department, regulations relating to digital surveillance on or before a certain date; requiring the Board to adopt certain regulations in accordance with certain requirements; providing for the application of this Act; and generally relating to alcoholic beverages licenses in Baltimore City.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 12-102  
Annotated Code of Maryland  
(2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Article – Alcoholic Beverages  
Section 12-902.1 and 12-1407  
Annotated Code of Maryland  
(2016 Volume and 2019 Supplement)

BY adding to  
Article – Alcoholic Beverages  
Section 12-1804.2  
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**

12-102.

This title applies only in Baltimore City.



12-902.1.

(a) **THIS SECTION DOES NOT APPLY IN THE 43RD LEGISLATIVE DISTRICT.**

**(B)** There is a Class A-7 beer, wine, and liquor license.

~~(C)~~ **(C)** The license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license, for off-premises consumption.

~~(D)~~ **(D)** (1) Subject to [paragraphs] PARAGRAPH (2) [through (4)] of this subsection, a license holder who holds a valid Class B-D-7 beer, wine, and liquor license issued on or before July 1, 2018, may apply to the Board to exchange the license for a Class A-7 license if the license holder first obtains approval by resolution of the Baltimore City Council.

(2) The Board may not issue a Class A-7 license **ON OR** after July 1, [2020]

**2022.**

(3) In the 46th legislative district, a Class B-D-7 license may be exchanged for a Class A-7 license.

(4) In the 46th legislative district, the transferee of a Class B-D-7 license that is successfully transferred from the 3600 block of Fleet Street to the 5600 block of Eastern Avenue may apply to the Board to exchange the license for a Class A-7 license for use at the Eastern Avenue location on or before July 1, 2021.]

~~(E)~~ **(E)** A holder of a Class A-7 license may sell beer, wine, and liquor on Monday through Sunday from [9 a.m. to 10 p.m.] **10 A.M. TO MIDNIGHT.**

~~(E) A HOLDER OF A CLASS A 7 LICENSE SHALL OPERATE A DIGITAL SURVEILLANCE SYSTEM ON THE LICENSED PREMISES IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD UNDER SUBSECTION (H) OF THIS SECTION.~~

~~(F) THE DIGITAL SURVEILLANCE SYSTEM SHALL BE EQUIPPED WITH HIGH DEFINITION CAMERAS THAT PROVIDE CONTINUOUS, 24 HOUR VIDEO MONITORING PLACED INSIDE AND OUTSIDE THE LICENSED ESTABLISHMENT.~~

~~(G) (1) THE CAMERAS MUST BE PLACED IN SUCH A WAY THAT:~~

~~(I) THE EXTERIOR OF EACH ENTRYWAY INTO THE LICENSED ESTABLISHMENT IS MONITORED;~~

~~(H) THE INTERIOR OF EACH ENTRYWAY INTO THE LICENSED ESTABLISHMENT IS MONITORED; AND~~

~~(H) THE CASH REGISTER OR TILL IS MONITORED.~~

~~(2) THE VIDEO RECORDED FROM THE SURVEILLANCE SYSTEM SHALL BE RETAINED FOR NOT LESS THAN 7 DAYS.~~

~~(H) THE BOARD SHALL ADOPT REGULATIONS ON OR BEFORE AUGUST 15, 2020, RELATING TO DIGITAL SURVEILLANCE IN CONSULTATION WITH THE BALTIMORE POLICE DEPARTMENT.~~

[(e)] ~~(F)~~ (F) The annual license fee is \$1,500.

12-1407.

(a) (1) The Board or the Board's designee shall examine each application for the issuance or transfer of a license within 45 days of receipt of the application to determine whether the application is complete.

(2) Except as provided in paragraph (3) of this subsection, an application for the issuance, transfer, or renewal is not complete unless the applicant has:

(i) obtained zoning approval or verification of zoning if the application is for renewal;

(ii) submitted all documents required in the application; [and]

(iii) paid all fines and fees that are due; AND

(IV) FOR THE RENEWAL OF A CLASS A BEER, WINE, AND LIQUOR LICENSE, A CLASS A-2 BEER, WINE, AND LIQUOR LICENSE, OR A CLASS A-7 BEER, WINE, AND LIQUOR LICENSE, SUBMITTED AN AFFIDAVIT AS REQUIRED BY § 12-1804.2 OF THIS TITLE.

(3) An application for the issuance, transfer, or renewal of a Class B-D-7 license that may be issued under § 12-1603(c)(8) of this title in the Old Goucher Revitalization District under § 12-1603(e) of this title is complete without an applicant obtaining zoning approval or verification of zoning.

(b) (1) A license hearing may not be scheduled unless the Board determines that the application is complete.

(2) A complete application with all submitted documents shall be posted online at least 14 days before the hearing date.

(3) The postponement of a hearing shall be posted online not less than 72 hours before the hearing date.

(c) (1) To incorporate a change in the application document after the Board or the Board's designee has determined the application to be complete, the applicant shall submit the change to the Board not later than 15 days before the scheduled hearing.

(2) After the hearing on the application, an applicant may change the application only at a new hearing.

(d) The Board shall impose a fine that it determines for failure to comply with the requirements under this section.

**12-1804.2.**

**(A) THIS SECTION APPLIES ONLY TO A HOLDER OF:**

**(1) A CLASS A BEER, WINE, AND LIQUOR LICENSE;**

**(2) A CLASS A-2 BEER, WINE, AND LIQUOR LICENSE; AND**

**(3) A CLASS A-7 BEER, WINE, AND LIQUOR LICENSE.**

**(B) (1) A LICENSE HOLDER SHALL MAINTAIN AND OPERATE A DIGITAL SURVEILLANCE SYSTEM ON THE LICENSED PREMISES IN ACCORDANCE WITH THIS SECTION AND REGULATIONS ADOPTED BY THE BOARD UNDER SUBSECTION (C) OF THIS SECTION.**

**(2) THE DIGITAL SURVEILLANCE SYSTEM SHALL BE EQUIPPED WITH HIGH-DEFINITION CAMERAS THAT PROVIDE CONTINUOUS, 24-HOUR VIDEO MONITORING WITHOUT AUDIO RECORDING CAPACITY PLACED INSIDE AND OUTSIDE THE LICENSED PREMISES.**

**(3) THE CAMERAS MUST BE PLACED IN SUCH A WAY THAT:**

**(I) THE EXTERIOR OF EACH ENTRYWAY INTO THE LICENSED PREMISES IS MONITORED;**

**(II) THE INTERIOR OF EACH ENTRYWAY INTO THE LICENSED PREMISES IS MONITORED; AND**

**(III) THE CASH REGISTER OR TILL IS MONITORED.**

**(4) THE VIDEO RECORDED FROM THE SURVEILLANCE SYSTEM SHALL BE RETAINED FOR NOT LESS THAN 14 DAYS.**

(5) A LICENSE HOLDER MUST POST APPROPRIATE SIGNAGE NOTIFYING INDIVIDUALS ON THE PREMISES THEY ARE BEING RECORDED.

(C) (1) ON OR BEFORE DECEMBER 31, 2020, THE BOARD SHALL ADOPT REGULATIONS RELATING TO DIGITAL SURVEILLANCE IN CONSULTATION WITH THE BALTIMORE POLICE DEPARTMENT.

(2) THE REGULATIONS ADOPTED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) REQUIRE THAT LICENSED ESTABLISHMENTS RETAIN VIDEO RECORDINGS FROM THE SURVEILLANCE SYSTEM FOR NOT LESS THAN 14 DAYS BUT NOT MORE THAN 30 DAYS;

(II) REQUIRE THAT A NOTICE BE PLACED IN A CONSPICUOUS LOCATION ON THE INTERIOR AND EXTERIOR OF THE PREMISES LOCATION NOTIFYING THE PUBLIC THAT THE LICENSED ESTABLISHMENT IS SUBJECT TO 24-HOUR VIDEO SURVEILLANCE MONITORING;

(III) INCLUDE DETAILS REGARDING THE SPECIFICATIONS FOR WHAT TYPES OF VIDEO SURVEILLANCE SYSTEMS ARE ACCEPTABLE;

(IV) REQUIRE THAT THE BALTIMORE POLICE DEPARTMENT MAY REQUEST VIDEO FOOTAGE ONLY IN CONNECTION WITH A CRIMINAL INVESTIGATION AND THAT VIDEO FOOTAGE OBTAINED IN VIOLATION OF THIS SECTION IS INADMISSIBLE IN A CRIMINAL PROCEEDING;

(V) INCLUDE DETAILS ON HOW AND WHEN THE BOARD WILL VERIFY THAT AN ACCEPTABLE VIDEO SURVEILLANCE SYSTEM HAS BEEN INSTALLED AS WELL AS PENALTIES FOR FAILURE TO COMPLY WITH THIS SECTION; AND

(VI) PROVIDE FOR THE ISSUANCE OF TEMPORARY WAIVERS TO LICENSE HOLDERS WHO PURCHASED AND INSTALLED NONCOMPLIANT SURVEILLANCE SYSTEMS PRIOR TO OCTOBER 1, 2020.

(D) BEGINNING JANUARY 1, 2021, A LICENSE HOLDER APPLYING FOR A LICENSE RENEWAL SHALL FILE WITH THE LICENSE RENEWAL APPLICATION AN AFFIDAVIT VERIFYING COMPLIANCE WITH SUBSECTION (B) 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 511****(Senate Bill 71)**

AN ACT concerning

**State Board of Pilots – Sunset Extension**

FOR the purpose of continuing the State Board of Pilots in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to certain statutory and regulatory authority of the Board; and generally relating to the State Board of Pilots.

BY repealing and reenacting, with amendments,  
Article – Business Occupations and Professions  
Section 11–802  
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 – Business Occupations and Professions**

11–802.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, this title and all regulations adopted under this title shall terminate and be of no effect after July 1, [2022] **2032**.

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 512****(Senate Bill 72)**

AN ACT concerning

**Baltimore City – Members of the Command Staff of the Police Department –  
Residency Requirements**

FOR the purpose of authorizing the Mayor and City Council of Baltimore City, beginning on or after a certain date, to require certain members of the command staff of the Police Department of Baltimore City to reside in Baltimore City; requiring a certain local law, ordinance, or policy enacted or adopted by the Mayor and City Council of Baltimore City to include certain provisions; providing for the application of a certain local law, ordinance, or policy enacted or adopted by the Mayor and City Council of Baltimore City; and generally relating to residency requirements for members of the command staff of the Police Department of Baltimore City.

BY repealing and reenacting, without amendments,  
The Public Local Laws of Baltimore City  
Section 16–1(6), (7), and (8)  
Article 4 – Public Local Laws of Maryland  
(1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

BY adding to  
The Public Local Laws of Baltimore City  
Section 16–2A  
Article 4 – Public Local Laws of Maryland  
(1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

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

#### **Article 4 – Baltimore City**

16–1.

The following words and phrases as used in this subtitle shall have or include the following meanings.

(6) “Members of the department” shall mean and include all persons and personnel employed by the department, whether civilian employees or police officers.

(7) “Police officers” shall mean all those members of the department having and exercising the powers of police officers, as provided in this subtitle, and shall specifically include the Police Commissioner of Baltimore City, all deputy police commissioners, and such other ranks or positions which the Commissioner may determine require experience as a police officer as a prerequisite.

(8) “Civilian employees” shall mean all members of the department other than police officers.

16–2A.

**(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, BEGINNING ON OR AFTER JANUARY 1, 2022, THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY MAY**

REQUIRE MEMBERS OF THE COMMAND STAFF OF THE DEPARTMENT, AT THE RANK OF ~~CAPTAIN OR ABOVE~~, COLONEL OR DEPUTY COMMISSIONER, TO RESIDE IN BALTIMORE CITY.

(B) A LOCAL LAW, ORDINANCE, OR POLICY ENACTED OR ADOPTED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY UNDER THIS SECTION SHALL INCLUDE PROVISIONS:

(1) THAT PROVIDE AN INDIVIDUAL A PERIOD OF 120 DAYS AFTER THE DATE OF PROMOTION TO OR HIRE FOR THE RANK OF COLONEL OR DEPUTY COMMISSIONER TO BEGIN TO RESIDE IN BALTIMORE CITY;

(2) THAT PROVIDE AN EXEMPTION FROM THE LOCAL LAW, ORDINANCE, OR POLICY FOR A MEMBER WHO IS PROMOTED TO THE RANK OF DEPUTY COMMISSIONER IF, ON JANUARY 1, 2022, THAT MEMBER HOLDS THE RANK OF COLONEL; AND

(3) FOR GRANTING A WAIVER OR EXEMPTION FROM THE LOCAL LAW, ORDINANCE, OR POLICY FOR A MEMBER OF THE COMMAND STAFF WHO IS MARRIED TO AN INDIVIDUAL WHO IS EMPLOYED BY A GOVERNMENTAL ENTITY THAT HAS SIMILAR EMPLOYEE RESIDENCY REQUIREMENTS.

SECTION 2. AND BE IT FURTHER ENACTED, That a local law, ordinance, or policy enacted or adopted by the Mayor and City Council of Baltimore City in accordance with this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to the continued employment of any individual employed by the Police Department of Baltimore City before the effective date of the local law, ordinance, or policy.

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 513

(Senate Bill 74)

AN ACT concerning

**Environment – Marine Contractors Licensing Board – Authority, Program Evaluation, and Termination**

FOR the purpose of establishing that the Marine Contractors Licensing Board is subject to the Maryland Program Evaluation Act; establishing that the Board is a unit in the Department of the Environment; authorizing the Board, by regulation, to establish certain license categories; requiring the Board to include a certain license category on each license issued by the Board; clarifying that an individual or entity is prohibited from conducting, or attempting or offering to conduct, certain marine contractor services unless licensed by the Board to perform the services; providing for the termination of the Board and certain provisions of law relating to the Board after a certain date; altering the definition of a certain term; and generally relating to the Marine Contractors Licensing Board.

BY renumbering

Article – State Government  
Section 8–403(35) through (61), respectively  
to be Section 8–403(36) through (62), respectively  
Annotated Code of Maryland  
(2014 Replacement Volume and 2019 Supplement)

BY adding to

Article – State Government  
Section 8–403(35)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment  
Section 1–406  
Annotated Code of Maryland  
(2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment  
Section 17–101, 17–201, 17–305, and 17–401  
Annotated Code of Maryland  
(2014 Replacement Volume and 2019 Supplement)

BY adding to

Article – Environment  
Section 17–501 to be under the new subtitle “Subtitle 5. Termination of Title”  
Annotated Code of Maryland  
(2014 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8–403(35) through (61), respectively, of Article – State Government of the Annotated Code of Maryland be renumbered to be Section(s) 8–403(36) through (62), respectively.



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

**Article – State Government**

8–403.

This subtitle applies only to the following governmental activities and units:

**(35) MARINE CONTRACTORS LICENSING BOARD (§ 17–201 OF THE ENVIRONMENT ARTICLE);**

**Article – Environment**

1–406.

The following units, among other units, are included in the Department:

- (1) Air Quality Control Advisory Council;
- (2) Hazardous Substances Advisory Council;
- (3) Radiation Control Advisory Board;
- (4) Science and Health Advisory Group;
- (5) Board of Waterworks and Waste System Operators;
- (6) Board of Well Drillers; [and]
- (7) Hazardous Waste Facilities Siting Board; AND
- (8) MARINE CONTRACTORS LICENSING BOARD.**

17–101.

- (a) In this title the following words have the meanings indicated.
- (b) “Board” means the Marine Contractors Licensing Board.
- (c) “Entity” means a business with its principal office in the State that employs more than one individual to provide marine contractor services in the State.
- (d) “License” means a professional license issued by the Board to an individual or entity to perform marine contractor services in the State.

(e) “Licensed marine contractor” means an individual or entity that has received a license from the Board to perform marine contractor services.

(f) (1) “Marine contractor services” means construction, demolition, installation, alteration, repair, or salvage activities located in, on, [over,] or under State or private tidal wetlands.

(2) “Marine contractor services” includes:

(i) Dredging and filling;

(ii) The construction, demolition, installation, alteration, repair, or salvage of structures, including boathouses, boat or other personal watercraft lifts or ramps, slips, docks, floating platforms, moorings, piers, pier access structures, pilings, wetland observation platforms, wetland walkways, and wharfs; and

(iii) The construction, demolition, installation, alteration, repair, or salvage of stabilization and erosion control measures, including revetments, breakwaters, bulkheads, groins, jetties, stone sills, marsh establishments, and beach nourishment or other similar projects.

17–201.

(a) There is a Marine Contractors Licensing Board **IN THE DEPARTMENT**.

(b) Subject to the provisions of this title, the Board is responsible for the licensing and regulation of individuals and entities that provide marine contractor services in the State.

17–305.

(a) The Board shall issue a license that is valid for 2 years to any applicant who meets the requirements of this title and any regulation adopted under this title.

**(B) THE BOARD, BY REGULATION, MAY ESTABLISH LICENSE CATEGORIES THAT SPECIFY THE MARINE CONTRACTOR SERVICES EACH LICENSE AUTHORIZES A LICENSEE TO PERFORM.**

**[(b)] (C)** The Board shall include on each license that the Board issues:

**(1) THE LICENSE CATEGORY;**

**[(1)] (2)** The full name of the licensee;

**[(2)] (3)** The license number;

[(3)] (4) The location of the principal office and of each branch office if the licensee is an entity;

[(4)] (5) The date of issuance of the license;

[(5)] (6) The date on which the license expires; and

[(6)] (7) The name of the representative member if the licensee is an entity.

17-401.

An individual or entity may not conduct, attempt to conduct, or offer to conduct ANY marine contractor services unless the individual or entity is licensed by the Board TO PERFORM THE SERVICES.

#### SUBTITLE 5. TERMINATION OF TITLE.

17-501.

**SUBJECT TO THE MARYLAND PROGRAM EVALUATION ACT, THE PROVISIONS OF THIS TITLE AND ALL REGULATIONS ADOPTED UNDER THIS TITLE CREATING THE MARINE CONTRACTORS LICENSING BOARD AND RELATING TO THE REGULATION OF MARINE CONTRACTORS ARE OF NO EFFECT AND MAY NOT BE ENFORCED AFTER JULY 1, 2031.**

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 514

(Senate Bill 77)

AN ACT concerning

### ~~Identification Cards and Driver's License Renewals~~ Important Documents and Identification Cards – Inmates

FOR the purpose of ~~repealing a certain requirement that the Commissioner of Correction adopt certain regulations; repealing a certain requirement that the Commissioner of Correction issue a certain identification card to an inmate on release from a correctional facility; requiring the Motor Vehicle Administration to issue an~~

~~identification card that meets certain requirements to an inmate on release from a correctional facility; requiring the Administration, in consultation with the Commissioner of Correction, to adopt certain regulations; providing that a license held by an inmate in a correctional facility remains in full force and effect during the inmate's term of confinement; requiring the Administration to renew an inmate's license on release from a correctional facility under certain circumstances; and generally relating to identification cards and driver's license renewals for released inmates~~ requiring the Commissioner of Correction to begin a certain process to obtain a certain inmate's birth certificate on taking custody of the inmate; requiring the Commissioner to provide a certain inmate with the inmate's birth certificate before release from confinement in a State correctional facility under certain circumstances; requiring the Commissioner to apply to obtain a certain inmate's Social Security card at the earliest date possible in accordance with a certain memorandum of understanding or as soon as is practicable; providing that the Commissioner may not obtain certain documents under certain circumstances; requiring each local correctional facility to develop and implement a certain policy; requiring the Motor Vehicle Administration to issue a certain identification card at no cost to a certain individual under certain circumstances; requiring the Department of Public Safety and Correctional Services to report certain information to the General Assembly on or before a certain date each year; providing for the termination of certain provisions of this Act; and generally relating to important documents and identification cards for released inmates.

~~BY repealing and reenacting, without amendments,  
Article – Correctional Services  
Section 1-101(a), (d), and (i)  
Annotated Code of Maryland  
(2017 Replacement Volume and 2019 Supplement)~~

~~BY repealing and reenacting, with amendments,  
Article – Correctional Services  
Section 9-609  
Annotated Code of Maryland  
(2017 Replacement Volume and 2019 Supplement)~~

~~BY repealing  
Article – Correctional Services  
Section 9-609.1  
Annotated Code of Maryland  
(2017 Replacement Volume and 2019 Supplement)~~

BY repealing and reenacting, with amendments,  
Article – Correctional Services  
Section 9-609.1  
Annotated Code of Maryland  
(2017 Replacement Volume and 2019 Supplement)

BY adding to

Article – Correctional Services  
Section 9–617  
Annotated Code of Maryland  
(2017 Replacement Volume and 2019 Supplement)

BY adding to

Article – Transportation  
 Section 12–301.1  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2019 Supplement)

~~BY repealing and reenacting, with amendments,~~

~~Article – Transportation~~  
~~Section 16–115~~  
~~Annotated Code of Maryland~~  
~~(2012 Replacement Volume and 2019 Supplement)~~

BY adding to

Article – Transportation  
Section 12–301.1(c)  
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 – Correctional Services

~~1–101.~~

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

~~(d) “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.~~

~~(i) “Inmate” means an individual who is actually or constructively detained or confined in a correctional facility.~~

~~9–609.~~

~~(a) Whenever a date of release from confinement in a State correctional facility is a Saturday, Sunday, or legal holiday, the inmate shall be released on the first preceding day that is not a Saturday, Sunday, or legal holiday.~~

~~(b) The Commissioner of Correction shall adopt regulations[;]~~

~~(1) establishing a release plan for inmates upon release from confinement in a State correctional facility to help identify resources to assist inmates following release, including the provision of transportation from the facility for an inmate upon release; and~~

~~(2) implementing the provisions of § 9-609.1 of this subtitle concerning issuance of an identification card to inmates on release from confinement in a State correctional facility.~~

~~§9-609.1.~~

(a) **(1)** The Commissioner of Correction shall issue an identification card to an inmate before release from confinement in a State correctional facility.

~~(b)~~ **(2)** The identification card issued under subsection (a) of this section shall meet the requirements for secondary identification for the purpose of an identification card issued by the Motor Vehicle Administration under § 12-301 of the Transportation Article.

**(B) (1) (I) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, ON TAKING CUSTODY OF AN INMATE SENTENCED TO THE DIVISION OF CORRECTION, THE COMMISSIONER OF CORRECTION SHALL BEGIN THE PROCESS OF OBTAINING THE INMATE'S BIRTH CERTIFICATE.**

**(II) IF AN INMATE'S BIRTH CERTIFICATE IS OBTAINED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMMISSIONER OF CORRECTION SHALL PROVIDE THE INMATE WITH THE BIRTH CERTIFICATE BEFORE RELEASE FROM CONFINEMENT IN A STATE CORRECTIONAL FACILITY.**

**(2) (I) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE COMMISSIONER OF CORRECTION SHALL APPLY TO THE SOCIAL SECURITY ADMINISTRATION TO OBTAIN AN INMATE'S SOCIAL SECURITY CARD:**

**1. AT THE EARLIEST DATE POSSIBLE IN ACCORDANCE WITH ANY MEMORANDUM OF UNDERSTANDING BETWEEN THE DIVISION OF CORRECTION AND THE SOCIAL SECURITY ADMINISTRATION PROVIDING FOR THE ISSUANCE OF INMATE SOCIAL SECURITY CARDS; OR**

**2. AS SOON AS IS PRACTICABLE.**

**(II) IF AN INMATE'S SOCIAL SECURITY CARD IS OBTAINED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMMISSIONER OF CORRECTION SHALL PROVIDE THE INMATE WITH THE SOCIAL SECURITY CARD BEFORE RELEASE FROM CONFINEMENT IN A STATE CORRECTIONAL FACILITY.**

(3) THE COMMISSIONER OF CORRECTION MAY NOT OBTAIN A DOCUMENT UNDER PARAGRAPH (1) OR (2) OF THIS SUBSECTION UNLESS THE INMATE CONSENTS IN WRITING TO THE COMMISSIONER OF CORRECTION OBTAINING THE DOCUMENT.

9-617.

EACH LOCAL CORRECTIONAL FACILITY SHALL DEVELOP AND IMPLEMENT A POLICY FOR ASSISTING INMATES TO OBTAIN IDENTIFICATION CARDS ISSUED BY THE MOTOR VEHICLE ADMINISTRATION UNDER § 12-301 OF THE TRANSPORTATION ARTICLE EITHER BEFORE OR AFTER RELEASE FROM CONFINEMENT.

#### Article – Transportation

12-301.1.

~~(A) IN THIS SECTION, “CORRECTIONAL FACILITY” AND “INMATE” HAVE THE MEANINGS STATED IN § 1-101 OF THE CORRECTIONAL SERVICES ARTICLE.~~

~~(B) THE ADMINISTRATION SHALL ISSUE AN IDENTIFICATION CARD TO AN INMATE BEFORE RELEASE FROM CONFINEMENT IN A CORRECTIONAL FACILITY.~~

~~(C) THE IDENTIFICATION CARD ISSUED UNDER SUBSECTION (B) OF THIS SECTION SHALL MEET THE REQUIREMENTS FOR SECONDARY IDENTIFICATION FOR THE PURPOSE OF AN IDENTIFICATION CARD ISSUED BY THE ADMINISTRATION UNDER § 12-301 OF THIS SUBTITLE.~~

~~(D) THE ADMINISTRATION, IN CONSULTATION WITH THE COMMISSIONER OF THE DIVISION OF CORRECTION IN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.~~

(A) IN THIS SECTION, “DIVISION OF CORRECTION” MEANS THE DIVISION OF CORRECTION OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(B) THE ADMINISTRATION SHALL ISSUE AN IDENTIFICATION CARD UNDER § 12-301 OF THIS SUBTITLE AT NO COST TO AN INDIVIDUAL WHO APPLIES FOR AN IDENTIFICATION CARD AND PRESENTS:

(1) AN IDENTIFICATION CARD ISSUED BY THE DIVISION OF CORRECTION THAT DISPLAYS:

(i) THE INDIVIDUAL’S FULL NAME;

(II) A PHOTOGRAPH OF THE INDIVIDUAL; AND

(III) A UNIQUE IDENTIFICATION NUMBER ASSIGNED TO THE INDIVIDUAL BY THE DIVISION OF CORRECTION; AND

(2) THE INDIVIDUAL'S SOCIAL SECURITY CARD.

~~16-115.~~

~~(a) (1) Subject to paragraph (5) of this subsection, a license issued under this title to a driver at least 21 years old shall expire on the birth date of the licensee at the end of a period of not more than 8 years determined in regulations adopted by the Administration following the issuance of the license.~~

~~(2) Subject to paragraph (5) of this subsection, a license issued under this title to a driver under the age of 21 years shall expire not later than 60 days after the driver's 21st birthday.~~

~~(3) A license is renewable on the presentation of an application, the payment of the renewal fee required by § 16-111.1 of this subtitle, and satisfactory completion of the examination required or authorized by subsection [(i)] (J) of this section:~~

~~(i) Within 6 months before its expiration; or~~

~~(ii) When a driver qualifies for a corrected license issued under § 16-114.1(e) of this subtitle.~~

~~(4) Except as provided in subsection [(f)] (G) of this section, the Administration may not renew an individual's license for more than one consecutive term without requiring the individual to appear in person at an office of the Administration.~~

~~(5) (i) If an applicant has temporary lawful status, the Administration may not issue to the applicant a license to drive for a period that extends beyond the expiration date of the applicant's authorized stay in the United States or, if there is no expiration date, for a period longer than 1 year.~~

~~(ii) Nothing contained in this paragraph may be construed to allow the issuance of a temporary license to drive for a period longer than the period described in this subsection.~~

~~(iii) The Administration shall indicate on the face and in the machine readable zone of a temporary license to drive that the license is a temporary license to drive.~~



~~(6) A holder of a temporary license to drive who had temporary lawful status at the time of the issuance of the temporary license to drive shall present satisfactory documentary evidence of lawful status if the holder applies for issuance or renewal of any license to drive under this subtitle.~~

~~(b) At least 60 days before a license expires, the Administration shall mail to each licensee, at the last address of the licensee shown in the records of the Administration, notice of the date on which the license will expire.~~

~~(e) The Administration may renew a license within 1 year after the expiration date without requiring a driving test.~~

~~(d) (1) A license held by a member of the armed forces of the United States who is absent from this State on active service in the armed forces of the United States, or a dependent of the member who is residing with the member outside the State, shall remain in full force and effect during such absence.~~

~~(2) The license also shall remain in effect, if it would otherwise have expired under this section, for a period of 30 days following the date of the licensee's return to this State, or the member's discharge or separation from active service:~~

~~(i) If the licensee has in the licensee's immediate possession, together with the licensee's driver's license, papers indicating the member's active service outside this State or the member's discharge or separation; and~~

~~(ii) If the license is not otherwise suspended, revoked, or canceled under this title during the 30 day period.~~

~~(e) (1) A license held by an individual who is a member of the Foreign Service of the United States and is absent from the State due to employment in the Foreign Service, or a license held by the spouse or a dependent of the individual who is residing with the individual outside the State, shall remain in full force and effect during the absence.~~

~~(2) A license held by an individual described in paragraph (1) of this subsection shall also remain in effect, if it would otherwise have expired under this section, for a period of 30 days following the date of the individual's return to the State, or the individual's separation from employment in the Foreign Service of the United States if:~~

~~(i) The individual has in the individual's immediate possession, together with the individual's driver's license, documentation acceptable to the Administration indicating that:~~

~~1. The individual is a member of the Foreign Service of the United States, or the spouse or a dependent of a member of the Foreign Service of the United States and resides outside the State; or~~

~~2. The individual was formerly a member of the Foreign Service of the United States, or the spouse or a dependent of a former member of the Foreign Service, and has returned to the State on separation of the member from employment with the Foreign Service; and~~

~~(ii) The license is not otherwise suspended, revoked, or canceled under this title during the 30-day period.~~

~~(F) (1) IN THIS SUBSECTION, “CORRECTIONAL FACILITY” AND “INMATE” HAVE THE MEANINGS STATED IN § 1-101 OF THE CORRECTIONAL SERVICES ARTICLE.~~

~~(2) A LICENSE HELD BY AN INMATE CONFINED AT A CORRECTIONAL FACILITY SHALL REMAIN IN FULL FORCE AND EFFECT DURING THE INMATE’S TERM OF CONFINEMENT.~~

~~(3) THE ADMINISTRATION SHALL RENEW AN INMATE’S LICENSE BEFORE RELEASE FROM CONFINEMENT IN A CORRECTIONAL FACILITY IF THE LICENSE:~~

~~(I) WOULD OTHERWISE HAVE EXPIRED UNDER THIS SECTION;~~  
~~AND~~

~~(II) IS NOT OTHERWISE SUSPENDED, REVOKED, OR CANCELED UNDER THIS TITLE.~~

~~[(f)] (G) If a licensee is absent from this State for cause, other than as provided in subsection (d) of this section, and is unable to renew the licensee’s license in the manner required by this section, the licensee may renew by mail to the Administration. The renewal application shall be accompanied by the prescribed fee and a statement giving the reason for and the expected length of the absence. On receipt of the application, the Administration may issue a regular license which bears a photo or a notation that it is valid without a photo until 15 days after the licensee first returns to this State.~~

~~[(g)] (H) An individual may not drive a motor vehicle on any highway in this State if the license issued to him under this title has expired.~~

~~[(h)] (I) An individual may not attempt to drive a motor vehicle on any highway in this State if the license issued to the individual under this title has expired.~~

~~[(i)] (J) (1) Except as provided in paragraphs (2) and (3) of this subsection, the Administration shall require every individual applying for renewal of a driver’s license to pass a vision test as prescribed by the Administration.~~

~~(2) (i) The Administration shall accept a certification of acceptable visual acuity from a licensed physician or optometrist instead of requiring the actual test provided for in this subsection.~~

~~(ii) The examination for which certification is made shall take place within 12 months of the date of application for renewal.~~

~~(3) An individual at least 21 years of age but under the age of 40 years may apply for renewal of a driver's license electronically or by mail or other means authorized by the Administration without taking a vision test if the applicant has passed a vision test authorized by the Administration within the previous 9 years.~~

~~(4) (i) If the Administration has reason to believe that an individual is a safety hazard by reason of a vision deficiency, the Administration may require the vision test provided for in this subsection at a time other than renewal of a driver's license.~~

~~(ii) The Administration may adopt regulations to implement the provisions of this subsection.~~

~~[(j)] (K) Before the expiration of a driver's license, if the Administration has reason to believe that an individual is not a safety hazard, but the individual is unable to pass a required knowledge test or vision test, the Administration may extend the individual's privilege to drive for a period not to exceed 90 days.~~

~~[(k)] (L) (1) The Administration may not renew the driver's license of an applicant who has not paid all undisputed taxes and unemployment insurance contributions payable to the Comptroller or the Secretary of Labor or provided for payment in a manner satisfactory to the unit responsible for collection.~~

~~(2) The Administration shall cooperate with the Comptroller and the Maryland Department of Labor to develop procedures and adopt regulations in accordance with this section.~~

~~(3) Regulations adopted under this subsection shall require:~~

~~(i) The Comptroller to notify the Administration that an individual has not paid all undisputed taxes; and~~

~~(ii) The Maryland Department of Labor to notify the Administration that an individual has not paid all undisputed unemployment insurance contributions.~~

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

### Article – Correctional Services

(C) ON OR BEFORE JANUARY 5, 2022, AND EACH JANUARY 5 THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE FOLLOWING INFORMATION FOR THE PRECEDING CALENDAR YEAR:

(1) THE NUMBER OF IDENTIFICATION CARDS ISSUED TO INMATES UNDER THIS SECTION;

(2) THE NUMBER OF BIRTH CERTIFICATES OBTAINED FOR INMATES UNDER THIS SECTION, INCLUDING THE NUMBER OF BIRTH CERTIFICATES OBTAINED FROM EACH STATE;

(3) THE NUMBER OF SOCIAL SECURITY CARDS OBTAINED FOR INMATES UNDER THIS SECTION; AND

(4) THE NUMBER OF INMATES RELEASED FROM A STATE CORRECTIONAL FACILITY:

(I) WITH AN IDENTIFICATION CARD ISSUED UNDER § 12-301 OF THE TRANSPORTATION ARTICLE;

(II) WITHOUT AN IDENTIFICATION CARD ISSUED UNDER § 12-301 OF THE TRANSPORTATION ARTICLE;

(III) WITH A BIRTH CERTIFICATE OBTAINED UNDER THIS SECTION;

(IV) WITHOUT A BIRTH CERTIFICATE OBTAINED UNDER THIS SECTION;

(V) WITH A SOCIAL SECURITY CARD OBTAINED UNDER THIS SECTION; AND

(VI) WITHOUT A SOCIAL SECURITY CARD OBTAINED UNDER THIS SECTION.

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 4 years and, at the end of September 30, 2024, Section 2 of this Act, with no further action required by the General Assembly, 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 515

### (Senate Bill 79)

AN ACT concerning

#### **Gaming – Video Lottery Facilities and Licenses – Definitions**

FOR the purpose of altering the definition of “video lottery facility” to include a casino for the purposes of a certain federal law; altering the definitions of “video lottery facility” and “video lottery operation license” in order to include the operation of table games; making a technical change; and generally relating to the definitions of video lottery facility and video lottery operation license.

BY repealing and reenacting, without amendments,  
Article – State Government  
Section 9–1A–01(a)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 9–1A–01(aa) and (bb)  
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**

9–1A–01.

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

(aa) “Video lottery facility” means:

(1) a facility at which players play video lottery terminals **AND TABLE GAMES** under this subtitle; **AND**

(2) **A CASINO FOR THE PURPOSES OF THE FEDERAL BANK SECRECY ACT OF 1970 AND ITS RELATED REGULATIONS.**

(bb) “Video lottery operation license” means a license awarded by the Video Lottery Facility Location Commission and issued by the State Lottery and Gaming Control Commission to a person that allows players to [operate] **PLAY** video lottery terminals **AND TABLE GAMES**.

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 516

(Senate Bill 81)

AN ACT concerning

### **State Government – Emergency Management – Continuity Planning**

FOR the purpose of requiring certain principal departments of the Executive Branch to develop, update, and submit to the Maryland Emergency Management Agency (MEMA) certain continuity of operations plans; requiring certain continuity of operations plans to include certain information; requiring MEMA to develop certain guidelines and to serve as a coordinating agency under certain circumstances; authorizing MEMA to resolve certain conflicts between certain continuity of operations plans; requiring MEMA to work with certain principal departments of the Executive Branch to develop and maintain a certain continuity of government plan; requiring a certain continuity of government plan to include certain information; requiring MEMA to present a certain continuity of government plan to the Governor and the General Assembly by a certain time; requiring MEMA to review for revision a certain continuity of government plan at certain intervals; defining a certain term; stating that it is the intent of the General Assembly that MEMA shall implement certain provisions of law with existing personnel and resources; and generally relating to State government emergency management.

BY adding to

Article – Public Safety

Section 14–116

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**

14-116.

(A) IN THIS SECTION, "PRINCIPAL DEPARTMENT" MEANS A PRINCIPAL DEPARTMENT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT ESTABLISHED IN § 8-201 OF THE STATE GOVERNMENT ARTICLE.

(B) (1) EACH PRINCIPAL DEPARTMENT SHALL:

(I) DEVELOP A CONTINUITY OF OPERATIONS PLAN TO MAINTAIN DEPARTMENT OPERATIONS IF AN EMERGENCY OR OTHER CRISIS DISRUPTS NORMAL OPERATIONS;

(II) ANNUALLY UPDATE THE CONTINUITY OF OPERATIONS PLAN; AND

(III) SUBMIT THE CONTINUITY OF OPERATIONS PLAN AND UPDATES TO MEMA.

(2) EACH CONTINUITY OF OPERATIONS PLAN SHALL INCLUDE INFORMATION REGARDING:

(I) THE DELINEATION OF ESSENTIAL FUNCTIONS;

(II) THE DELEGATION OF AUTHORITY;

(III) THE SAFEKEEPING OF AND ACCESS TO ESSENTIAL RECORDS, INCLUDING ELECTRONIC RECORDS;

(IV) CONTINUITY LOCATIONS;

(V) CONTINUITY COMMUNICATIONS;

(VI) HUMAN RESOURCES PLANNING;

(VII) DEVOLUTION OF ESSENTIAL FUNCTIONS;

(VIII) RECONSTITUTION; AND

(IX) PROGRAM VALIDATION THROUGH TESTING, TRAINING, AND EXERCISES.

(3) MEMA SHALL DEVELOP GUIDELINES AND SERVE AS THE COORDINATING AGENCY TO ASSIST EACH PRINCIPAL DEPARTMENT TO WRITE AND MAINTAIN A CONTINUITY OF OPERATIONS PLAN.

**(4) MEMA MAY RESOLVE CONFLICTS BETWEEN PRINCIPAL DEPARTMENT CONTINUITY OF OPERATIONS PLANS.**

**(C) (1) TO ENSURE THE STATE CAN CONTINUE TO PROVIDE ESSENTIAL GOVERNMENT FUNCTIONS DURING AND AFTER AN EMERGENCY, MEMA SHALL WORK WITH EACH PRINCIPAL DEPARTMENT TO DEVELOP AND MAINTAIN A CONTINUITY OF GOVERNMENT PLAN.**

**(2) THE CONTINUITY OF GOVERNMENT PLAN SHALL INCLUDE THE CONTINUITY OF OPERATIONS FOR ESSENTIAL GOVERNMENT FUNCTIONS AS IDENTIFIED BY THE PRINCIPAL DEPARTMENTS.**

**(3) MEMA SHALL:**

**(I) PRESENT THE CONTINUITY OF GOVERNMENT PLAN TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY BY THE END OF THE FIRST CALENDAR YEAR OF EACH GUBERNATORIAL TERM; AND**

**(II) REVIEW FOR REVISION THE CONTINUITY OF GOVERNMENT PLAN AT LEAST ONCE EVERY 4 YEARS.**

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Maryland Emergency Management Agency shall implement § 14-116 of the Public Safety Article, as enacted by Section 1 of this Act, with existing personnel and resources.

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 517**

**(Senate Bill 82)**

AN ACT concerning

### **Management of eMaryland Marketplace**

FOR the purpose of providing that the Department of General Services has sole management responsibility for eMaryland Marketplace; altering a certain definition;



and generally relating to eMaryland Marketplace.

BY repealing and reenacting, without amendments,  
 Article – State Finance and Procurement  
 Section 13–101(a)  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
 Article – State Finance and Procurement  
 Section 13–101(c)  
 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**

13–101.

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

(c) “eMaryland Marketplace” means the Internet–based procurement system [jointly] managed by the Department of General Services [and the Department of Information Technology].

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 518**

**(Senate Bill 83)**

AN ACT concerning

**State Government – Delivery of Notices and Communications by Electronic Means – Authorized**

FOR the purpose of authorizing a unit of State government to deliver certain notices and communications to a certain individual by electronic means instead of by first–class mail under certain circumstances; providing that delivery of a certain notice or communication in a certain manner shall be considered equivalent to delivery by

first-class mail; establishing certain requirements, procedures, and conditions for the delivery of a notice or communication by electronic means instead of by first-class mail; establishing the manner in which an individual may affirmatively consent to or withdraw consent for the delivery of certain notices and communications by electronic means instead of by first-class mail; requiring a unit of State government to provide to an individual a certain statement under certain circumstances; providing that a withdrawal of consent does not affect the legal effectiveness, validity, or enforceability of a certain notice or communication; requiring a unit to establish a certain process and provide notice of the process on the unit's website; providing for the interpretation of this Act; providing for the application of this Act; defining certain terms; and generally relating to the delivery of notices and communications by a unit of State government to an individual.

BY adding to

Article – General Provisions

Section 1–404

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

#### 1–404.

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

(2) ~~“DELIVERED~~ DELIVERY BY ELECTRONIC MEANS” MEANS THE DELIVERY OF A NOTICE OR COMMUNICATION BY A UNIT TO AN E-MAIL ADDRESS AT WHICH AN INDIVIDUAL HAS CONSENTED TO RECEIVE NOTICES OR COMMUNICATIONS FROM THE UNIT.

(3) “DISABLED PERSON” HAS THE MEANING STATED IN § 13–101 OF THE ESTATES AND TRUSTS ARTICLE.

(4) “GUARDIAN OF THE PERSON” MEANS A GUARDIAN OF THE PERSON OF A DISABLED PERSON APPOINTED UNDER TITLE 13, SUBTITLE 7, PART II OF THE ESTATES AND TRUSTS ARTICLE.

~~(3)~~ (5) “UNIT” MEANS AN EXECUTIVE AGENCY, A DEPARTMENT, A BOARD, A COMMISSION, OR ANY OTHER INSTRUMENTALITY OF THE STATE.

(B) (1) THIS SECTION APPLIES ONLY TO A NOTICE OR COMMUNICATION THAT IS REQUIRED TO BE DELIVERED BY FIRST-CLASS MAIL.

**(2) THIS SECTION DOES NOT APPLY TO ANY NOTICE OR COMMUNICATION ~~FROM A UNIT~~:**

**(I) FROM A UNIT IN THE JUDICIAL BRANCH OF STATE GOVERNMENT;**

**(II) REGARDING ELIGIBILITY, BENEFITS, OR SERVICES FOR A MEDICAL ASSISTANCE PROGRAM ESTABLISHED UNDER TITLES 7, 10, 14, OR 15 OF THE HEALTH – GENERAL ARTICLE; OR**

**(III) THAT IS REQUIRED TO BE DELIVERED BY CERTIFIED OR REGISTERED MAIL.**

**(C) SUBJECT TO SUBSECTION (E) OF THIS SECTION, A UNIT MAY DELIVER BY ELECTRONIC MEANS INSTEAD OF BY FIRST-CLASS MAIL A NOTICE OR COMMUNICATION TO AN INDIVIDUAL IF THE UNIT MEETS THE REQUIREMENTS OF:**

**(1) THE FEDERAL 21ST CENTURY COMMUNICATIONS AND VIDEO ACCESSIBILITY ACT; AND**

**(2) TITLE 21, SUBTITLE 1 OF THE COMMERCIAL LAW ARTICLE IN OBTAINING THE INDIVIDUAL’S CONSENT TO HAVE NOTICES OR COMMUNICATIONS SENT TO THAT INDIVIDUAL BY ELECTRONIC MEANS.**

**(D) A NOTICE OR COMMUNICATION DELIVERED IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION SHALL BE CONSIDERED EQUIVALENT TO DELIVERY BY FIRST-CLASS MAIL.**

**(E) (1) A UNIT MAY DELIVER A NOTICE OR COMMUNICATION TO AN INDIVIDUAL BY ELECTRONIC MEANS UNDER THIS SECTION ONLY IF THE INDIVIDUAL HAS AFFIRMATIVELY CONSENTED TO DELIVERY BY ELECTRONIC MEANS INSTEAD OF BY FIRST-CLASS MAIL AND HAS NOT WITHDRAWN THE CONSENT.**

**(2) IF A PROVISION REQUIRING A UNIT TO DELIVER NOTICE OR COMMUNICATION TO AN INDIVIDUAL EXPRESSLY REQUIRES THE RECIPIENT TO VERIFY OR ACKNOWLEDGE RECEIPT OF THE NOTICE OR COMMUNICATION, THE UNIT MAY DELIVER THE NOTICE OR COMMUNICATION BY ELECTRONIC MEANS ONLY IF THE METHOD USED PROVIDES A MEANS FOR THE INDIVIDUAL TO ELECTRONICALLY VERIFY OR ACKNOWLEDGE RECEIPT OF THE NOTICE OR COMMUNICATION.**

**(F) (1) BEFORE AN INDIVIDUAL CONSENTS TO RECEIVE NOTICES OR COMMUNICATIONS FROM A UNIT BY ELECTRONIC MEANS INSTEAD OF BY**

FIRST-CLASS MAIL, THE UNIT SHALL PROVIDE TO THE INDIVIDUAL A CLEAR AND CONSPICUOUS STATEMENT INFORMING THE INDIVIDUAL OF:

(I) ANY RIGHT OR OPTION OF THE INDIVIDUAL TO HAVE THE NOTICES OR COMMUNICATIONS PROVIDED OR MADE AVAILABLE BY THE UNIT IN PAPER OR ANOTHER NONELECTRONIC FORM;

(II) THE INDIVIDUAL'S RIGHT TO WITHDRAW CONSENT TO HAVE NOTICES OR COMMUNICATIONS FROM THE UNIT DELIVERED BY ELECTRONIC MEANS, INCLUDING INFORMATION ON HOW THE INDIVIDUAL MAY WITHDRAW CONSENT;

(III) ANY CONDITIONS OR CONSEQUENCES IMPOSED ON THE INDIVIDUAL IF THE INDIVIDUAL WITHDRAWS CONSENT;

(IV) WHETHER THE INDIVIDUAL'S CONSENT APPLIES:

1. ONLY TO NOTICES OR COMMUNICATIONS RELATED TO A PARTICULAR TRANSACTION; OR

2. TO IDENTIFIED CATEGORIES OF NOTICE OR COMMUNICATIONS FROM THE UNIT THAT MAY BE DELIVERED BY ELECTRONIC MEANS;

(V) HOW AN INDIVIDUAL WHO CONSENTS TO DELIVERY OF A NOTICE OR COMMUNICATION BY ELECTRONIC MEANS MAY OBTAIN A PAPER COPY OF THE NOTICE OR COMMUNICATION;

(VI) HOW THE INDIVIDUAL CAN UPDATE THEIR CONTACT INFORMATION; AND

(VII) THE HARDWARE AND SOFTWARE REQUIREMENTS FOR ACCESS TO AND RETENTION OF A NOTICE OR COMMUNICATION DELIVERED BY ELECTRONIC MEANS.

(2) WHEN AN INDIVIDUAL GIVES A UNIT CONSENT TO DELIVER NOTICES AND COMMUNICATIONS BY ELECTRONIC MEANS INSTEAD OF BY FIRST-CLASS MAIL THE INDIVIDUAL SHALL CONFIRM THE CONSENT ELECTRONICALLY, IN A MANNER THAT REASONABLY DEMONSTRATES THAT THE INDIVIDUAL CAN ACCESS THE INFORMATION IN THE ELECTRONIC FORM THAT THE UNIT USES TO GIVE NOTICES OR COMMUNICATIONS.

(3) IF THE HARDWARE OR SOFTWARE REQUIREMENTS NEEDED TO ACCESS OR RETAIN A NOTICE OR COMMUNICATION DELIVERED BY ELECTRONIC

MEANS CHANGE IN A WAY THAT CREATES A MATERIAL RISK THAT AN INDIVIDUAL WILL NOT BE ABLE TO ACCESS OR RETAIN A SUBSEQUENT NOTICE OR COMMUNICATION TO WHICH THE CONSENT APPLIES, THE UNIT SHALL PROVIDE TO THE INDIVIDUAL:

(I) A STATEMENT SETTING FORTH THE REVISED HARDWARE AND SOFTWARE REQUIREMENTS FOR ACCESS TO AND RETENTION OF A NOTICE OR COMMUNICATION DELIVERED BY ELECTRONIC MEANS; AND

(II) A COPY OF THE STATEMENT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(G) (1) A WITHDRAWAL OF CONSENT BY AN INDIVIDUAL UNDER THIS SECTION:

(I) SHALL BE EFFECTIVE WITHIN A REASONABLE PERIOD OF TIME AFTER THE UNIT RECEIVES THE NOTICE OF THE WITHDRAWAL OF CONSENT FROM THE INDIVIDUAL; AND

(II) DOES NOT AFFECT THE LEGAL EFFECTIVENESS, VALIDITY, OR ENFORCEABILITY OF A NOTICE OR COMMUNICATION DELIVERED BY ELECTRONIC MEANS TO THE INDIVIDUAL BEFORE THE WITHDRAWAL OF CONSENT IS EFFECTIVE.

(2) FAILURE TO COMPLY WITH SUBSECTION (F)(3) OF THIS SECTION MAY BE TREATED, AT THE ELECTION OF THE INDIVIDUAL, AS A WITHDRAWAL OF CONSENT FOR PURPOSES OF THIS SECTION.

(H) A UNIT THAT PROVIDES DELIVERY OF NOTICES OR COMMUNICATIONS BY ELECTRONIC MEANS UNDER THIS SECTION SHALL:

(1) ESTABLISH A PROCESS FOR A GUARDIAN OF THE PERSON OF A DISABLED PERSON TO:

(I) WITHDRAW THE DISABLED PERSON'S CONSENT TO HAVE NOTICES OR COMMUNICATIONS FROM THE UNIT DELIVERED BY ELECTRONIC MEANS; AND

(II) REQUEST THAT NOTICES AND COMMUNICATIONS REGARDING THE DISABLED PERSON BE DELIVERED TO THE GUARDIAN OF THE PERSON; AND

(2) PROVIDE NOTICE OF THE PROCESS ON THE UNIT'S WEBSITE.

**(I) NOTHING IN THIS SECTION MAY BE INTERPRETED TO:**

**(1) REQUIRE A UNIT TO DELIVER NOTICES OR COMMUNICATIONS BY ELECTRONIC MEANS INSTEAD OF BY FIRST-CLASS MAIL; OR**

**(2) AFFECT POLICIES, PROCEDURES, SYSTEMS, OR PROTOCOLS FOR THE DELIVERY OF NOTICES OR COMMUNICATIONS BY ELECTRONIC MEANS IMPLEMENTED BY A UNIT UNDER ANY OTHER PROVISION OF 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 519**

**(Senate Bill 92)**

AN ACT concerning

**Secretary of Agriculture – Weed Control Law**

FOR the purpose of authorizing the Secretary of Agriculture to enter into an agreement with a county or other subdivision of the State to conduct surveys and perform other work related to noxious weeds or other plant species within the county or subdivision of the State; providing that the agreement between the Secretary and the county or subdivision of the State may be terminated by either party on 30 days' written notice; defining a certain term; and generally relating to the control of noxious weeds in the State.

BY repealing and reenacting, with amendments,  
Article – Agriculture  
Section 9–403  
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**

9–403.

(A) IN THIS SECTION, “SUBDIVISION OF THE STATE” INCLUDES A SOIL CONSERVATION DISTRICT.

(B) After an agreement between the Secretary and [the] A county OR OTHER SUBDIVISION OF THE STATE is executed, the Secretary and the county OR SUBDIVISION OF THE STATE may conduct surveys to determine the location and amount of infestation of a noxious weed or other plant species within the county OR SUBDIVISION OF THE STATE.

(C) [Both] ALL parties may provide technical assistance to landowners in a cooperative control or eradication program, and may effect a program of mowing, spraying, or other control or eradication practices on any road right-of-way, drainage ditch bank, park, playground, and any other public or private land.

(D) The agreement between the Secretary and county OR SUBDIVISION OF THE STATE may be terminated by either party on 30 days’ written notice.

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 520

### (Senate Bill 93)

AN ACT concerning

#### **Insurance – Nonresident Insurance Producers – Cancellation**

FOR the purpose of requiring the holder of a nonresident insurance producer license to maintain a certain licensing status in the holder’s home state; authorizing the Maryland Insurance Commissioner to cancel a nonresident producer license after receiving notification that the producer no longer has a home state license; making stylistic changes; and generally relating to nonresident insurance producers.

BY repealing and reenacting, with amendments,  
 Article – Insurance  
 Section 10–119  
 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**

10–119.

(a) Except as otherwise provided in this section, the Commissioner shall waive any license application requirements for an applicant who is not a resident of this State if:

(1) the applicant has a valid license from the home state of the applicant;  
and

(2) the home state of the applicant awards nonresident licenses to residents of this State on the same basis.

(b) (1) Subject to paragraph (2) of this subsection and unless denied a license [pursuant to] **UNDER** § 10–126 of this subtitle, a person that is not a resident of this State may obtain a nonresident license to act as an insurance producer if:

(i) the person currently is licensed as a resident insurance producer and in good standing in the person’s home state;

(ii) the person has submitted or transmitted to the Commissioner the application for licensure that the person submitted to the person’s home state or a completed uniform application;

(iii) the person has paid the applicable fee [pursuant to] **UNDER** § 2–112 of this article; and

(iv) the person’s home state awards nonresident insurance producer licenses to residents of this State on the same basis.

(2) An individual who applies for an insurance producer license in this State who was previously licensed for the same lines of authority in another state need not comply with the education, experience, and examination requirements of §§ 10–104, 10–105, and 10–107 through 10–109 of this subtitle if:

(i) the person currently is licensed as an insurance producer in the home state of the person;

(ii) the application is received by the Commissioner within 90 days after the cancellation of the applicant’s previous license and the prior state issues a certification that, at the time of cancellation, the applicant was in good standing in that state; or

(iii) the state’s producer database records, maintained by the National Association of Insurance Commissioners, its affiliates or subsidiaries, indicate that the producer is or was licensed in good standing for the line of authority requested.



**(C) IN ORDER TO MAINTAIN A NONRESIDENT LICENSE IN THE STATE, A PERSON MUST BE:**

**(1) CURRENTLY LICENSED AS A RESIDENT INSURANCE PRODUCER IN THE PERSON'S HOME STATE; AND**

**(2) IN GOOD STANDING IN THE PERSON'S HOME STATE.**

**[(c)] (D)** The Commissioner may verify the licensing status of a nonresident insurance producer through the producer database maintained by the National Association of Insurance Commissioners, its affiliates or subsidiaries.

**[(d)] (E)** Notwithstanding any other provision of this subtitle, a person licensed as a limited line credit insurance producer or other type of limited lines insurance producer in the person's home state is entitled to receive a nonresident limited lines insurance producer license[, pursuant to] **UNDER** subsection (b) of this section[, ] granting the same scope of authority as granted under the license issued by the person's home state.

**[(e)] (F)** (1) Notwithstanding any other provision of this subtitle, a person licensed as a surplus lines broker in the person's home state is entitled to receive a nonresident certificate of qualification as a surplus lines broker under subsection (b) of this section.

(2) Except for subsection (b) of this section, nothing in this section supersedes any provision of Title 3, Subtitle 3 of this article.

**[(f)] (G)** (1) A nonresident insurance producer who moves from one state to another state or a resident producer who moves from this State to another state shall:

(i) file with the Commissioner a change of address; and

(ii) provide to the Commissioner certification from the new resident state within 30 days after the change of legal residence.

(2) The Commissioner may not charge a fee or require a license application following a change of legal residence.

**[(g)] (H)** (1) A person licensed as an insurance producer in another state who moves to this State shall apply to become licensed as a resident insurance producer under § 10–111 of this subtitle within 90 days [of] **AFTER** establishing legal residence in this State.

(2) If the person applies to become licensed as a resident insurance producer within 90 days [of] **AFTER** establishing legal residence in the State, the person need not comply with the education, experience, and examination requirements of §§

10–104, 10–105, and 10–107 through 10–109 of this subtitle to obtain a license for any line of authority that the person previously held in the prior state, except where the Commissioner determines otherwise by regulation.

**(I) THE COMMISSIONER MAY CANCEL THE LICENSE OF A NONRESIDENT INSURANCE PRODUCER AFTER RECEIVING NOTICE THAT THE PERSON IS NO LONGER LICENSED IN THE PERSON’S HOME 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 521

### (Senate Bill 95)

AN ACT concerning

#### **Public Adjusters – Disbursement of Insurance Settlement Payments**

FOR the purpose of obligating public adjusters to disburse insurance settlement payments received on behalf of the insured within a certain time period after the date of the payment from an insurer; and generally relating to the disbursement of insurance settlement payments by public adjusters.

BY repealing and reenacting, with amendments,  
Article – Insurance  
Section 10–414  
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**

10–414.

(a) A public adjuster is obligated to:

(1) serve with objectivity and complete loyalty the interest of the client alone; [and]

(2) render to the insured the information, counsel, and service that will best serve the insured's insurance claim needs and interests, within the knowledge, understanding, and opinion in good faith of the public adjuster; AND

**(3) DISBURSE INSURANCE SETTLEMENT PAYMENTS RECEIVED ON BEHALF OF THE INSURED WITHIN ~~30~~ 15 BUSINESS DAYS AFTER THE DATE OF THE PAYMENT FROM AN INSURER.**

(b) A public adjuster may not allow an unlicensed employee or representative of the public adjuster to conduct business for which a license is required under this subtitle.

(c) Unless full written disclosure has been made to the insured in accordance with § 10–411 of this subtitle, a public adjuster may not have a direct or indirect financial interest in any aspect of a claim, other than the salary, fee, commission, or other consideration established in the written contract with the insured.

(d) A public adjuster may not acquire any interest in salvage of property subject to a public adjuster contract with the insured unless the public adjuster obtains written permission from the insured.

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 522

(Senate Bill 96)

AN ACT concerning

### Insurance – Third Party Administrators – Term and Reinstatement of Registration

FOR the purpose of altering the date on which a third party administrator's registration expires; altering the date by which a certain application must be postmarked to be considered made in a timely manner; altering the period of time during which a third party administrator may reinstate an expired registration; altering the amount of the reinstatement fee a person whose third party administrator's registration has expired is required to pay; making conforming changes; and generally relating to registrations of third party administrators.

BY repealing and reenacting, with amendments,  
Article – Insurance

Section 8–308 and 8–308.1  
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**

8–308.

(a) A registration expires [at the end of every other June 30] **2 YEARS FROM THE DATE OF ISSUANCE** unless it is renewed as provided in this section.

(b) Before a registration expires, the registrant may renew it for an additional 2–year term, if the registrant:

(1) otherwise is entitled to be registered;

(2) files with the Commissioner a renewal application on the form that the Commissioner requires;

(3) pays to the Commissioner a renewal fee of \$50; and

(4) except as provided in § 8–306(d) of this subtitle, files with the Commissioner evidence of a bond in compliance with § 8–306 of this subtitle.

(c) An application for renewal of a registration shall be considered made in a timely manner if it is postmarked on or before ~~June 30 of the year of renewal~~ **THE DATE THE REGISTRATION EXPIRES.**

(d) The Commissioner shall renew the registration of each registrant that meets the requirements of this section.

8–308.1.

(a) [On or before September 30 of the renewal year,] **WITHIN 1 YEAR AFTER THE EXPIRATION DATE**, a person whose third party administrator’s registration has expired may reinstate the expired registration by:

(1) filing with the Commissioner the appropriate reinstatement application;

(2) **SUBJECT TO SUBSECTION (B) OF THIS SECTION**, paying to the Commissioner [the applicable] A reinstatement fee [required under subsection (b) of this section] **OF \$100**; and

(3) complying with the bond requirement of § 8–306 of this subtitle.

(b) [(1) The fee for a reinstatement under this section shall be:

(i) the amount charged for a full renewal period for the type of registration held by the person seeking the reinstatement; and

(ii) 1. \$25 for reinstatement during the period from July 1 through July 31;

2. \$50 for reinstatement during the period from August 1 through August 31; and

3. \$75 for reinstatement during the period from September 1 through September 30.

(2)] The Commissioner may limit the reinstatement fee to the amount of the renewal fee in cases where the reinstatement applicant did not make timely renewal because of temporary incapacity, hospitalization, or other hardship.

(c) A person whose third party administrator's registration has expired is prohibited from acting as a third party administrator until the effective date of reinstatement of the registration.

(d) A person who does not comply with subsection (a) of this section [on or before September 30 of the year of expiration] **WITHIN 1 YEAR AFTER THE EXPIRATION DATE** shall apply for a third party administrator's registration under § 8–305 of this subtitle and meet any other requirements specified by the Commissioner in regulation.

(e) The Commissioner may adopt regulations to carry out 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 523

### (Senate Bill 97)

AN ACT concerning

**Private Passenger Motor Vehicle Liability Insurance – Protests – Consumer  
Complaint Portal**

FOR the purpose of authorizing insureds to protest certain proposed actions of insurers, with respect to a policy of private passenger motor vehicle liability insurance or a binder of private passenger motor vehicle liability insurance, by filing the protest electronically through the consumer complaint portal on the Maryland Insurance Administration’s website within a certain time period after the mailing date on the notice of proposed action; making ~~a~~ conforming ~~change~~ changes; and generally relating to protesting a proposed action of a private passenger motor vehicle liability insurer.

BY repealing and reenacting, with amendments,  
Article – Insurance  
Section 27–613 and 27–614  
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**

27–613.

(a) (1) This section applies only to private passenger motor vehicle liability insurance.

(2) This section does not apply to the Maryland Automobile Insurance Fund.

(3) This section does not apply to the cancellation of a policy or binder of private passenger motor vehicle liability insurance by an insurer during the 45–day underwriting period in accordance with § 12–106 of this article.

(b) (1) In accordance with this section, with respect to a policy of private passenger motor vehicle liability insurance or a binder of private passenger motor vehicle liability insurance, if the binder has been in effect for at least 45 days, issued in the State to any resident of the household of the named insured, an insurer may:

(i) cancel or fail to renew the policy or binder; or

(ii) reduce coverage under the policy.

(2) Notwithstanding paragraph (1) of this subsection, the requirements of this section do not apply if:

(i) the reduction in coverage described in paragraph (1)(ii) of this subsection is part of a general reduction in coverage approved by the Commissioner or satisfies the requirements of Title 19, Subtitle 5 of this article; or

(ii) the failure to renew the policy takes place under a plan of withdrawal that:

1. is approved by the Commissioner under § 27-606 of this subtitle; and

2. provides that each insured affected by the plan of withdrawal shall be sent by a first-class mail tracking method at least 45 days before the nonrenewal of the policy a written notice that states the date that the policy will be nonrenewed and that the nonrenewal is the result of the withdrawal of the insurer from the market.

(3) Notwithstanding paragraph (1) of this subsection, an insurer may not cancel a policy midterm except:

(i) when there exists:

1. a material misrepresentation or fraud in connection with the application, policy, or presentation of a claim;

2. a matter or issue related to the risk that constitutes a threat to public safety; or

3. a change in the condition of the risk that results in an increase in the hazard insured against;

(ii) for nonpayment of premium; or

(iii) due to the revocation or suspension of the driver's license or motor vehicle registration:

1. of the named insured or covered driver under the policy; and

2. for reasons related to the driving record of the named insured or covered driver.

(c) (1) At least 45 days before the proposed effective date of the action, an insurer that intends to take an action subject to this section shall send written notice of its proposed action to the insured at the last known address of the insured:

(i) for notice of cancellation or nonrenewal, by certified mail; and

(ii) for all other notices of actions subject to this section, by a first-class mail tracking method.

(2) The notice must be in triplicate and on a form approved by the Commissioner.

(3) The notice must state in clear and specific terms:

(i) The proposed action to be taken, including for a reduction in coverage, the type of coverage reduced and the extent of the reduction;

(ii) the proposed effective date of the action;

(iii) subject to paragraph (4) of this subsection, the actual reason of the insurer for proposing to take the action;

(iv) if there is coupled with the notice an offer to continue or renew the policy in accordance with § 27-609 of this subtitle:

1. the name of the individual or individuals to be excluded from coverage; and

2. the premium amount if the policy is continued or renewed with the named individual or individuals excluded from coverage;

(v) the right of the insured to replace the insurance through the Maryland Automobile Insurance Fund and the current address and telephone number of the Fund;

(vi) the right of the insured to protest the proposed action of the insurer and request a hearing before the Commissioner on the proposed action by:

1. signing [two copies] **A COPY** of the notice and sending [them] **IT** to the Commissioner within 30 days after the mailing date of the notice; **OR**

2. **FILING THE PROTEST ELECTRONICALLY THROUGH THE CONSUMER COMPLAINT PORTAL ON THE ADMINISTRATION'S WEBSITE WITHIN 30 DAYS AFTER THE MAILING DATE ON THE NOTICE;**

(vii) that if a protest is filed by the insured, the insurer must maintain the current insurance in effect until a final determination is made by the Commissioner, subject to the payment of any authorized premium due or becoming due before the determination; and



(viii) that the Commissioner shall order the insurer to pay reasonable attorney's fees incurred by the insured for representation at the 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 § 27-501 of this title, the insurer's filed rating plan, its underwriting standards, or the lawful terms and conditions of the policy related to a cancellation, nonrenewal, or reduction in coverage; 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.

(4) (i) The insurer's statement of actual reason for proposing to take an action subject to this section must be clear and specific and include a brief statement of the basis for the action, including, at a minimum:

1. if the action of the insurer 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 action of the insurer 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 action of the insurer is due wholly or partly to the claims history of an insured, a description of each claim;

4. whether the insurer's action is based on a violation of law, policy terms or conditions, or the insurer's underwriting standards;

5. whether the insurer's action is based on a material misrepresentation; and

6. any other information that is the basis for the insurer's action.

(ii) The use of generalized terms such as “personal habits”, “living conditions”, “poor morals”, or “violation or accident record” does not meet the requirements of this paragraph.

(iii) The Commissioner may not disallow a proposed action of an insurer because the statement of actual reason contains:

1. grammatical errors, typographical errors, or other errors provided that the errors are nonmaterial and not misleading;

2. surplus information, provided that the surplus information is nonmaterial and not misleading; or

3. erroneous information, provided that in absence of the erroneous information, there remains a sufficient basis to support the action.

(d) At least 10 days before the date an insurer proposes to cancel a policy for nonpayment of premium, the insurer shall send to the insured, by a first-class mail tracking method, a written notice of intention to cancel for nonpayment of premium.

(e) A statement of actual reason contained in the notice given under subsection (c) of this section is privileged and does not constitute grounds for an action against the insurer, its representatives, or another person that in good faith provides to the insurer information on which the statement is based.

(f) (1) This subsection does not apply to an action of an insurer taken under subsection (d) of this section.

(2) An insured may protest a proposed action of the insurer under this section by:

(I) signing [two copies] A COPY of the notice and sending [them] IT to the Commissioner within 30 days after the mailing date of the notice; OR

(II) FILING THE PROTEST ELECTRONICALLY THROUGH THE CONSUMER COMPLAINT PORTAL ON THE ADMINISTRATION'S WEBSITE WITHIN 30 DAYS AFTER THE MAILING DATE ON THE NOTICE.

(3) On receipt of a protest, the Commissioner shall notify the insurer of the filing of the protest.

(4) A protest filed with the Commissioner stays the proposed action of the insurer pending a final determination by the Commissioner.

(5) The insurer shall maintain in effect the same coverage and premium that were in effect on the day the notice of proposed action was sent to the insured until a final determination is made, subject to the payment of any authorized premium due or becoming due before the determination.

(g) (1) Based on the information contained in the notice, the Commissioner shall:

- (i) determine whether the protest by the insured has merit; and
- (ii) dismiss the protest or disallow the proposed action of the insurer.

(2) The Commissioner shall notify the insurer and the insured of the action of the Commissioner promptly in writing.

(3) Subject to paragraph (4) of this subsection, within 30 days after the mailing date of the Commissioner's notice of action, the aggrieved party may request a hearing.

(4) The Commissioner shall:

- (i) Hold a hearing within a reasonable time after the request for a hearing; and
- (ii) give written notice of the time and place of the hearing at least 10 days before the hearing.

(5) A hearing held under this subsection shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

(6) At the hearing the insurer has the burden of proving its proposed action to be in accordance with the insurer's filed rating plan, its underwriting standards, or the lawful terms and conditions of the policy related to a cancellation, nonrenewal, or reduction in coverage, as applicable, and not in violation of § 27–501 of this title and, in doing so, may rely only on the reasons set forth in its notice to the insured.

(h) (1) The Commissioner shall issue an order within 30 days after the conclusion of the hearing.

(2) If the Commissioner finds the proposed action of the insurer to be in accordance with the insurer's filed rating plan, its underwriting standards, or the lawful terms and conditions of the policy related to a cancellation, nonrenewal, or reduction in coverage, as applicable, and not in violation of § 27–501 of this title, the Commissioner shall:

- (i) dismiss the protest; and

(ii) allow the proposed action to be taken on the later of:

1. its proposed effective date; and
2. 30 days after the date of the determination.

(3) If the Commissioner finds that the actual reason for the proposed action is not stated in the notice or the proposed action is not in accordance with § 27–501 of this title, the insurer’s filed rating plan, its underwriting standards, or the lawful terms and conditions of the policy related to a cancellation, nonrenewal, or reduction in coverage, the Commissioner shall:

(i) disallow the action; and

(ii) order the insurer to pay reasonable attorney’s fees incurred by the insured for representation at the hearing if the Commissioner finds that 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.

(i) The Commissioner may delegate the powers and duties of the Commissioner under this section to one or more employees or hearing examiners.

(j) A party to a proceeding under this section may appeal the decision of the Commissioner in accordance with § 2–215 of this article.

#### 27–614.

(a) In this section, “increase in premium” and “premium increase” include an increase in total premium for a policy due to:

- (1) a surcharge;
- (2) retiering or other reclassification of an insured; or
- (3) removal or reduction of a discount.

(b) (1) This section applies only to private passenger motor vehicle liability insurance.

(2) This section does not apply to the Maryland Automobile Insurance Fund.

(3) This section does not apply to an increase in premium made by an insurer during the 45–day underwriting period in accordance with § 12–106(d)(2) and (3) of this article.

(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. 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, OR FILING ELECTRONICALLY THROUGH THE CONSUMER COMPLAINT PORTAL ON THE ADMINISTRATION'S WEBSITE A PROTEST THAT INCLUDES:

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.

(d) (1) If the insured believes that the premium increase is incorrect, the insured may protest the proposed action of the insurer within 30 days after the mailing date of the notice by mailing [or], transmitting by facsimile to the Commissioner, OR FILING ELECTRONICALLY THROUGH THE CONSUMER COMPLAINT PORTAL ON THE ADMINISTRATION'S WEBSITE A PROTEST THAT INCLUDES:

- (i) a copy of the notice;
- (ii) the insured's address and daytime telephone number; and
- (iii) a statement of the reason that the insured believes the premium increase is incorrect.

(2) On receipt of a protest, the Commissioner shall notify the insurer of the filing of the protest.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, a protest filed with the Commissioner does not stay the proposed action of the insurer.

(ii) If a premium increase for a policy exceeds 15%, the Commissioner may order a stay of the premium increase pending a final decision if the Commissioner makes a finding that the premium increase:

1. may cause the policyholder undue harm; and
2. is in violation of the insurer's filed rating plan.

(4) Based on the information contained in the notice, the Commissioner shall:

(i) determine whether the insurer's action is in accordance with the insurer's filed rating plan and this article; and

(ii) dismiss the protest or disallow the proposed action of the insurer.

(5) The Commissioner shall notify the insurer and the insured of the action of the Commissioner promptly in writing.

(6) For a premium increase of more than 15% for the entire policy, within 30 days after the mailing date of the Commissioner's notice of action, the aggrieved party may request a hearing.

(7) The Commissioner shall:

(i) hold a hearing within a reasonable time after the request for a hearing; and

(ii) give written notice of the time and place of the hearing at least 10 days before the hearing.

(8) A hearing requested under this subsection shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

(9) At the hearing the insurer has the burden of proving its proposed action to be in accordance with its filed rating plan and this article and, in doing so, may rely only on the reasons set forth in its notice to the insured.

(e) (1) The Commissioner shall issue an order within 30 days after the conclusion of the hearing.

(2) If the Commissioner finds the proposed action of the insurer to be in accordance with the insurer's filed rating plan and this article, the Commissioner shall:

(i) dismiss the protest; and

(ii) if the insurer's action is stayed, allow the proposed action of the insurer to be taken on the later of:

1. its proposed effective date; and

2. 30 days after the date of the determination.

(3) If the Commissioner finds that the actual reason for the proposed action is not stated in the notice or the proposed action is not in accordance with the insurer's filed rating plan or this article, the Commissioner shall:

(i) disallow the action; and

(ii) order the insurer to pay reasonable attorney's fees incurred by the insured for representation at the hearing if the Commissioner finds that 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.

(4) The Commissioner may not dismiss a protest solely because of the insured's failure to state a reason that the insured believes the premium increase is incorrect.

(f) (1) If the Commissioner disallows a premium increase for the entire policy, the insurer, within 30 days after the disallowance, shall:

(i) return to the insured all disallowed premium received from the insured; and

(ii) pay to the insured interest on the disallowed premium received from the insured calculated at 10% a year from the date the disallowed premium was received to the date the disallowed premium was returned.

(2) If an insurer fails to return any disallowed premium and interest to the insured as provided in paragraph (1) of this subsection within 30 days after the Commissioner disallows the action of the insurer, the insurer shall pay interest on the disallowed premium calculated at 20% a year beginning on the 31st day following the disallowance to the date the disallowed premium is returned.

(3) If an insurer fails to return any disallowed premium or fails to pay interest to an insured in violation of paragraphs (1) and (2) of this subsection, the insurer is subject to the penalties under § 4-113(d) of this article.



(g) A party to a proceeding under this section may appeal the decision of the Commissioner in accordance with § 2–215 of this 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 524

### (Senate Bill 98)

AN ACT concerning

### Health Insurance – Technical Correction and Required Conformity With Federal Law

FOR the purpose of requiring a certain carrier to provide an open enrollment period for certain individuals who gain access to certain health plans as a result of a permanent move and who had certain types of coverage as described in certain federal regulations during a certain period of time; and generally relating to health insurance and required conformity with federal law.

BY repealing and reenacting, without amendments,  
 Article – Insurance  
 Section 15–1208.2(d)(1)  
 Annotated Code of Maryland  
 (2017 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Insurance  
 Section 15–1208.2(d)(4)(x)  
 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

15–1208.2.

(d) (1) A carrier shall provide an open enrollment period for each individual who experiences a triggering event described in paragraph (4) of this subsection.

(4) A triggering event occurs when:

(x) an eligible employee or dependent gains access to new qualified health plans as a result of a permanent move and either:

1. had minimum essential coverage as described in 26 C.F.R. § 1.5000a–1(b) for 1 or more days during the 60 days before the date of the permanent move;

2. lived in a foreign country or in a United States territory for 1 or more days during the 60 days before the date of the permanent move; [or]

3. lived in a service area where no qualified health plan was available through the Exchange:

A. for 1 or more days during the 60 days before the date of the permanent move; or

B. during the eligible employee's or dependent's most recent preceding open enrollment period or special enrollment period;

4. **HAD COVERAGE FOR PRENATAL CARE OR SERVICES AS DESCRIBED IN 45 C.F.R. § 155.420(D)(1)(III) FOR 1 OR MORE DAYS DURING THE 60 DAYS BEFORE THE DATE OF THE PERMANENT MOVE; OR**

5. **HAD MEDICALLY NEEDY COVERAGE AS DESCRIBED IN 45 C.F.R. § 155.420(D)(1)(IV) FOR 1 OR MORE DAYS DURING THE 60 DAYS BEFORE THE DATE OF THE PERMANENT MOVE.**

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 525

(Senate Bill 99)

AN ACT concerning

**Health Insurance Benefit Cards, Prescription Benefit Cards, and Other  
Technology – Identification of Regulatory Agency**

FOR the purpose of clarifying that certain provisions of law and certain provisions of this Act apply to managed care organizations and certain pharmacy benefits managers; requiring certain insurers, nonprofit health service plans, health maintenance organizations, and managed care organizations to indicate in a certain manner on a health insurance benefit card or prescription benefit card or other technology which State agency regulates the policy or contract offered by the entity; providing for the construction of certain provisions of this Act; making a technical correction; providing for the application of this Act; providing for a delayed effective date; and generally relating to health insurance benefit cards, prescription benefit cards, and other technology.

BY adding to

Article – Health – General

Section 15–102.3(i)

Annotated Code of Maryland

(2019 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Insurance

Section 15–130(a)

Annotated Code of Maryland

(2017 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 15–130(b)

Annotated Code of Maryland

(2017 Replacement Volume and 2019 Supplement)

BY adding to

Article – Insurance

Section 15–130.1

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 – Health – General**

**15–102.3.**

**(1) THE PROVISIONS OF §§ 15–130 AND 15–130.1 OF THE INSURANCE ARTICLE APPLY TO MANAGED CARE ORGANIZATIONS AND PHARMACY BENEFITS MANAGERS THAT CONTRACT WITH MANAGED CARE ORGANIZATIONS.**

**Article – Insurance**

15–130.

(a) (1) This section applies to:

(i) insurers and nonprofit health service plans that provide coverage for prescription drugs on an outpatient basis under health insurance policies or contracts that are issued or delivered in the State;

(ii) health maintenance organizations that provide coverage for prescription drugs on an outpatient basis under contracts that are issued or delivered in the State;

(iii) managed care organizations, as defined in § 15–101 of the Health – General Article, that provide coverage for prescription drugs on an outpatient basis under contracts that are issued or delivered in the State; and

(iv) to the extent consistent with State and federal law, third party administrators.

(2) This section does not apply to:

(i) short-term travel or accident-only policies;

(ii) short-term nonrenewable policies of not more than ~~6~~ **3** months duration; or

(iii) any health maintenance organization that operates or maintains its own pharmacies and dispenses, on an annual basis, over 95% of prescription drugs on an outpatient basis to its enrollees at its own pharmacies.

(b) Each entity subject to this section shall provide to its insureds, subscribers, or enrollees a health insurance benefit card, prescription benefit card, or other technology that:

(1) **(I)** complies with the standards set forth in the National Council for Prescription Drug Programs Pharmacy ID Card Implementation Guide in effect at the time of issuance of the card or other technology; or

**[(2)] (II)** includes, at a minimum, the following data elements:

**[(i)] 1.** the name or identifying trademark of the entity subject to this section or, if another entity administers the prescription benefit, the name or identifying trademark of the benefit administrator;

[(ii)] 2. the name and identification number of the insured, subscriber, or enrollee;

[(iii)] 3. the telephone number that providers may call for pharmacy benefit assistance; and

[(iv)] 4. all electronic transaction routing information and other numbers required by the entity subject to this section or benefit administrator to process a prescription claim electronically; AND

(2) INDICATES WHICH STATE AGENCY REGULATES, IN WHOLE OR IN PART, THE POLICY OR CONTRACT OFFERED BY THE ENTITY BY:

(I) FOR AN ENTITY SUBJECT TO THE ADMINISTRATION, DISPLAYING “~~MARYLAND INSURANCE ADMINISTRATION~~ ~~MD INSURANCE ADMIN.~~ MIA” PROMINENTLY; OR

(II) FOR AN ENTITY SUBJECT TO THE MARYLAND DEPARTMENT OF HEALTH, DISPLAYING “~~MARYLAND DEPARTMENT OF HEALTH~~ ~~MD DEPT. HEALTH~~ MDH” PROMINENTLY.

15-130.1.

(A) THIS SECTION APPLIES TO:

(1) EACH HEALTH INSURER;

(2) EACH NONPROFIT HEALTH SERVICE PLAN;

(3) EACH HEALTH MAINTENANCE ORGANIZATION; AND

(4) EACH MANAGED CARE ORGANIZATION, AS DEFINED IN § 15-101 OF THE HEALTH – GENERAL ARTICLE.

(B) EACH ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE TO EACH INSURED, SUBSCRIBER, OR ENROLLEE OF A POLICY OR CONTRACT THAT MEETS THE DEFINITION OF MINIMUM ESSENTIAL COVERAGE, AS DESCRIBED IN 26 C.F.R. § 1.5000A-2, A HEALTH INSURANCE BENEFIT CARD, PRESCRIPTION BENEFIT CARD, OR OTHER TECHNOLOGY THAT INDICATES WHICH STATE AGENCY REGULATES, IN WHOLE OR IN PART, THE POLICY OR CONTRACT OFFERED BY THE ENTITY BY:

(1) FOR AN ENTITY SUBJECT TO THE ADMINISTRATION, DISPLAYING “~~MARYLAND INSURANCE ADMINISTRATION~~ ~~MD INSURANCE ADMIN.~~ MIA” PROMINENTLY; OR

(2) FOR AN ENTITY SUBJECT TO THE MARYLAND DEPARTMENT OF HEALTH, DISPLAYING “~~MARYLAND DEPARTMENT OF HEALTH MD DEPT. HEALTH~~ MDH” PROMINENTLY.

(C) THIS SECTION MAY NOT BE CONSTRUED TO PRECLUDE AN ENTITY SUBJECT TO THIS SECTION FROM INCLUDING:

(1) ANY OTHER INFORMATION REQUIRED TO BE INCLUDED UNDER THIS ARTICLE; OR

(2) ANY INFORMATION THAT IS IN ADDITION TO THE INFORMATION REQUIRED UNDER THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies or contracts issued, delivered, or renewed in the State on or after January 1, 2021.

SECTION ~~2~~ 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 526

(Senate Bill 102)

AN ACT concerning

### Vital Records – Birth Certificates – Change of Name of Child

FOR the purpose of altering the circumstances under which the Maryland Department of Health has the authority to change the name on a birth certificate without a court order to allow the Department, if only one parent is named on the birth certificate of the child, to change the name on receipt of certain documents from the parent named on the birth certificate; providing that only one affidavit signed by both parents named on the birth certificate is required under certain circumstances; making stylistic changes; and generally relating to birth certificates.

BY repealing and reenacting, with amendments,  
 Article – Health – General  
 Section 4–214(c)(2)  
 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**

4–214.

(c) (2) (I) The Department may change the name on a birth certificate once without a court order if, within 12 months after the birth, the Department receives from both parents [of a] **NAMED ON THE BIRTH CERTIFICATE OF THE** child **OR, IF ONLY ONE PARENT IS NAMED, THE PARENT NAMED ON THE BIRTH CERTIFICATE OF THE CHILD:**

(i) 1. A written request for the change of name; and

(ii) 2. An affidavit that has been sworn before a notary public of [this] **THE** State and states that [they are the parents] **THE INDIVIDUAL IS THE PARENT** of the child and [are] **IS** making [this] **THE** request of [their] **THE INDIVIDUAL’S** own free will.

**(II) IF THE DEPARTMENT RECEIVES AN AFFIDAVIT IN ACCORDANCE WITH SUBPARAGRAPH (I)2 OF THIS PARAGRAPH FROM BOTH PARENTS NAMED ON THE BIRTH CERTIFICATE OF THE CHILD, ONLY ONE AFFIDAVIT SIGNED BY BOTH PARENTS IS REQUIRED.**

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 527**

**(Senate Bill 111)**

AN ACT concerning

**Insurance – Universal and Variable Life Insurance – Notice**

FOR the purpose of requiring certain insurers to send a notice to policyholders of universal or variable life insurance if the policy contains a provision that allows the policyholder to reduce the face amount of the policy; requiring that the notice state certain information; ~~authorizing the insurer to include certain information in a certain billing statement;~~ requiring that the notice be sent to a certain address at certain times; providing for a delayed effective date; and generally relating to policies of universal and variable life insurance.

BY adding to

Article – Insurance

Section 16–219

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**

**16–219.**

(A) (1) IF A POLICY OF UNIVERSAL OR VARIABLE LIFE INSURANCE CONTAINS A PROVISION THAT ALLOWS A POLICYHOLDER TO REDUCE THE FACE AMOUNT OF THE POLICY, THE INSURER SHALL PROVIDE A WRITTEN NOTICE TO THE POLICYHOLDER.

(2) THE NOTICE SHALL STATE:

(I) THAT THE POLICYHOLDER’S POLICY ALLOWS FOR A REDUCTION OF THE FACE AMOUNT OF THE POLICY ~~THAT MAY REDUCE THE PREMIUM OWED~~ AS AN OPTION TO RETAIN COVERAGE;

(II) THE ~~PREMIUM~~ AMOUNT TO BE PAID TO PREVENT THE POLICY FROM LAPSE; AND

(III) THE INSURER’S CUSTOMER SERVICE TELEPHONE NUMBER.

~~(B) THE INSURER MAY INCLUDE THE INFORMATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION IN THE BILLING STATEMENT ISSUED TO THE POLICYHOLDER.~~

~~(C)~~ (B) THE NOTICE SHALL BE SENT TO A POLICYHOLDER’S LAST KNOWN ADDRESS:

(1) AT THE BEGINNING OF THE GRACE PERIOD UNDER § 16–202 OF THIS SUBTITLE; AND

(2) AT LEAST 30 DAYS BEFORE TERMINATION OF COVERAGE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2020~~ January 1, 2021.

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



**Chapter 528****(Senate Bill 114)**

AN ACT concerning

**Natural Resources – Nuisance Organisms – Pilot Projects and Northern Snakeheads**

FOR the purpose of authorizing the Department of Natural Resources to adopt regulations to conduct certain pilot projects for the management and control of nuisance organisms; authorizing the holder of a commercial northern snakehead license to use hook and line gear; making conforming changes; and generally relating to nuisance organisms.

BY repealing and reenacting, without amendments,  
Article – Natural Resources  
Section 4–205.1(a)  
Annotated Code of Maryland  
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Article – Natural Resources  
Section 4–205.1(b) and 4–701.1  
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 – Natural Resources**

4–205.1.

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

(2) “Aquatic organism” means an organism that lives part of its life in water.

(3) “Ecosystem” means a system of living organisms and their environment, each influencing the life of the other and necessary for the maintenance of life.

(4) “Introduction into State waters” includes use of an organism as bait in the waters of the State.

(5) “Native” means having historically lived, grown, and reproduced in State waters.

(6) “Naturalized” means documented as having lived, grown, and reproduced in State waters without known harm to the ecosystem.

(7) “Nonnative” means other than native or naturalized.

(8) “Nuisance organism” means a nonnative aquatic organism that will foreseeably alter and threaten to harm the ecosystem or the abundance and diversity of native or naturalized fish and other organisms.

(9) “State of nuisance” means a condition in which a nuisance organism will foreseeably alter and threaten to harm the ecosystem or the abundance and diversity of native or naturalized fish and other organisms.

(b) (1) Except as provided under paragraph (2) of this subsection, the Secretary may adopt regulations to:

(i) Prohibit the importation, possession, or introduction into State waters of a nonnative aquatic organism in order to prevent an adverse impact on an aquatic ecosystem or the productivity of State waters; [and]

(ii) Manage the sale, transport, purchase, importation, possession, harvest, season, size limits, open area, catch devices, and introduction of nuisance organisms; AND

**(III) CONDUCT PILOT PROJECTS TO DEMONSTRATE AND EVALUATE NEW APPROACHES FOR THE MANAGEMENT AND CONTROL OF NUISANCE ORGANISMS.**

(2) The provisions of this section do not apply to:

(i) An aquaculture operation for which the Department has issued a permit under Subtitle 11A of this title;

(ii) The possession, importation, or transport of a nonnative aquatic organism for purposes related to a permitted aquaculture operation; or

(iii) A person that has a valid nursery inspection certificate or plant dealer license issued in accordance with Title 5, Subtitle 3 of the Agriculture Article.

4-701.1.

(a) There is a commercial northern snakehead [bowfishing] license.

(b) (1) The license authorizes the holder to catch for sale northern snakeheads in the tidal waters of the State using [a bow]:

(I) A BOW and arrow attached to a retrieval line; OR

(II) HOOK AND LINE.

(2) A licensee may not fish WITH A BOW AND ARROW under the license within 100 yards of:

(i) Another person or vessel;

(ii) A public or private swimming area;

(iii) A diver down flag; or

(iv) An occupied offshore stationary blind.

(c) An applicant for a license does not need to hold a tidal fish license under § 4–701 of this subtitle to be eligible for the license.

(d) A person who wishes to obtain a license shall complete and submit an application for the license to the Department or any person designated by the Department.

(e) The term of the license is 1 year from September 1 through August 31 of the following year.

(f) The annual license fee is \$15.

(g) A licensee may not transfer a license issued under this section.

(h) A licensee who fishes for northern snakehead under the license shall possess the license.

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 529

(Senate Bill 115)

**Annual and Personal Property Reports – Submission**

FOR the purpose of altering the reference to a certain report that certain entities are required to submit to the State Department of Assessments and Taxation by a certain date each year; altering the reference to a certain report that the Department may require certain entities to submit; and generally relating to certain reports submitted to the State Department of Assessments and Taxation.

BY repealing and reenacting, with amendments,  
Article – Tax – Property  
Section 11–101 and 11–102  
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 – Tax – Property**

11–101.

(a) On or before April 15 of each year, a person shall submit [a report on personal property] **AN ANNUAL REPORT** to the Department if:

(1) the person is a business trust, statutory trust, domestic corporation, limited liability company, limited liability partnership, or limited partnership;

(2) the person is a foreign corporation, foreign statutory trust, foreign limited liability company, foreign limited liability partnership, or foreign limited partnership registered or qualified to do business in the State; or

(3) the person owns or during the preceding calendar year owned property that is subject to property tax.

(b) The report shall:

(1) be in the form that the Department requires;

(2) be under oath as the Department requires; and

(3) contain the information that the Department requires.

(c) (1) This subsection does not apply to a privately held company if at least 75% of the company's shareholders are family members.

(2) If the person submitting the report is a tax-exempt, domestic nonstock

corporation with an operating budget exceeding \$5,000,000, or a domestic stock corporation with total sales exceeding \$5,000,000, the report required by the Department shall include the number of female board members and the total number of members on the person's board of directors.

(d) On or before December 31, 2019, the Department shall adopt regulations on the granting of exemptions from the reporting requirement under this section.

11-102.

(a) The Department may require a person to submit to the Department a report **ON PERSONAL PROPERTY** that contains the information listed in subsection (b) of this section, if the person:

(1) moves personal property to any county or municipal corporation from the county or municipal corporation where it was assessed;

(2) moves personal property from outside this State to a county or municipal corporation inside this State; or

(3) possesses, cares for, or manages any personal property that:

(i) is not assessed; or

(ii) the Department suspects is not assessed.

(b) The report **ON PERSONAL PROPERTY** shall contain:

(1) a list of:

(i) all personal property assessable by the Department; and

(ii) all personal property assessable but not previously assessed by the Department that the person possesses, cares for, or manages; and

(2) the name of each person who owns an item of the personal property.

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.**

AN ACT concerning

**Maryland Home Improvement Commission – Sunset Extension**

FOR the purpose of continuing the Maryland Home Improvement Commission in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to certain statutory and regulatory authority of the Commission; and generally relating to the Maryland Home Improvement Commission.

BY repealing and reenacting, with amendments,  
Article – Business Regulation  
Section 8–802  
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**

8–802.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, this title and all regulations adopted under this title shall terminate on July 1, [2022] **2032**.

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 531**

**(Senate Bill 117)**

AN ACT concerning

**Real Estate Appraisers and Real Estate Appraiser Trainees – Licenses and  
Certificates – Experience, Renewal, and Reinstatement Requirements**

FOR the purpose of altering the number of hours of experience required of an applicant to qualify for a real estate appraisal license or a certificate for residential or general real estate appraisal; altering the time period during which an individual may apply

for reinstatement of a license to provide real estate appraisal services or a certificate to provide certified real estate appraisal services; authorizing the State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors to reinstate a certain license or a certain certificate under certain circumstances; altering the number of terms for which a real estate appraiser trainee license may be renewed; repealing a provision of law requiring a real estate appraiser trainee licensee to pay a certain fee to renew a license; requiring the Commission to reinstate the license of a real estate appraiser trainee if the trainee meets certain requirements; and generally relating to real estate appraisers and real estate appraiser trainees.

BY repealing and reenacting, without amendments,  
 Article – Business Occupations and Professions  
 Section 16–302(a), 16–503(a), and 16–5A–04(a)  
 Annotated Code of Maryland  
 (2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
 Article – Business Occupations and Professions  
 Section 16–302(d), 16–310, 16–503(b), 16–512, and 16–5A–04(b)(1)  
 Annotated Code of Maryland  
 (2018 Replacement Volume and 2019 Supplement)

BY adding to  
 Article – Business Occupations and Professions  
 Section 16–5A–05  
 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 – Business Occupations and Professions**

16–302.

(a) To qualify for a real estate appraisal license, an applicant shall be an individual who meets the requirements of this section.

(d) (1) An applicant shall satisfy the minimum real estate appraiser qualifications for licensure established under the federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

(2) An applicant shall have completed at least ~~12,000~~ **1,000** hours ~~THE MINIMUM NUMBER OF HOURS SET BY THE COMMISSION IN REGULATION~~ providing real estate appraiser services as a real estate appraiser trainee under the supervision of a certified appraiser.

- (3) Classroom hours of study required by this section may be conducted by:
- (i) an accredited university, college, or community or junior college;
  - (ii) an approved appraisal society, institute, or association; or
  - (iii) another school that the Commission approves.
- (4) The Commission shall approve all courses of study required under this section.

16-310.

**(A)** The Commission shall reinstate the license of a real estate appraiser who has failed to renew the license, if the real estate appraiser:

- (1) applies to the Commission for reinstatement within **[2] 3** years after the license expires;
- (2) meets the requirements of § 16-308 of this subtitle; and
- (3) in addition to the renewal fee required under § 16-308 of this subtitle, pays to the Commission a reinstatement fee set by the Commission.

**(B) (1) IF AN INDIVIDUAL FAILS TO RENEW A LICENSE FOR ANY REASON AND APPLIES TO THE COMMISSION FOR REINSTATEMENT MORE THAN 3 YEARS AFTER THE LICENSE HAS EXPIRED, THE COMMISSION MAY:**

**(I) REQUIRE THE INDIVIDUAL TO REAPPLY FOR A LICENSE UNDER § 16-302 OF THIS SUBTITLE; OR**

**(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, REINSTATE THE LICENSE.**

**(2) THE COMMISSION MAY REINSTATE A LICENSE UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION ONLY IF THE INDIVIDUAL:**

**(I) MEETS THE RENEWAL REQUIREMENTS OF § 16-308 OF THIS SUBTITLE;**

**(II) IF REQUIRED BY THE COMMISSION, STATES THE REASONS WHY REINSTATEMENT SHOULD BE GRANTED; AND**



(III) IN ADDITION TO THE RENEWAL FEE REQUIRED UNDER § 16-308 OF THIS SUBTITLE, PAYS TO THE COMMISSION A REINSTATEMENT FEE SET BY THE COMMISSION.

16-503.

(a) To qualify for a certificate for residential or general real estate appraisal, an applicant shall be an individual who meets the requirements of this section.

(b) (1) An applicant shall:

(i) be of good character and reputation;

(ii) be at least 18 years old; and

(iii) satisfy the minimum real estate appraiser qualifications for residential certification or general certification, as appropriate, established under the federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

(2) An applicant shall have completed at least ~~2,000~~ 1,500 hours] ~~THE MINIMUM NUMBER OF HOURS SET BY THE COMMISSION IN REGULATION~~ providing real estate appraiser services as a real estate appraiser trainee under the supervision of a certified appraiser.

(3) Classroom hours of study required under this section may be conducted by:

(i) an accredited university, college, or community or junior college;

(ii) an approved appraisal society, institute, or association; or

(iii) another school that the Commission approves.

(4) The Commission shall approve all courses of study required under this section.

16-512.

(A) The Commission shall reinstate the certificate of a real estate appraiser who has failed to renew the certificate during the regular term of the certificate or the grace period, if the real estate appraiser:

(1) applies to the Commission for reinstatement within ~~[2]~~ 3 years after the certificate expires;

(2) meets the requirements of § 16-511 of this subtitle; and

(3) in addition to the renewal fee required under § 16–511 of this subtitle, pays to the Commission a reinstatement fee set by the Commission.

**(B) (1) IF AN INDIVIDUAL FAILS TO RENEW A CERTIFICATE FOR ANY REASON AND APPLIES TO THE COMMISSION FOR REINSTATEMENT MORE THAN 3 YEARS AFTER THE CERTIFICATE HAS EXPIRED, THE COMMISSION MAY:**

**(I) REQUIRE THE INDIVIDUAL TO REAPPLY FOR A CERTIFICATE UNDER § 16–505 OF THIS SUBTITLE; OR**

**(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, REINSTATE THE CERTIFICATE.**

**(2) THE COMMISSION MAY REINSTATE A CERTIFICATE UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION ONLY IF THE INDIVIDUAL:**

**(I) MEETS THE RENEWAL REQUIREMENTS OF § 16–511 OF THIS SUBTITLE;**

**(II) IF REQUIRED BY THE COMMISSION, STATES THE REASONS WHY REINSTATEMENT SHOULD BE GRANTED; AND**

**(III) IN ADDITION TO THE RENEWAL FEE REQUIRED UNDER § 16–511 OF THIS SUBTITLE, PAYS TO THE COMMISSION A REINSTATEMENT FEE SET BY THE COMMISSION.**

16–5A–04.

(a) Unless a real estate appraiser trainee license is renewed under this section, the license expires 3 years after the effective date of the license.

(b) (1) Before a real estate appraiser trainee license expires, the licensee **PERIODICALLY** may renew the license for [one] AN additional 3–year term if the licensee:

(i) is otherwise entitled to be licensed; **AND**

(ii) [pays to the Commission a renewal fee set by the Commission;

and

(iii)] submits to the Commission:

1. a renewal application on the form that the Commission requires; and

2. adequate evidence that the licensee meets the minimum continuing education requirements established under the federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

**16-5A-05.**

**THE COMMISSION SHALL REINSTATE THE LICENSE OF A REAL ESTATE APPRAISER TRAINEE WHO FAILS TO RENEW THE LICENSE IF THE REAL ESTATE APPRAISER TRAINEE:**

**(1) APPLIES TO THE COMMISSION FOR REINSTATEMENT WITHIN 3 YEARS AFTER THE LICENSE EXPIRES;**

**(2) PROVIDES ADEQUATE EVIDENCE OF COMPLIANCE WITH THE CONTINUING EDUCATION REQUIREMENTS UNDER § 16-5A-04 OF THIS SUBTITLE FOR LICENSE RENEWAL;**

**(3) IF REQUIRED BY THE COMMISSION, STATES THE REASONS WHY REINSTATEMENT SHOULD BE GRANTED; AND**

**(4) PAYS TO THE COMMISSION A REINSTATEMENT FEE SET BY THE 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 532**

**(Senate Bill 118)**

AN ACT concerning

**Land Use – Alcohol Production and Agricultural Alcohol Production**

FOR the purpose of defining the terms “alcohol production” and “agricultural alcohol production”; authorizing a local jurisdiction to adopt the definitions of “alcohol production” and “agricultural alcohol production” by local ordinance, resolution, law, or rule; providing for the application of this Act to charter counties; and generally relating to alcohol production and agricultural alcohol production.

BY repealing and reenacting, with amendments,  
Article – Land Use

Section 1–401(b)  
Annotated Code of Maryland  
(2012 Volume and 2019 Supplement)

BY adding to  
Article – Land Use  
Section 4–213 and 4–214  
Annotated Code of Maryland  
(2012 Volume and 2019 Supplement)

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

**Article – Land Use**

1–401.

(b) The following provisions of this division apply to a charter county:

- (1) this subtitle, including Parts II and III (Charter county – Comprehensive plans);
- (2) § 1–101(l), (m), and (o) (Definitions – “Plan”, “Priority funding area”, and “Sensitive area”);
- (3) § 1–201 (Visions);
- (4) § 1–206 (Required education);
- (5) § 1–207 (Annual report – In general);
- (6) § 1–208 (Annual report – Measures and indicators);
- (7) Title 1, Subtitle 3 (Consistency);
- (8) Title 1, Subtitle 5 (Growth Tiers);
- (9) § 4–104(b) (Limitations – Bicycle parking);
- (10) § 4–208 (Exceptions – Maryland Accessibility Code);
- (11) § 4–210 (Permits and variances – Solar panels);
- (12) § 4–211 (Change in zoning classification – Energy generating systems);
- (13) § 4–212 (Agritourism);

**(14) § 4–213 (ALCOHOL PRODUCTION);**

**(15) § 4–214 (AGRICULTURAL ALCOHOL PRODUCTION);**

**[(14)] (16) § 5–102(d) (Subdivision regulations – Burial sites);**

**[(15)] (17) § 5–104 (Major subdivision – Review);**

**[(16)] (18) Title 7, Subtitle 1 (Development Mechanisms);**

**[(17)] (19) Title 7, Subtitle 2 (Transfer of Development Rights);**

**[(18)] (20) except in Montgomery County or Prince George’s County, Title 7, Subtitle 3 (Development Rights and Responsibilities Agreements);**

**[(19)] (21) Title 7, Subtitle 4 (Inclusionary Zoning);**

**[(20)] (22) § 8–401 (Conversion of overhead facilities);**

**[(21)] (23) for Baltimore County only, Title 9, Subtitle 3 (Single–County Provisions – Baltimore County);**

**[(22)] (24) for Frederick County only, Title 9, Subtitle 10 (Single–County Provisions – Frederick County);**

**[(23)] (25) for Howard County only, Title 9, Subtitle 13 (Single–County Provisions – Howard County);**

**[(24)] (26) for Talbot County only, Title 9, Subtitle 18 (Single–County Provisions – Talbot County); and**

**[(25)] (27) Title 11, Subtitle 2 (Civil Penalty).**

#### **4–213.**

**(A) (1) IN THIS SECTION, “ALCOHOL PRODUCTION” MEANS AN ACTIVITY THAT IS:**

**(I) CARRIED OUT BY A LICENSE HOLDER, AS DEFINED IN § 1–101 OF THE ALCOHOLIC BEVERAGES ARTICLE; AND**

**(II) RELATED TO THE MANUFACTURE, PACKAGING, STORAGE, PROMOTION, OR SALE OF ALCOHOLIC BEVERAGES.**

**(2) “ALCOHOL PRODUCTION” INCLUDES THE USE OF AN AREA TO:**

- (I) PROVIDE TASTINGS OF ALCOHOLIC BEVERAGES; OR
- (II) ACCOMMODATE THE LICENSE HOLDER’S CUSTOMERS.

(B) A LOCAL JURISDICTION MAY ADOPT THE DEFINITION OF “ALCOHOL PRODUCTION” AS DEFINED IN THIS SECTION BY LOCAL ORDINANCE, RESOLUTION, LAW, OR RULE.

4–214.

(A) (1) IN THIS SECTION, “AGRICULTURAL ALCOHOL PRODUCTION” MEANS AN ACTIVITY THAT:

(I) IS CARRIED OUT BY A LICENSE HOLDER, AS DEFINED IN § 1–101 OF THE ALCOHOLIC BEVERAGES ARTICLE;

(II) OCCURS ON AGRICULTURAL LAND; AND

(III) IS RELATED TO THE MANUFACTURE, PACKAGING, STORAGE, PROMOTION, OR SALE OF ALCOHOLIC BEVERAGES THAT USE INGREDIENTS PRODUCED ON THE AGRICULTURAL LAND OR ANY ASSOCIATED AGRICULTURAL LAND.

(2) “AGRICULTURAL ALCOHOL PRODUCTION” INCLUDES THE USE OF AN AREA TO:

(I) PROVIDE TASTINGS OF ALCOHOLIC BEVERAGES; OR

(II) ACCOMMODATE THE LICENSE HOLDER’S CUSTOMERS.

(B) A LOCAL JURISDICTION MAY ADOPT THE DEFINITION OF “AGRICULTURAL ALCOHOL PRODUCTION” AS DEFINED IN THIS SECTION BY LOCAL ORDINANCE, RESOLUTION, LAW, OR RULE.

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.

**(Senate Bill 119)**

AN ACT concerning

**Labor and Employment – Wage Payment and Collection – Order to Pay Wages**

FOR the purpose of increasing the maximum amount of wages included in a complaint for failure to pay wages that initiates a certain procedure for resolving wage complaints and for which the Commissioner of Labor and Industry is authorized to issue an order to pay wages; and generally relating to wage payment and collection.

BY repealing and reenacting, with amendments,  
Article – Labor and Employment  
Section 3–507.1  
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**

3–507.1.

(a) On receipt of a complaint for failure to pay wages that do not exceed **[\$3,000]** **\$5,000**, the Commissioner shall:

(1) send a copy of the complaint to the employer alleged to have failed to pay wages; and

(2) require a written response to the complaint within 15 days.

(b) (1) The Commissioner:

(i) shall review the complaint and any response to it; and

(ii) may investigate the claim.

(2) On the basis of the review and any investigation, the Commissioner may:

(i) issue an order to pay wages under subsection (c) of this section if the Commissioner determines that this subtitle has been violated; or

(ii) dismiss the claim.

(c) (1) The Commissioner may issue an order to pay wages that:

(i) describes the alleged violation;

(ii) directs payment of wages to the complainant; and

(iii) if appropriate, orders the payment of interest at the rate of 5% per year accruing from the date the wages are owed.

(2) The Commissioner shall send the order to pay wages to the complainant and to the employer at the employer's last known business address by both regular mail and certified mail, return receipt requested.

(3) Within 30 days after receipt of the order to pay wages, the employer may request a de novo administrative hearing, which shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

(4) On receipt of a request for a hearing, the Commissioner shall schedule a hearing.

(5) If a hearing is not requested, the order to pay wages shall become a final order of the Commissioner.

(6) (i) If a petition for review is not filed within 30 days of the issuance of the final order, the Commissioner may proceed in District Court of the county where the employer resides or has a place of business to enforce payment.

(ii) In a proceeding under this subsection, the Commissioner is entitled to judgment in the amount of the order to pay wages and any interest due on a showing that:

1. the order to pay wages and interest, if any, was assessed against the employer;
2. no appeal is pending;
3. the ordered wages and interest, if any, are wholly or partly unpaid; and
4. the employer was duly served with a copy of the order to pay wages and interest, if any, in accordance with 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 534****(Senate Bill 131)**

AN ACT concerning

**State Highways – Commercial Signs in Rights-of-Way – Penalties**

FOR the purpose of increasing the maximum civil penalty applicable to a violation for affixing a commercial sign to a State highway sign, signal, or marker in the State highway right-of-way; clarifying certain language establishing a civil penalty for a violation of the prohibition against placing or maintaining commercial signs in a State highway right-of-way; and generally relating to penalties for unlawfully placing or maintaining commercial signs in State highway rights-of-way.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 8–605

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**

8–605.

(a) Along any State highway, the Administration may place signs, signals, or markers to inform the traveling public of directions, distances, danger, or other information.

(b) (1) Except as provided in paragraph (2) of this subsection, the Administration shall assume the full cost of installing and maintaining traffic signals required at the intersection of a State highway with any municipal street or highway or at any other place along a State highway that is within the limits of any municipal corporation.

(2) This subsection does not apply where the traffic signal primarily will serve traffic generated by a private development, such as an apartment complex, shopping center, industrial plant, or drive-in theater.

(c) Signs, signals, and markers placed along any interstate highway shall conform to all applicable federal standards.

(d) (1) For the purpose of providing information to the driving public on the

availability of gas, food, lodging, camping, or attractions, the Administration may place along State controlled access highways specific service signs, subject to the applicable federal standards.

(2) (i) The Administration shall adopt regulations governing specific service signs.

(ii) The regulations shall conform to all applicable federal standards, and shall govern the type, lighting, size, number, and location of specific service signs.

(iii) The Administration shall consult with:

1. The Maryland Travel Council prior to drafting regulations; and

2. The Department of Commerce and the appropriate local government officials concerning the placement of specific service signs under this subsection.

(3) The business or attraction identified in a specific service sign shall pay for the full administrative and operational cost of procurement, installation, and maintenance of the sign.

(e) Any person who removes, damages, or defaces any sign, signal, or marker placed under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.

(f) (1) Except for a sign placed or maintained by the Administration or with the authorization of the Administration, a person may not place or maintain a sign or direct, consent to, or approve the placement or maintenance of a sign, within a State highway right-of-way.

(2) (i) Without resort to legal proceedings, a sign placed or maintained in violation of this subsection may be removed and destroyed by the Administration, a law enforcement officer, or the government of the county or municipal corporation in which the sign was located.

(ii) The Administration or the government of the county or municipal corporation that removed or destroyed the sign may, if the sign is a commercial sign:

1. Collect the civil penalty provided for under paragraph (3) of this subsection from the person that placed or maintained the commercial sign; and

2. Seek an injunction against further violations of this subsection in a civil action in the District Court.

(3) (i) **[A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH,** A person that places or maintains a commercial sign within the right-of-way of a State highway in violation of this subsection is subject to a civil penalty not exceeding \$25 per commercial sign **PLACED OR MAINTAINED**, which, if not paid after being cited and assessed by the Administration, county, or municipal corporation, may be recovered in a civil action in the District Court by the Administration or by the county or municipal corporation in which the commercial sign was located.

(ii) **A PERSON THAT VIOLATES THIS SUBSECTION BY AFFIXING A COMMERCIAL SIGN TO A STATE HIGHWAY SIGN, SIGNAL, OR MARKER WITHIN THE RIGHT-OF-WAY OF THE STATE HIGHWAY IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$100 PER COMMERCIAL SIGN AFFIXED.**

(iii) **(III)** As to a county or a municipal corporation in which the commercial sign was located, the civil action in the District Court may be brought by the county attorney or, if the commercial sign was located in a municipal corporation, the municipal corporation attorney.

**[(iii)] (IV)** The Administration, a county, or a municipal corporation:

1. May enforce this subsection only by the issuance of a warning for the first 3 months after initiating a sign removal program; and
2. Shall enforce this subsection on a viewpoint and content neutral basis.

(4) For the purposes of enforcing this subsection, the presence of a sign within a State highway right-of-way shall be evidence that the sign was placed or maintained at the direction of, or with the consent and approval of, the person or the person's agent or representative in the State whose name, business, location, or product representation is displayed on the sign.

(5) The Administration, a county, or a municipal corporation shall retain any civil penalties that it collects under 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 535**

**(Senate Bill 140)**

AN ACT concerning

**Office of Legislative Audits – Audits of the Baltimore Police Department**

FOR the purpose of requiring the Office of Legislative Audits to conduct a certain audit or audits of the Baltimore Police Department; specifying that the scope and objectives of a certain audit or audits shall be determined by the Legislative Auditor; requiring the Baltimore City government to make certain employees, records, and information systems available to the Office of Legislative Audits under certain circumstances; providing that the employees and authorized representatives of the Office of Legislative Audits shall have access to and may inspect certain records, including certain confidential records of the Baltimore Police Department, including those records maintained by the Baltimore City government; and generally relating to audits of the Baltimore Police Department by the Office of Legislative Audits.

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 2–1220(h) and 2–1223  
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**

2–1220.

(h) (1) Beginning July 1, 2020, and at least once every 6 years thereafter, the Office of Legislative Audits shall conduct an audit **OR AUDITS** of the Baltimore Police Department to evaluate the effectiveness and efficiency of the financial management practices of the Baltimore Police Department.

(2) **THE SCOPE AND OBJECTIVES OF THE AUDIT OR AUDITS SHALL BE DETERMINED BY THE LEGISLATIVE AUDITOR.**

(3) The Office of Legislative Audits shall provide information regarding the audit process to the Baltimore Police Department before the audit is conducted.

(4) **THE BALTIMORE CITY GOVERNMENT SHALL MAKE AVAILABLE TO THE OFFICE OF LEGISLATIVE AUDITS ALL CITY EMPLOYEES, RECORDS, AND INFORMATION SYSTEMS DEEMED NECESSARY BY THE LEGISLATIVE AUDITOR TO CONDUCT THE AUDIT OR AUDITS REQUIRED BY THIS SUBSECTION.**

2–1223.

(a) (1) Except as prohibited by the federal Internal Revenue Code, the employees or authorized representatives of the Office of Legislative Audits shall have access to and may inspect the records, including those that are confidential by law, of any unit of the State government or of a person or other body receiving State funds, with respect to any matter under the jurisdiction of the Office of Legislative Audits.

(2) In conjunction with an examination authorized under this subtitle, the access required by paragraph (1) of this subsection shall include the records of contractors and subcontractors that perform work under State contracts.

(3) The employees or authorized representatives of the Office of Legislative Audits shall have access to and may inspect the records, including those that are confidential by law, of:

(i) any local school system to perform the audits authorized under § 2–1220 of this subtitle or in accordance with a request for information as provided in § 5–114(d) of the Education Article;

(ii) the Board of Liquor License Commissioners for Baltimore City to perform the audits authorized under § 2–1220(f)(1) of this subtitle;

(iii) the board of license commissioners for a county or for the City of Annapolis to perform the audits authorized under § 2–1220(f)(2) of this subtitle; [and]

(iv) the Board of License Commissioners for Prince George’s County to perform the audits authorized under § 2–1220(g) of this subtitle; **AND**

**(V) THE BALTIMORE POLICE DEPARTMENT AND THE BALTIMORE CITY GOVERNMENT TO PERFORM THE AUDITS REQUIRED UNDER § 2–1220(H) OF THIS SUBTITLE.**

(b) Each officer or employee of the unit or body that is subject to examination shall provide any information that the Legislative Auditor determines to be needed for the examination of that unit or body, or of any matter under the authority of the Office of Legislative Audits, including information that otherwise would be confidential under any provision of law.

(c) (1) The Legislative Auditor may issue process that requires an official who is subject to examination to produce a record that is needed for the examination.

(2) The process shall be sent to the sheriff for the county where the official is located.

(3) The sheriff promptly shall serve the process.

(4) The State shall pay the cost of process.

(5) If a person fails to comply with process issued under this subsection or fails to provide information that is requested during an examination, a circuit court may issue an order directing compliance with the process or compelling that the information requested be provided.

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 536

(Senate Bill 142)

AN ACT concerning

### **Natural Resources – Recreational License Donation Program and Healing Hunting and Fishing Fund – Revisions**

FOR the purpose of requiring the Department of Natural Resources to establish a process for an individual purchasing certain licenses and stamps in a certain manner to make a voluntary monetary donation to the Healing Hunting and Fishing Fund; requiring the Department to collect donations and deposit them into the Fund; specifying requirements for certain donation processes; repealing the recreational license donation program; authorizing the Chesapeake Bay Trust to make grants to eligible sponsor organizations, subject to a certain determination; specifying the purposes for which a grant awarded to an eligible sponsor organization may be used; requiring the Department to adopt regulations establishing eligibility requirements for applicants for grants to eligible sponsor organizations; altering the purpose of the Fund; requiring the Chesapeake Bay Trust, rather than the Secretary of Natural Resources, to administer the Fund; altering the contents of the Fund; altering the purposes for which the Fund may be used; repealing a certain reporting requirement; repealing a termination provision for certain provisions of law relating to the recreational license donation program and the Fund; defining a certain term; making stylistic and conforming changes; and generally relating to the recreational license donation program and the Healing Hunting and Fishing Fund.

BY repealing and reenacting, with amendments,  
Article – Natural Resources  
Section 1–403 and 1–405  
Annotated Code of Maryland  
(2018 Replacement Volume and 2019 Supplement)

BY repealing

Chapter 424 of the Acts of the General Assembly of 2016  
Section 3

BY repealing and reenacting, with amendments,  
Chapter 424 of the Acts of the General Assembly of 2016, as amended by Chapter  
261 of the Acts of the General Assembly of 2019  
Section 4

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

**Article – Natural Resources**

1–403.

(a) Notwithstanding any other provision of this article, the Department may develop and implement an electronic system for the sale and issuance of licenses, permits, and registrations and the recording and releasing of security interests.

(b) The electronic system may include provisions for:

(1) Recording titling and registration data;

(2) Recording and releasing liens without the issuance of a security interest filing; and

(3) Recording information relating to an application for a license, permit, or registration.

(c) The Department shall develop the electronic system consistent with the statewide information technology master plan developed under Title 3A, Subtitle 3 of the State Finance and Procurement Article.

[(d) The Department may adopt regulations to:

(1) Implement the electronic system authorized under this section; and

(2) Determine the appropriate fee levels that may be charged by a vendor and by the Department for the electronic transmission service.]

**(D) (1) SUBJECT TO SUBSECTION (F) OF THIS SECTION, THE DEPARTMENT SHALL ESTABLISH A PROCESS THROUGH WHICH AN INDIVIDUAL WHO PURCHASES AN ANGLER’S LICENSE, A CHESAPEAKE BAY AND COASTAL SPORT FISHING LICENSE, OR A HUNTING LICENSE AND ANY CORRESPONDING STAMPS THROUGH THE ELECTRONIC SYSTEM MAY MAKE A VOLUNTARY MONETARY DONATION TO THE HEALING HUNTING AND FISHING FUND AT THE TIME OF**

**PURCHASE.**

**(2) THE DEPARTMENT SHALL COLLECT THE DONATIONS RECEIVED UNDER PARAGRAPH (1) OF THIS SUBSECTION AND DEPOSIT THEM INTO THE HEALING HUNTING AND FISHING FUND.**

(e) (1) [(i) The] **SUBJECT TO SUBSECTION (F) OF THIS SECTION, THE** Department shall establish a process through which an individual who purchases a license, permit, or registration through the electronic system may make a voluntary monetary donation to the Chesapeake Bay Trust and the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund at the time the license, permit, or registration is purchased.

[(ii) The donation process established in subparagraph (i) of this paragraph:

1. Shall be made available only to an individual purchasing directly through the electronic system; and

2. May not be made available to an individual purchasing through an authorized vendor.]

(2) The Department shall:

(i) Collect any donations made under this subsection; and

(ii) Distribute the proceeds of the donations as follows:

1. 50% to the Chesapeake Bay Trust established under § 8–1902 of this article; and

2. 50% to the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund established under § 8–2A–02 of this article.

(3) (i) The Chesapeake Bay Trust may use the funds it receives under this subsection only to provide grants and other resources to nonprofit organizations, community associations, civic groups, schools, or public agencies for projects to enhance or promote:

1. Public education, including the publication or production of educational materials, concerning the Chesapeake Bay, the Maryland coastal bays, the Youghiogheny watershed, and other natural resources;

2. The preservation or enhancement of water quality and fish or wildlife habitat;

3. The restoration of aquatic or land resources;



4. Reforestation; and
5. Training in environmental studies or enhancement.

(ii) Funds distributed to the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund may be used to provide financial assistance necessary to advance Maryland's progress in meeting the goals established in the 2014 Chesapeake Bay Watershed Agreement and to restore the health of the Atlantic Coastal Bays by focusing on nonpoint source pollution control projects, as authorized under Title 8, Subtitle 2A of this article.

(4) On or before December 1 each year, the Department shall report to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly on the collection, distribution, and expenditure of any voluntary monetary donations made under this subsection in the previous fiscal year.

**(F) THE DONATION PROCESS ESTABLISHED UNDER SUBSECTIONS (D) AND (E) OF THIS SECTION:**

**(1) SHALL BE MADE AVAILABLE ONLY TO AN INDIVIDUAL PURCHASING DIRECTLY THROUGH THE ELECTRONIC SYSTEM;**

**(2) MAY NOT BE MADE AVAILABLE TO AN INDIVIDUAL PURCHASING THROUGH AN AUTHORIZED VENDOR; AND**

**(3) SHALL BE LIMITED TO PROVIDING NOT MORE THAN TWO OPTIONS TO WHICH AN INDIVIDUAL MAY MAKE A MONETARY DONATION.**

**(G) THE DEPARTMENT MAY ADOPT REGULATIONS TO:**

**(1) IMPLEMENT THE ELECTRONIC SYSTEM AUTHORIZED UNDER THIS SECTION; AND**

**(2) DETERMINE THE APPROPRIATE FEE LEVELS THAT MAY BE CHARGED BY A VENDOR AND BY THE DEPARTMENT FOR THE ELECTRONIC TRANSMISSION SERVICE.**

1-405.

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

**(2) "ELIGIBLE SPONSOR ORGANIZATION" MEANS A NONPROFIT CHARITABLE ORGANIZATION THAT PROVIDES ANY OF THE FOLLOWING**

**OPPORTUNITIES FOR GOLD STAR RECIPIENTS, DISABLED VETERANS OR OTHER VETERANS WHO COULD BENEFIT FROM ONE OF THE OPPORTUNITIES PROVIDED, DISABLED MEMBERS OF THE ARMED FORCES OF THE UNITED STATES OR OTHER MEMBERS OF THE ARMED FORCES OF THE UNITED STATES WHO COULD BENEFIT FROM ONE OF THE OPPORTUNITIES PROVIDED, OR PERMANENTLY DISABLED PERSONS WHO REQUIRE THE USE OF A WHEELCHAIR:**

**(I) RECREATIONAL HUNTING OR FISHING;**

**(II) RECREATIONAL WATER ACTIVITIES;**

**(III) OTHER RECREATIONAL OUTDOOR ACTIVITIES;**

**(IV) THERAPEUTIC OUTDOOR ACTIVITIES; OR**

**(V) WORKFORCE TRAINING FOR GREEN JOBS, INCLUDING OUTDOOR AGRICULTURAL JOBS.**

**(3)** “Gold Star recipient” means 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 of the United States who lost their lives in combat.

[(b) A person may purchase and donate an angler’s license, a Chesapeake Bay and coastal sport fishing license, or a hunting license and any corresponding stamps for issuance in accordance with this section.

(c) (1) The Department may issue a donated license or stamp only for use by a Gold Star recipient, a disabled veteran, a disabled member of the armed forces of the United States, or a permanently disabled person who requires the use of a wheelchair.

(2) A recipient of a donated license or stamp shall be sponsored by a nonprofit charitable organization that provides recreational hunting or fishing opportunities for Gold Star recipients, disabled veterans, disabled members of the armed forces of the United States, or permanently disabled persons who require the use of a wheelchair.

(3) A recipient of a donated hunting license is subject to the hunting safety requirements under § 10–301.1 of this article.

(d) Only one eligible person may hunt under the authority of a donated license or stamp during one recreational license year.

(e) The Department:

(1) May not charge a fee for the issuance of a donated license or stamp; and

(2) May issue a donated license or stamp to an eligible resident or nonresident of the State.

(f) On or before October 1, 2017, and each year thereafter, the Department shall post on its website the names of the persons who donated recreational licenses or stamps in the previous recreational license years, unless a person who donates a license or stamp requests anonymity.]

**(B) (1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE CHESAPEAKE BAY TRUST MAY USE THE HEALING HUNTING AND FISHING FUND ESTABLISHED UNDER SUBSECTION (D) OF THIS SECTION TO MAKE GRANTS TO ELIGIBLE SPONSOR ORGANIZATIONS.**

**(II) IN AWARDING A GRANT TO AN ELIGIBLE SPONSOR ORGANIZATION THAT PROVIDES OPPORTUNITIES THAT THE ELIGIBLE SPONSOR ORGANIZATION BELIEVES BENEFIT VETERANS OR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES, THE CHESAPEAKE BAY TRUST SHALL DETERMINE WHETHER THE OPPORTUNITIES PROVIDED BY THE ELIGIBLE SPONSOR ORGANIZATION WILL, IN FACT, BENEFIT VETERANS OR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.**

**(2) A GRANT AWARDED UNDER THIS SUBSECTION MAY BE USED ONLY TO PAY CAPITAL, OPERATIONAL, OR PROGRAMMING COSTS INCURRED BY AN ELIGIBLE SPONSOR ORGANIZATION IN PROVIDING ANY OF THE FOLLOWING OPPORTUNITIES:**

**(I) RECREATIONAL HUNTING OR FISHING;**

**(II) RECREATIONAL WATER ACTIVITIES;**

**(III) OTHER RECREATIONAL OUTDOOR ACTIVITIES;**

**(IV) THERAPEUTIC OUTDOOR ACTIVITIES; OR**

**(V) WORKFORCE TRAINING FOR GREEN JOBS, INCLUDING OUTDOOR AGRICULTURAL JOBS.**

**[(g)] (C) The Department shall adopt regulations to implement this section, including regulations establishing eligibility requirements for [donors, sponsors, and recipients of donated recreational licenses and stamps] APPLICANTS FOR GRANTS TO ELIGIBLE SPONSOR ORGANIZATIONS.**

**[(h)] (D) (1) In this subsection, "Fund" means the Healing Hunting and**

Fishing Fund.

(2) There is a Healing Hunting and Fishing Fund.

(3) The purpose of the Fund is to provide [recreational hunting and fishing] **ANY OF THE FOLLOWING** opportunities for Gold Star recipients, disabled veterans **OR OTHER VETERANS WHO COULD BENEFIT FROM ONE OF THE OPPORTUNITIES**, disabled members of the armed forces of the United States **OR OTHER MEMBERS OF THE ARMED FORCES OF THE UNITED STATES WHO COULD BENEFIT FROM ONE OF THE OPPORTUNITIES**, and permanently disabled persons who require the use of a wheelchair:

(I) **RECREATIONAL HUNTING OR FISHING;**

(II) **RECREATIONAL WATER ACTIVITIES;**

(III) **OTHER RECREATIONAL OUTDOOR ACTIVITIES;**

(IV) **THERAPEUTIC OUTDOOR ACTIVITIES; OR**

(V) **WORKFORCE TRAINING FOR GREEN JOBS, INCLUDING OUTDOOR AGRICULTURAL JOBS.**

(4) The [Secretary] **CHESAPEAKE BAY TRUST** shall administer the Fund.

(5) (i) 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.

(6) The Fund consists of:

[(i) Revenue collected by the Department for the purchase and donation of recreational hunting or fishing licenses or stamps under this section;]

(I) **DONATIONS COLLECTED BY THE DEPARTMENT UNDER § 1–403(D) OF THIS SUBTITLE;**

(ii) Money appropriated in the State budget to the Fund; and

(iii) Any other money from any other source accepted for the benefit of the Fund.

(7) The Fund may be used only for [donated recreational hunting or fishing licenses or stamps for use by Gold Star recipients, disabled veterans, disabled members of

the armed forces of the United States, or permanently disabled persons who require the use of a wheelchair] **GRANTS TO ELIGIBLE SPONSOR ORGANIZATIONS IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.**

(8) (i) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(ii) Any interest earnings of the Fund shall be credited to the General Fund of the State.

(9) Expenditures from the Fund may be made only in accordance with the State budget.

(10) Money expended from the Fund for [donated recreational licenses or stamps] **GRANTS TO ELIGIBLE SPONSOR ORGANIZATIONS** is supplemental to and is not intended to take the place of funding that otherwise would be appropriated for [recreational licenses or stamps for use by] **ANY OF THE OPPORTUNITIES SPECIFIED UNDER SUBSECTION (B)(2) OF THIS SECTION THAT ARE PROVIDED TO Gold Star recipients, disabled veterans OR OTHER VETERANS WHO COULD BENEFIT FROM ONE OF THE OPPORTUNITIES, disabled members of the armed forces of the United States OR OTHER MEMBERS OF THE ARMED FORCES OF THE UNITED STATES WHO COULD BENEFIT FROM ONE OF THE OPPORTUNITIES, or permanently disabled persons who require the use of a wheelchair.**

### Chapter 424 of the Acts of 2016

[SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 31, 2018, the Department of Natural Resources shall submit a report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly that states:

(1) the number of donated licenses and stamps issued under the recreational license donation program, aggregated by:

(i) the types of licenses issued; and

(ii) the status that formed the basis of the license recipient's eligibility for the donated licenses;

(2) the nonprofit charitable organizations that sponsored recipients of donated licenses, aggregated by the number and types of licenses issued;

(3) an accounting of the money deposited into and redeemed out of the Recreational License Donation Fund; and

(4) any other information related to the recreational license donation

program that the Department considers relevant.]

**Chapter 424 of the Acts of 2016, as amended by Chapter 261 of the Acts of 2019**

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016. [It shall remain effective for a period of 6 years and, at the end of June 30, 2022, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

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

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

---