

Laws
of the
State of Maryland

At the Session of the General Assembly Begun and Held in the
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VOLUME IV

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Chapter 537**(Senate Bill 191)**

AN ACT concerning

**Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2020,
and the Maryland Consolidated Capital Bond Loans of 2013, 2014, 2016, 2017,
and 2019**

FOR the purpose of authorizing the creation of a State Debt in the amount of One Billion, One Hundred ~~and Four~~ Eight Million, One Hundred Fourteen Thousand Dollars (~~\$1,104,114,000~~) (\$1,108,114,000), the proceeds to be used for certain necessary building, construction, demolition, planning, renovation, conversion, replacement, and capital equipment purchases of the State, for acquiring certain real estate in connection therewith, and for grants to certain subdivisions and other organizations for certain development and improvement purposes, subject to certain requirements that certain matching funds be provided and expended by certain dates; providing generally for the issuance and sale of bonds evidencing the loan; authorizing the creation of State Debt in certain years to be used for certain purposes; imposing a certain tax on all assessable property in the State; requiring that certain grantees convey certain easements under certain circumstances to the Maryland Historical Trust; providing that the proceeds of certain loans must be expended or encumbered by a certain date; authorizing the Board of Public Works, under certain circumstances, to approve certain appropriations, notwithstanding certain technical differences; authorizing certain unexpended appropriations in certain prior capital budgets and bond loans to be expended for other public projects; altering certain requirements for certain programs in certain prior capital budgets and bond loans; providing that the authorizations of State Debt in certain prior capital budgets and bond loans be reduced by certain amounts; requiring that certain projects be constructed at certain locations; adding, altering, and repealing certain requirements for certain appropriations; requiring the Comptroller to make certain transfers, adjustments, and reconciliations; repealing certain Maryland Consolidated Capital Bond Loan Preauthorization acts; specifying the use of certain project funds; altering the authorized uses of certain grants; altering the authorized purpose of certain grants; altering the authorized scope of certain grants; altering the names of certain grantees; altering the matching fund requirements of certain grants; extending the deadline for certain grantees to present evidence of certain matching funds; extending the termination date of certain grants; stating the intent of the General Assembly; authorizing premiums from the sale of State bonds in a certain fiscal year to remain in or be transferred to a certain fund and to be used for certain capital projects under certain circumstances; authorizing the Comptroller to make certain transfers, adjustments, and reconciliations; making certain technical corrections; providing for a delayed effective date for certain provisions of this Act; and generally relating to the financing of certain capital projects.

BY repealing and reenacting, with amendments,

Chapter 424 of the Acts of the General Assembly of 2013
Section 1(3) Item RD00(A), VE01(A), and WA01(B)

BY repealing and reenacting, with amendments,

Chapter 424 of the Acts of the General Assembly of 2013, as amended by Chapter 463 of the Acts of the General Assembly of 2014, Chapter 495 of the Acts of the General Assembly of 2015, Chapter 27 of the Acts of the General Assembly of 2016, Chapter 22 of the Acts of the General Assembly of 2017, Chapter 9 of the Acts of the General Assembly of 2018, and Chapter 14 of the Acts of the General Assembly of 2019

Section 1(1)

BY repealing and reenacting, with amendments,

Chapter 424 of the Acts of the General Assembly of 2013, as amended by Chapter 22 of the Acts of the General Assembly of 2017

Section 1(3) Item DE02.01(A)

BY repealing and reenacting, with amendments,

Chapter 463 of the Acts of the General Assembly of 2014

Section 1(3) Item VE01(A), ZA01(J), and ZA03(AH)

BY repealing and reenacting, with amendments,

Chapter 463 of the Acts of the General Assembly of 2014, as amended by Chapter 495 of the Acts of the General Assembly of 2015, Chapter 27 of the Acts of the General Assembly of 2016, Chapter 22 of the Acts of the General Assembly of 2017, Chapter 9 of the Acts of the General Assembly of 2018, and Chapter 14 of the Acts of the General Assembly of 2019

Section 1(1)

BY repealing and reenacting, with amendments,

Chapter 27 of the Acts of the General Assembly of 2016

Section 1(3) Item DW01.08(B) and RB23(A)

BY repealing and reenacting, with amendments,

Chapter 27 of the Acts of the General Assembly of 2016, as amended by Chapter 22 of the Acts of the General Assembly of 2017, Chapter 9 of the Acts of the General Assembly of 2018, and Chapter 14 of the Acts of the General Assembly of 2019

Section 1(1)

BY repealing and reenacting, with amendments,

Chapter 27 of the Acts of the General Assembly of 2016, as amended by Chapter 22 of the Acts of the General Assembly of 2017, Chapter 9 of the Acts of the General Assembly of 2018, and Chapter 737 of the Acts of the General Assembly of 2019

Section 1(3) Item ZA00(AR)

BY repealing and reenacting, with amendments,
 Chapter 27 of the Acts of the General Assembly of 2016, as amended by Chapter 14
 of the Acts of the General Assembly of 2019
 Section 1(3) Item ZA01(A)

BY repealing and reenacting, with amendments,
 Chapter 22 of the Acts of the General Assembly of 2017
 Section 1(1) and 1(3) Item ZA01(I)

BY repealing and reenacting, with amendments,
 Chapter 22 of the Acts of the General Assembly of 2017, as amended by Chapter 9 of
 the Acts of the General Assembly of 2018 and Chapter 737 of the Acts of the
 General Assembly of 2019
 Section 1(3) Item ZA00(AU)

BY repealing and reenacting, with amendments,
 Chapter 14 of the Acts of the General Assembly of 2019
 Section 1(1) and 1(3) Item QB04.03(A) and QR02.01(A)

BY repealing
 Chapter 14 of the Acts of the General Assembly of 2019
 Section 12, 13, and 14

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan of 2020 in the total principal amount of ~~\$1,104,114,000~~ \$1,108,114,000. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 and 8–131.2 of the State Finance and Procurement Article.

(2) The bonds to evidence this loan or installments of this loan may be sold as a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended on approval by the Board of Public Works, for the following public purposes, including any applicable architects' and engineers' fees:

EXECUTIVE DEPARTMENT – GOVERNOR

(A) Accessibility Modifications. Provide funds to design and construct architectural upgrades at State–owned facilities to improve accessibility for persons with disabilities 1,851,000

DA03 MARYLAND STADIUM AUTHORITY

(A) Department of Legislative Services Building. Provide funds to continue design of the renovation or new construction of the Department of Legislative Services building (Anne Arundel County) 3,500,000

DA07.01 DEPARTMENT OF AGING
(Statewide)

(A) Senior Centers Capital Grant Program. Provide grants to acquire property and to design, construct, renovate, and equip senior citizen activities centers. The funds appropriated for this purpose shall be administered in accordance with §§ 10–501 through 10–510 of the Human Services Article 344,000

DE02.01 BOARD OF PUBLIC WORKS

GENERAL STATE FACILITIES
(Statewide)

(A) Construction Contingency Fund. Provide funds for the Construction Contingency Fund to be administered in accordance with § 3–609 of the State Finance and Procurement Article 2,500,000

(B) Facilities Renewal Fund. Provide funds for the repair and rehabilitation of State–owned capital facilities ~~34,726,000~~
23,476,000

(C) Fuel Storage Tank Replacement Program. Provide funds to design, construct, and equip State–owned fuel storage tank replacements 1,000,000

STATE GOVERNMENT CENTER – ANNAPOLIS
(Anne Arundel County)

(D) Lawyer’s Mall Underground Infrastructure Replacement. Provide funds to complete design and construction of the replacement of underground infrastructure and utilities, as well as associated site work, in and near Lawyer’s Mall 5,000,000

JUDICIARY/MULTISERVICE CENTERS
(Baltimore City)

- (E) Shillman Building Conversion. Provide funds to continue design of the renovation of the Shillman Building located at 500 North Calvert Street in Baltimore City for the Baltimore City District Court 713,000
- (F) Courts of Appeal Building. Provide funds to design a new Courts of Appeal Building in Annapolis (Anne Arundel County) 2,450,000

MILITARY DEPARTMENT

DH01.04 MILITARY DEPARTMENT OPERATIONS AND
MAINTENANCE
(Harford County)

- (A) Havre de Grace Combined Support Maintenance Shop Automotive and Surface Equipment Facility. Provide funds to continue construction of the Combined Support Maintenance Shop Automotive and Surface Equipment Facility, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project 5,049,000

DH01.06 MARYLAND EMERGENCY MANAGEMENT AGENCY
(Baltimore County)

- (A) Maryland Emergency Management Agency Headquarters Renovation and Expansion. Provide funds to continue design of the renovation and expansion of the Maryland Emergency Management Agency Headquarters in Reisterstown 585,000

DEPARTMENT OF PLANNING

DW01.08 JEFFERSON PATTERSON PARK AND MUSEUM
(Calvert County)

- (A) Maryland Archeological Conservation Laboratory Expansion and Renovation. Provide funds to continue design of improvements to the Maryland Archeological Conservation Laboratory at the Jefferson Patterson Park and Museum 215,000
- (B) Patterson Center Renovations. Provide funds to complete construction and equipping of renovations to the Patterson Center at the Jefferson Patterson Park and Museum 4,590,000

DW01.11	DIVISION OF HISTORICAL AND CULTURAL PROGRAMS (Statewide)	
(A)	Maryland Historical Trust. Provide funds for the African American Heritage Preservation Grant Program to assist in the protection of properties with cultural and historic significance to the African American community. The funds appropriated for this purpose shall be administered in accordance with § 5A–330 of the State Finance and Procurement Article	1,000,000
(B)	Maryland Historical Trust. Provide funds to be credited to the Maryland Historical Trust Capital Grant Fund for historical preservation and museum assistance. The funds appropriated for this purpose shall be administered in accordance with §§ 5A–328 and 5A–353 through 5A–359 of the State Finance and Procurement Article	600,000
FB04	DEPARTMENT OF INFORMATION TECHNOLOGY (Statewide)	
(A)	Public Safety Communications System. Provide funds to continue construction of a statewide unified public safety radio communications system, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project	9,613,000
	DEPARTMENT OF NATURAL RESOURCES	
KA05	CAPITAL GRANTS AND LOANS ADMINISTRATION (Statewide)	
(A)	Community Parks and Playgrounds. Provide funds for grants to local governments to design and construct capital-eligible park and playground improvement projects	2,500,000
KA14.02	CHESAPEAKE AND COASTAL SERVICE (Statewide)	
(A)	Coastal Resiliency Program. Provide funds for the acquisition, design, and construction of shoreline restoration and other projects to protect coastal infrastructure, and for post-implementation monitoring and adaptive management ...	4,160,000
KA17.01	FISHING AND BOATING SERVICES (Statewide)	

(A)	Oyster Restoration Program. Provide funds to design and construct oyster habitat restoration projects	8,730,000
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DEPARTMENT OF AGRICULTURE

LA12.05	OFFICE OF MARKETING, ANIMAL INDUSTRIES AND CONSUMER SERVICES (Wicomico County)
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(A)	Salisbury Animal Health Laboratory Replacement. Provide funds to complete equipping of a replacement animal health laboratory in Salisbury	1,074,000
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LA15	OFFICE OF RESOURCE CONSERVATION (Statewide)
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(A)	Maryland Agricultural Cost–Share Program. Provide funds for financial assistance for the implementation of best management practices that reduce soil and nutrient runoff from Maryland farms. The funds appropriated for this purpose shall be administered in accordance with §§ 8–701 through 8–705 of the Agriculture Article	8,000,000
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DEPARTMENT OF HEALTH

MA01	OFFICE OF THE SECRETARY (Statewide)
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(A)	Community Health Facilities Grant Program. Provide grants to acquire, design, construct, renovate, and equip community mental health, addiction treatment, and developmental disabilities facilities. The funds appropriated for this purpose shall be administered in accordance with §§ 24–601 through 24–607 of the Health – General Article and in accordance with Code of Maryland Regulations (COMAR) 05.05.09	6,500,000
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(B)	Federally Qualified Health Centers Grant Program. Provide grants to acquire, design, construct, renovate, and equip buildings to be used as Federally Qualified Health Centers	2,500,000
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DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

QR02.02	MARYLAND CORRECTIONAL TRAINING CENTER (Washington County)
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(A)	Housing Unit Windows and Steam Heating System. Provide
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funds to complete construction of the replacement of windows and heating systems for housing units at the Maryland Correctional Training Center	7,460,000
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QS01.01 DIVISION OF CORRECTION

(A)	Jessup Region and Western Maryland Perimeter Security Upgrades. Provide funds to begin design of upgraded perimeter security systems at Jessup Correctional Institution, Maryland Correctional Institution – Jessup, Maryland Correctional Institution – Women, Patuxent Institution, Western Correctional Institution, North Branch Correctional Institution, Maryland Correctional Training Center, Roxbury Correctional Institution, and Maryland Correctional Institution – Hagerstown (Regional)	921,000
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(B)	Jessup Region Electrical Infrastructure Upgrade. Provide funds to continue construction of upgrades to the electrical infrastructure servicing correctional facilities, support buildings, and offices in the Jessup region, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project (Anne Arundel County)	994,000
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QS02.08 EASTERN CORRECTIONAL INSTITUTION
(Somerset County)

(A)	High Temperature Distribution and Perimeter Security Improvements. Provide funds to continue construction of the replacement high temperature hot water system and perimeter security fence system at the Eastern Correctional Institution in Westover, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project	18,141,000
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QT04 DIVISION OF PRETRIAL DETENTION
(Baltimore City)

(A)	Demolition of Buildings at the Baltimore City Correctional Complex. Provide funds to complete demolition of the buildings at the Baltimore City Correctional Complex, and provide equipment	5,647,000
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(B)	Therapeutic Treatment Center. Provide funds to begin design of a Therapeutic Treatment Center at the Baltimore City Correctional Complex	14,974,000
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MARYLAND STATE DEPARTMENT OF EDUCATION

RA07.02 INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION (Statewide)

- (A) Aging Schools Program. Provide additional grants for capital improvements, repairs, and deferred maintenance work at existing public school buildings. Grants shall be distributed to local boards of education in proportion to grants received under § 5-206 of the Education Article 6,109,000
(B) Public School Construction Program. Provide funds to construct public school buildings and public school capital improvements, including providing grants to local boards of education for federal E-rate-eligible special construction such as fiber and broadband infrastructure projects for E-rate-eligible applicants in accordance with Title 5, Subtitle 3 of the Education Article 280,000,000
(C) Senator James E. "Ed" DeGrange Nonpublic Aging Schools Program. Provide funds to be distributed as grants to nonpublic schools in Maryland for expenditures eligible under the Aging Schools Program established in § 5-206 of the Education Article, including school security improvements. Provided that grants may be provided only to nonpublic schools eligible to receive Aid to Non-Public Schools R00A03.04 (for the purchase of textbooks or computer hardware and software for loans to students in eligible nonpublic schools) or nonpublic schools that serve students with disabilities through the Non-Public Placement Program R00A02.07 Subprogram 0762, excluding preschools in fiscal 2021, with a maximum amount of \$100,000 and a minimum amount of \$5,000 per eligible school.

Further provided that:

- (a) An Unless a school serves students through the Non-Public Placement Program, an eligible school may apply and qualify for a grant as specified below based on the following criteria:
(1) At least 20% of the school's students are eligible for free or reduced price meal programs;

- (2) Tuition charged to students is less than the statewide average per pupil expenditure for public schools as calculated by the Maryland State Department of Education; and
 - (3) The school has a facility with an average age of 50 years or more; and
- (b) If a school meets:
- (1) All three of the criteria specified above, or serves students through the Nonpublic Placement Program, the school may receive up to \$100,000;
 - (2) Two of the three criteria specified above, the school may receive up to \$75,000; and
 - (3) One of the three criteria specified above, the school may receive up to \$25,000.

Further provided that if more eligible schools apply and qualify for grants than the total authorizations, the Maryland State Department of Education shall prorate the grants based on the total authorization amount. Further provided that the funds shall be administered by the Maryland State Department of Education and the Interagency Commission on School Construction.

Further provided that grants made to nonpublic schools shall be expended within 3 years of the date that funding for the grants became available. Any funding for grants that is unexpended following 3 years of having become available shall be transferred to the Unreserved Statewide Contingency Account for Public School Construction

3,500,000

(D) Supplemental Capital Grant Program for Local School Systems. Provide funds to local school systems with enrollment

growth that over the last 5 years exceeds 150% of the statewide average or with 300 or more relocatable classrooms. These funds shall be administered in accordance with § 5–313 of the Education Article and can be used for grants to local boards of education for federal E–rate–eligible special construction such as fiber and broadband infrastructure projects for E–rate–eligible applicants, provided that \$50,000,000 of this authorization shall be distributed as follows:

(1)	<u>Anne Arundel County.....</u>	<u>6,981,468</u>
(2)	<u>Baltimore County</u>	<u>9,468,851</u>
(3)	<u>Caroline County.....</u>	<u>476,189</u>
(4)	<u>Frederick County.....</u>	<u>3,568,365</u>
(5)	<u>Howard County.....</u>	<u>4,870,012</u>
(6)	<u>Montgomery County</u>	<u>13,637,391</u>
(7)	<u>Prince George’s County</u>	<u>10,997,724</u>

Further provided that notwithstanding § 5–313 of the Education Article, \$25,000,000 of this authorization shall be distributed as follows:

(8)	<u>Anne Arundel County.....</u>	<u>2,195,122</u>
(9)	<u>Caroline County.....</u>	<u>1,219,512</u>
(10)	<u>Frederick County.....</u>	<u>1,219,512</u>
(11)	<u>Howard County.....</u>	<u>9,268,293</u>
(12)	<u>Montgomery County.....</u>	<u>8,658,537</u>
(13)	<u>Prince George’s County</u>	<u>2,439,024</u>

Further provided that notwithstanding Title 5, Subtitle 3 of the Education Article, grants awarded by the Interagency Commission on School Construction under items (8) through (13) of this authorization shall not require a local cost–share match

~~40,000,000~~
75,000,000

(Statewide)

(A) Public Library Capital Grant Program. Provide grants to acquire land, design, construct, and equip public library facilities, provided that any reallocation of this authorization or prior authorized funds for previously authorized or new projects shall require notification to the General Assembly. The funds appropriated for this purpose shall be administered in accordance with § 23–509 of the Education Article 7,300,000

UNIVERSITY SYSTEM OF MARYLAND

RB21 UNIVERSITY OF MARYLAND, BALTIMORE CAMPUS
(Baltimore City)

(A) Central Electric Substation and Electrical Infrastructure Upgrades. Provide funds to continue construction of an electric substation, a recycling center, and electrical infrastructure upgrades for the University of Maryland, Baltimore Campus .. 9,944,000

RB22 UNIVERSITY OF MARYLAND, COLLEGE PARK CAMPUS
(Prince George’s County)

(A) Campuswide Building Systems and Infrastructure Improvements. Provide funds to design, construct, and equip campuswide infrastructure improvements at the College Park campus 5,000,000

(B) Chemistry Building Wing 1 Replacement. Provide funds to continue design and begin construction of the Chemistry Building Wing 1 Replacement, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project 5,000,000

(C) School of Public Policy Building. Provide funds to continue construction of the School of Public Policy Building ~~2,500,000~~
0

RB23 BOWIE STATE UNIVERSITY
(Prince George’s County)

(A) Communication Arts and Humanities Building. Provide funds to continue design of a new Communication Arts and Humanities building 6,100,000

(B) Pedestrian and Vehicular Infrastructure Improvements.

Provide funds to design, construct, and equip pedestrian and vehicular infrastructure improvements in connection with development of a Maryland Area Regional Commuter line station (Prince George’s County)..... 150,000

RB24 TOWSON UNIVERSITY
(Baltimore County)

(A) New College of Health Professions Building. Provide funds to continue design of a new building for the College of Health Professions and demolition of Linthicum Hall and Dowell Health Center 6,437,000

(B) Athletic Fields. Provide funds to design, construct, and equip infrastructure improvements to the athletic fields 1,000,000

RB25 UNIVERSITY OF MARYLAND EASTERN SHORE
(Somerset County)

(A) School of Pharmacy and Health Professions. Provide funds to continue construction of a new building for the School of Pharmacy and Health Professions, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project ~~61,287,000~~
26,287,000

RB26 FROSTBURG STATE UNIVERSITY
(Allegany County)

(A) Education and Health Sciences Center. Provide funds to continue design, construction, and equipping of a new Education and Health Sciences Center, and relocate utility systems at the site, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project 30,069,000

RB27 COPPIN STATE UNIVERSITY
(Baltimore City)

(A) Percy Julian Science Building. Provide funds to complete design and begin construction and equipping of renovations and an addition to the Percy Julian Science Building to house the School of Business and School of Graduate Studies programs, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project ~~17,513,000~~

		<u>7,513,000</u>
(B)	<u>New Public Safety Building. Provide funds to begin design of a new Public Safety Building (Baltimore City)</u>	<u>450,000</u>
RB31	UNIVERSITY OF MARYLAND BALTIMORE COUNTY (Baltimore County)	
(A)	Utility Upgrades and Site Improvements. Provide funds to continue construction to replace, repair, and upgrade utility systems and campus infrastructure, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project	6,041,000
(B)	<u>Sherman Hall Façade and Infrastructure Improvements. Provide funds to design, construct, and equip façade and other infrastructure improvements to Sherman Hall.....</u>	<u>1,000,000</u>
RB34	UNIVERSITY OF MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE (Calvert County)	
(A)	Chesapeake Analytics Collaborative Building. Provide funds to begin design of a new Chesapeake Analytics Collaborative Building in Solomons Island to house the library collection and research space	1,448,000
RB36	UNIVERSITY SYSTEM OF MARYLAND OFFICE (St. Mary’s County)	
(A)	University of Maryland at Southern Maryland Third Academic Building. Provide funds to continue construction of a third building at the University of Maryland at Southern Maryland campus, formerly called the Southern Maryland Regional Higher Education Center, to provide academic and research laboratory space, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project	62,202,000 <u>31,202,000</u>
RC00	BALTIMORE CITY COMMUNITY COLLEGE (Baltimore City)	
(A)	Liberty Campus: Loop Road, Inner Loop and Entrance Improvements. Provide funds to complete construction of loop road and entrance improvements at Baltimore City Community	

College’s Liberty Campus 4,623,000

RD00 ST. MARY’S COLLEGE OF MARYLAND
(St. Mary’s County)

(A) Academic Building and Auditorium. Provide funds to continue constructing and begin equipping a new academic building and auditorium, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project 30,678,000

(B) Campus Infrastructure Improvements. Provide funds to design and construct various campus infrastructure improvement projects 4,472,000

RE01 MARYLAND SCHOOL FOR THE DEAF
(Frederick County)

(A) Veditz Building Renovation. Provide funds to complete design of the Veditz Building renovation on the Frederick Campus 425,000

RI00 MARYLAND HIGHER EDUCATION COMMISSION

(A) Community College Construction Grant Program. Provide funds to assist the subdivisions in the acquisition of property and in the design, construction, renovation, and equipping of local and regional community college buildings, site improvements, and facilities. The funds appropriated for this purpose shall be administered in accordance with § 11–105(j) of the Education Article, provided that notwithstanding Section 6 of this Act, work may continue on each of these projects prior to the appropriation of all funds necessary to complete the project ~~84,456,000~~
87,324,000

- (1) Allegany College of Maryland – Technology Building Renovation, Phase 2 (Allegany County)
- (2) Anne Arundel Community College – Health Sciences and Biology Building (Anne Arundel County)
- (3) Cecil College – Entrance, Roadway, and Facilities Management Building (Cecil County)

- (4) Chesapeake College – IT–AV Infrastructure Upgrade (Regional)
- (5) College of Southern Maryland – Hughesville Center for Health Sciences – Hughesville Regional Campus (Regional)
- (6) Frederick Community College – Linganore Hall Renovation and Addition (Frederick County)
- (7) Hagerstown Community College – Center for Business and Entrepreneurial Studies (Washington County)
- (8) Howard Community College – Mathematics and Athletics Complex (Howard County)
- (9) Montgomery College – Catherine and Isiah Leggett Math and Science Building (Montgomery County)
- (10) Prince George’s Community College – Marlboro Hall Renovation and Addition (Prince George’s County)
- (11) Wor–Wic Community College – Applied Technology Building (Regional)
- (12) Prince George’s Community College – Largo Student Center Renovation and Addition (Prince George’s County)

(B) Community College Facilities Renewal Grant Program. Provide funds for various facility renewal projects at community colleges

~~4,223,000~~
0

RM00

MORGAN STATE UNIVERSITY
(Baltimore City)

(A) Deferred Maintenance and Site Improvements. Provide funds

to design, construct, and equip various infrastructure, building system, and site improvements ~~10,000,000~~
5,000,000

(B) New Health and Human Services Building Phase II. Provide funds to continue design of the new Health and Human Services Building 5,382,000

(C) New Student Services Support Building. Provide funds to complete construction and equipping of a new Student Services Support Building to house student services functions 4,851,000

RP00 MARYLAND PUBLIC BROADCASTING COMMISSION

(A) Maryland Public Television Transmission Systems Replacement. Provide funds to replace digital transmission and other broadcast equipment (Statewide) 900,000

(B) Studio A Renovation and Addition. Provide funds to complete equipping of the renovation and expansion of Studio A (Baltimore County) 545,000

RQ00 UNIVERSITY OF MARYLAND MEDICAL SYSTEM
 (Baltimore City)

(A) Comprehensive Cancer and Organ Transplant Treatment Center. Provide a grant to the University of Maryland Medical System to design, construct, and equip facilities to expand clinical programs of the Marlene and Stewart Greenbaum Comprehensive Cancer and Organ Transplant Treatment Center, provided that it is the intent of the General Assembly that the State commitment to this project totals \$175,000,000 ~~7,500,000~~
500,000

(B) R Adams Cowley Shock Trauma Center – Phase III. Provide a grant to the University of Maryland Medical System to assist in the design, construction, and equipping of Phase III of renovations, upgrades, and expansion to the R Adams Cowley Shock Trauma Center 3,000,000

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

SA24 DIVISION OF NEIGHBORHOOD REVITALIZATION
 (Statewide)

- (A) Baltimore Regional Neighborhoods Initiative. Provide funds for grants and loans to nonprofit community development corporations or coalitions to fund comprehensive revitalization strategies for sustainable community areas in Baltimore City, Baltimore County, and Anne Arundel County, provided that \$850,000 of this authorization may be used only to provide grants to the following participants in the Housing Upgrades to Benefit Seniors program for the purpose of providing grants to senior homeowners for home safety improvements, home rehabilitation services, energy efficiency upgrades, or weatherization services:
- (1) Banner Neighborhoods Community Corporation;
 - (2) St. Ambrose Housing Aid Center;
 - (3) Green and Healthy Homes;
 - (4) Civic Works;
 - (5) Fayette Street Outreach Organization;
 - (6) Clergy United for the Transformation of Sandtown; and
 - (7) Comprehensive Housing Assistance, Inc. 12,000,000
- (B) Community Legacy Program. Provide funds to assist neighborhoods with revitalization efforts. The funds shall be administered in accordance with §§ 6–201 through 6–211 of the Housing and Community Development Article and Code of Maryland Regulations (COMAR) 05.17.01. Provided that any financial assistance awarded under this program is not subject to § 8–301 of the State Finance and Procurement Article 6,000,000
- (C) Neighborhood Business Development Program. Provide funds for grants and loans to fund community–based economic development activities in revitalization areas designated by local governments, including food desert projects in designated food deserts. The funds shall be administered in accordance with §§ 6–301 through 6–311 of the Housing and Community Development Article 8,000,000
- (D) Seed Community Development Anchor Institution Fund.

Provide funds for grants to higher education and health care institutions for community enhancement projects in blighted areas. The funds shall be administered in accordance with § 4-509 of the Housing and Community Development Article

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(E) Strategic Demolition Fund. Provide funds for grants and loans to government agencies and community development organizations for demolition, land assembly, architecture and engineering, and site development in designated Sustainable Communities. The funds shall be administered in accordance with § 4-508 of the Housing and Community Development Article. Provided that any financial assistance awarded under this program is not subject to § 8-301 of the State Finance and Procurement Article. Further provided that \$5,500,000 of this authorization may be used only to provide grants as follows:

(a) County Executive and County Council of Howard County for the design, construction, repair, renovation, reconstruction, demolition, and site improvement of buildings located in Ellicott City..... 5,000,000

(b) Board of County Commissioners of Allegany County for the design, construction, repair, renovation, reconstruction, demolition, and site improvement of the former Allegany High School..... 500,000 26,500,000

SA25 DIVISION OF DEVELOPMENT FINANCE
(Statewide)

(A) Homeownership Programs. Provide funds for below-market interest rate mortgages with minimum down payments to low- and moderate-income homebuyers. These funds shall be administered in accordance with §§ 4-235 through 4-241, 4-501, 4-502, 4-801 through 4-810, and 4-814 through 4-816 of the Housing and Community Development Article. Provided that any financial assistance awarded under this program is not subject to § 8-301 of the State Finance and Procurement Article 16,000,000

(B) Housing and Building Energy Programs. Provide funds in the form of loans or grants to promote energy-efficient

	improvements either through renovation of existing facilities, the construction of new properties, or the installation of equipment and materials for single-family and rental-housing properties to be administered in accordance with § 4-218 of the Housing and Community Development Article	1,000,000 <u>0</u>
(C)	Local Government Infrastructure Fund – Rural Broadband. Provide funds to provide grants and loans to local governments and private providers for improvements to broadband Internet access	9,180,000
(D)	Partnership Rental Housing Program. Provide funds to be credited to the Partnership Rental Housing Fund to be administered in accordance with §§ 4-501, 4-503, and 4-1201 through 4-1209 of the Housing and Community Development Article	6,000,000
(E)	Rental Housing Program. Provide funds for rental housing developments that serve low- and moderate-income households. The funds shall be administered in accordance with §§ 4-401 through 4-411, 4-501, and 4-504 of the Housing and Community Development Article	25,000,000
(F)	Shelter and Transitional Housing Facilities Grant Program. Provide grants to acquire, design, construct, renovate, and equip emergency shelters, transitional housing, and other facilities for homeless individuals and families. The funds shall be administered in accordance with Code of Maryland Regulations (COMAR) 05.05.09	3,000,000
(G)	Special Loan Programs. Provide funds to low- and moderate-income families, sponsors of rental properties occupied primarily by limited-income families, and nonprofit sponsors of housing facilities, including group homes and shelters to bring housing up to code and remediate lead paint hazards. These funds shall be administered in accordance with §§ 4-501, 4-505, 4-601 through 4-612, 4-701 through 4-712, 4-901 through 4-923, 4-926 through 4-931, and 4-933 of the Housing and Community Development Article. Provided that any financial assistance awarded under this program is not subject to § 8-301 of the State Finance and Procurement Article	4,000,000

DEPARTMENT OF THE ENVIRONMENT

(Statewide)

(A)	Comprehensive Flood Management Program. Provide funds to local governments for projects that reduce the risk of loss of life and property from flooding. Grant funds may be used to acquire flood-prone properties for demolition or relocation, install flood warning systems, and construct flood control projects, including engineering studies required to support the design of these projects. Capital projects that assist with flood management techniques may include but are not limited to: flood control dams, levees and dikes, stormwater detention or retention structures, and flood proofing.	5,980,000
	(1) <u>Cumberland Flood Control System and Concrete Repairs (Allegany County).....</u>	<u>188,000</u>
	(2) <u>Annapolis City Dock Stormwater and Flood Mitigation (Anne Arundel County)</u>	<u>700,000</u>
	(3) <u>Ellicott City Maryland Avenue Culverts (Howard County).....</u>	<u>3,000,000</u>
	(4) <u>Hunters Mill Pond Rehabilitation (Wicomico County).....</u>	<u>428,000</u>
	(5) <u>Cambridge Seawall Replacement (Dorchester County).....</u>	<u>368,000</u>
	(6) <u>Easton North Fork Tanyard Branch Stream Restoration and Stabilization (Talbot County)</u>	<u>106,000</u>
	(7) <u>Chambers Lake Dam Repairs (Caroline County)</u>	<u>6,000</u>
	(8) <u>Cristfield Tide Gates Culvert Modification and Pump Station (Somerset County)</u>	<u>172,000</u>
	(9) <u>Fruitland Tuxents Branch Stormwater Drainage Upgrade (Wicomico County)</u>	<u>945,000</u>
	(10) <u>Baltimore City Frederick Avenue (Baltimore City)</u>	<u>67,000</u>

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| (B) | Maryland Drinking Water Revolving Loan Fund. Provide funds to finance drinking water projects. The funds shall be administered in accordance with § 9–1605.1 of the Environment Article | 4,032,000 |
| (C) | Maryland Water Quality Revolving Loan Fund. Provide funds to finance water quality improvement projects. The funds shall be administered in accordance with § 9–1605 of the Environment Article | 7,686,000 |
| (D) | Mining Remediation Program. Provide funds to design, construct, and equip active and passive measures to remediate damage to water quality related to abandoned mining operations | 500,000 |
| (E) | Supplemental Assistance Program. Provide \$4,175,000 in grants to assist grant and loan recipients to meet the local share of construction costs for wastewater facility improvements. The funds shall be administered in accordance with § 9–345 through 9–350 of the Environment Article | 4,175,000 |
| (F) | Water Supply Financial Assistance Program. Provide funds for assistance to State and local government entities to acquire, design, construct, rehabilitate, equip, and improve water supply facilities. The funds shall be administered in accordance with §§ 9–420 through 9–426 of the Environment Article and any regulation adopted in accordance with those sections | 1,426,000 |

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MARYLAND ENVIRONMENTAL SERVICE
(Statewide)

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| (A) | Infrastructure Improvement Fund. Provide funds to design, construct, and equip water and wastewater facility improvements for State institutions, provided that notwithstanding Section 6 of this Act, work may continue on a project prior to the appropriation of all funds necessary to complete the project. Expenditures for a project detailed in the Fiscal Year 2021 Capital Budget Volume under this program may not exceed the amount listed therein by more than 7.5% without notification to the General Assembly. Funds may be spent only on the projects listed under this program in the Fiscal Year 2021 Capital Budget Volume or on prior or future authorized projects. Expenditure of any part of this appropriation for a prior or future authorized project shall also require notification to the General Assembly | 11,576,000 |
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WA01	DEPARTMENT OF STATE POLICE	
(A)	New Berlin Barrack and Garage. Provide funds to continue design of a new barrack, East Regional Forensic Lab and garage, and site improvements to replace the Barrack V – Berlin (Worcester County)	158,000
(B)	New Cumberland Barrack and Garage. Provide funds to complete construction and equip a new Cumberland Barrack and Garage (Allegany County)	2,352,000
(C)	New Tactical Operations Building. Provide funds to begin design of a new tactical operations building (Howard County)	742,000
ZA00	MISCELLANEOUS GRANT PROGRAMS	
(A)	A Wider Circle – Community Service Center. Provide a grant to the Board of Directors of A Wider Circle, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, expansion, site improvement, and capital equipping of A Wider Circle Community Services Center (Montgomery County)	500,000 <u>700,000</u>
(B)	Anne Arundel County – Defenders of Freedom Capital Gazette Memorial. Provide a grant to the County Executive and County Council of Anne Arundel County for property acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a monument to commemorate the victims of the Capital Gazette shooting and to honor freedom of the press (Anne Arundel County)	300,000
(C)	Arch Social Club – Stabilization and Revitalization. Provide a grant to the Arch Social Club, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Arch Social Club (Baltimore City)	500,000
(D)	Bainbridge Development Corporation – Bainbridge Naval Training Center Site Redevelopment. Provide a grant to the Board of Directors of Bainbridge Development Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of public infrastructure to support future development of the site of the former Bainbridge Naval	

	Training Center (Cecil County)	500,000 <u>2,000,000</u>
(E)	Baltimore County – Public Safety Facilities. Provide a grant to the County Executive and County Council of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of facilities for Baltimore County’s Fire Department and Police Department <u>County Police Department’s Precinct 1 – Wilkens</u> (Baltimore County)	500,000 <u>2,000,000</u>
(F)	Boy Scouts of America Baltimore Area Council – Broad Creek Memorial Scout Reservation Infrastructure Improvements. Provide a grant to the Board of Directors of the Baltimore Area Council, Boy Scouts of America, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of infrastructure improvements at the Broad Creek Memorial Scout Reservation located in Whiteford (Harford County)	450,000 <u>500,000</u>
(G)	Brunswick Volunteer Ambulance and Rescue – Facility Expansion. Provide a grant to the Board of Directors of Brunswick Volunteer Ambulance, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of an expansion at the Brunswick Volunteer Ambulance Company (Frederick County)	150,000
(H)	Carroll County Agriculture Center and Shipley Arena – Facility Upgrades. Provide a grant to the Board of Directors of The Carroll County Agriculture Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Carroll County Agriculture Center and Shipley Arena (Carroll County)	250,000
(I)	Carroll County – Charles Carroll Community Center. Provide a grant to the Board of County Commissioners of Carroll County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new community center and deceleration lane for access (Carroll County)	250,000
(J)	Carroll County – New Sewer Pump Station <u>Hampstead Wastewater Treatment Plant</u> . Provide a grant to the Board of	

	County Commissioners of Carroll County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new sewer pump station at the Maintenance Center <u>capital improvements and upgrades to the Hampstead Wastewater Treatment Plant</u> (Carroll County)	500,000
(K)	Carroll County Public Safety Training Center. Provide a grant to the Executive Committee of the Carroll County Emergency Services Association, Inc. for the planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Carroll County Public Safety Training Center (Carroll County)	1,000,000
(L)	Charles E. Smith Jewish Day School – Capital Improvements. Provide a grant to the Board of Directors of the Charles E. Smith Jewish Day School of Greater Washington, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of capital improvements to Charles E. Smith Jewish Day School’s Lower School (Montgomery County)	600,000
(M)	Chesapeake Bay Maritime Museum – New Exhibition Building <u>Capital Improvements</u> . Provide a grant to the Board of Governors of the Chesapeake Bay Maritime Museum, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new exhibit building <u>capital improvements</u> for the Chesapeake Bay Maritime Museum (Talbot County)	300,000
(N)	Chesapeake Culinary Center – New Community Space. Provide a grant to the Board of Directors of The Friends of the Grape, Inc. d.b.a. Chesapeake Culinary Center for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Chesapeake Culinary Center to create community space (Caroline County)	50,000
(O)	City of Cumberland – Baltimore Street Town Centre. Provide a grant to the Mayor and City Council of the City of Cumberland for the acquisition, planning, design, construction, repair, renovation, reconstruction, restoration, and capital equipping of the Baltimore Street Town Centre in Cumberland (Allegany County)	500,000
(P)	City of Frostburg – City Hall Relocation. Provide a grant to the Mayor and City Council of the City of Frostburg for the	

	acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the City Hall relocation project in Frostburg (Allegany County)	500,000
(Q)	City of Gaithersburg – New Police Station. Provide a grant to the Mayor and City Council of the City of Gaithersburg for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new Gaithersburg Police Station (Montgomery County)	1,000,000
(R)	City of Hyattsville – Police <u>and Public Safety</u> Headquarters Renovation and Addition. Provide a grant to the Mayor and City Council of the City of Hyattsville for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the City of Hyattsville’s police <u>and public safety</u> headquarters (Prince George’s County)	200,000
(S)	Compass Regional Hospice – Hope and Healing Center. Provide a grant to the Board of Directors of Compass Regional Hospice, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, expansion, site improvement, and capital equipping of Compass Regional Hospice in Centreville (Queen Anne’s County)	500,000
(T)	Compass Regional Hospice – New Hospice Center. Provide a grant to the Board of Directors of Compass Regional Hospice, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a New Hospice Center in Denton (Caroline County)	400,000
(U)	Delmarva Community Services – Chesapeake Grove Intergenerational Center. Provide a grant to the Board of Directors of Delmarva Community Services, Inc. for the planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Harry and Jeanette Weinberg Center at Chesapeake Grove (Dorchester County)	1,000,000
(V)	Franciscan Center – Building Repairs. Provide a grant to the Board of Directors of the Franciscan Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Franciscan Center (Baltimore City)	250,000 200,000

(W)	Frederick County Public Safety Training Facility Expansion and Renovation. Provide a grant to Frederick County, Maryland, for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Frederick County Public Safety Training Facility, including an addition (Frederick County)	1,500,000
(X)	Garrett College – Community Education and Performing Arts Center. Provide a grant to the Board of Trustees of Garrett Community College, Inc. d.b.a. Garrett College for the design, construction, and equipping of renovations and an expansion to the 800 Building on Garrett College’s main campus, which will become the Community Education and Performing Arts Center (Garrett County)	8,500,000 <u>9,200,000</u>
(Y)	Girl Scouts of Central Maryland, Inc. – Camp Woodlands Renovation. Provide a grant to the Board of Directors of the Girl Scouts of Central Maryland, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, restoration, and capital equipping of buildings and facilities at Camp Woodlands, including site improvements to the camp (Anne Arundel County)	450,000
(Z)	Hagerstown Revitalization. Provide a grant to the Board of County Commissioners of Washington County for the planning, design, construction, site improvement, and capital equipping of the renovation and expansion of the Maryland Theatre and the Barbara Ingram School for the Arts (Urban Educational Campus) and for the University System of Maryland at Hagerstown (Washington County)	2,500,000
(AA)	Harford County – Ma and Pa Trail. Provide a grant to the County Executive and County Council of Harford County to assist in the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a pedestrian and bicycle trail extension (Harford County)	100,000
(AB)	Harford County – The Harford County Agricultural Center. Provide a grant to the County Executive and County Council of Harford County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Harford County Agricultural Center (Harford County)	400,000
(AC)	Helping Up Mission – Women’s and Children’s Center. Provide	

	a grant to the Board of Directors of the Helping Up Mission, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a women’s and children’s support services building (Baltimore City)	500,000
(AD)	Historic Annapolis Restoration. Provide a grant to the Board of Trustees of Historic Annapolis, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of facility and infrastructure improvements to the Brice House and other historic properties leased to Historic Annapolis, Inc. (Anne Arundel County)	1,000,000
(AE)	House of Ruth Maryland – Administrative Building and Shelter. Provide a grant to the Board of Directors of the House of Ruth Maryland, Inc. for the planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of an administrative building and shelter (Baltimore City)	500,000
(AF)	Imagination Stage – New Storage Facility. Provide a grant to the Board of Directors of Imagination Stage, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new facility for storage and operations for Imagination Stage in Bethesda (Montgomery County)	250,000 300,000
(AG)	Johns Hopkins Bayview Medical Center – New Inpatient Building and Renovation. Provide a grant to the Board of Trustees of the Johns Hopkins Bayview Medical Center, Inc. <u>Johns Hopkins Health System</u> for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of an inpatient building (Baltimore City)	2,000,000
(AH)	Kent School – New Performing Arts Wing. Provide a grant to the Board of Directors of Kent School, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the new Performing Arts Wing in Chestertown (Kent County)	100,000
(AI)	Lexington Market Revitalization. Provide a grant to the Board of Directors of Lexington Market, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of	

	Lexington Market (Baltimore City)	2,000,000
(AJ)	Maryland Historical Society – Building Renovations. Provide a grant to the Board of Directors and the Board of Trustees of the Maryland Historical Society for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of facility and infrastructure improvements at the Maryland Historical Society (Baltimore City)	1,000,000
(AK)	Maryland Independent College and University Association – Johns Hopkins University. Provide a grant equal to the lesser of (i) \$2,667,000 <u>\$4,000,000</u> or (ii) the amount of the matching fund provided, to the Board of Trustees of Johns Hopkins University for the acquisition, design, construction, and equipping of the Henrietta Lacks Building at Johns Hopkins University’s East Baltimore Campus, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City)	2,667,000 <u>4,000,000</u>
(AL)	Maryland Independent College and University Association – Notre Dame of Maryland University. Provide a grant equal to the lesser of (i) \$2,667,000 <u>\$4,000,000</u> or (ii) the amount of the matching fund provided, to the Board of Trustees of Notre Dame of Maryland University for the design, construction, and equipping of renovations to the Knott Science Building, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding the provisions of Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City)	2,667,000 <u>4,000,000</u>
(AM)	Maryland Independent College and University Association – Maryland Institute College of Art. Provide a grant equal to the lesser of (i) \$2,667,000 <u>\$4,000,000</u> or (ii) the amount of the matching fund provided, to the Board of Trustees of Maryland Institute College of Art for the design, construction, and equipping of renovations to the 81 Mosher Street Building, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding the provisions of Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City)	2,667,000

		<u>4,000,000</u>
(AN)	Maryland State Fair – Renovations. Provide a grant to the Board of Directors of the Maryland State Fair and Agricultural Society, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of structures and facilities at the Maryland State Fairgrounds (Baltimore County)	500,000
(AO)	Maryland Zoo in Baltimore – Infrastructure Improvements. Provide a grant to the Board of Trustees of the Maryland Zoological Society, Inc. to assist in funding the design, construction, and equipping of infrastructure improvements for the exhibits and operations of the Maryland Zoo in Baltimore (Baltimore City)	4,750,000 <u>5,050,000</u>
(AP)	MedStar Franklin Square Hospital – New Surgical Tower. Provide a grant to the Board of Trustees of Franklin Square Hospital Center, Inc. d.b.a. MedStar Franklin for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new surgical tower and infrastructure improvements at MedStar Franklin Square Hospital Center (Baltimore County)	2,000,000 <u>3,500,000</u>
(AQ)	Mount Pleasant Development Corporation – Mount Pleasant Family Life Center. Provide a grant to the Board of Directors of the Mount Pleasant Community Development Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Mount Pleasant Family Life Center (Baltimore City)	500,000 <u>100,000</u>
(AR)	National Aquarium in Baltimore. Provide a grant to the Board of Directors of the National Aquarium in Baltimore, Inc. to assist in the design, construction, renovation, and equipping of infrastructure improvements at the National Aquarium in Baltimore (Baltimore City)	5,000,000
(AS)	NorthBay Education – Capital Improvements. Provide a grant to the Board of Directors of NorthBay Education, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of infrastructure and other capital improvements to NorthBay in	

	North East, Maryland (Cecil County)	250,000
(AT)	Olney Theatre Center – Site Improvements and Artists’ Village. Provide a grant to the Board of Directors of Olney Theatre Center for the Arts, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of site improvements and an Artists’ Village for the Olney Theatre Center (Montgomery County)	250,000 <u>2,000,000</u>
(AU)	Paul’s Place – Community Training Kitchen. Provide a grant to the Board of Directors of Paul’s Place, Inc. for the planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a community training kitchen (Baltimore City)	250,000
(AV)	Pearlstone Center – Campus Renovation and Expansion. Provide a grant to the Board of Directors of the Pearlstone Conference and Retreat Center for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Pearlstone Center’s campus in Reisterstown (Baltimore County)	1,000,000
(AW)	Queen Anne’s County Arts Council – Renovation of Queen Anne’s County Centre for the Arts. Provide a grant to the Board of Directors of Queen Anne’s County Arts Council, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Queen Anne’s County Centre for the Arts (Queen Anne’s County)	250,000
(AX)	Ralph J. Bunche Community Center. Provide a grant to the Board of Directors of the Ralph J. Bunche Community Center, Inc. for the planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Ralph Bunche School to create the Ralph Bunche Community Center in Edgewater (Anne Arundel County)	250,000
(AY)	Ripken Stadium. Provide a grant to the Mayor and City Council of the City of Aberdeen for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of improvements to Ripken Stadium (Harford County)	1,419,000
(AZ)	Roberta’s House – New Grief Support Center. Provide a grant to the Board of Directors of Roberta’s House, Inc. for the acquisition, planning, design, construction, repair, renovation,	

	reconstruction, site improvement, and capital equipping of Roberta’s House Grief Support Center (Baltimore City)	500,000
(BA)	Ronald McDonald House Charities Baltimore – New Ronald McDonald House. Provide a grant to the Board of Directors of the Ronald McDonald House Charities of Baltimore, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new Ronald McDonald House (Baltimore City)	500,000
(BB)	Salisbury Revitalization. Provide a grant to the <u>Mayor and City Council of the</u> City of Salisbury for the acquisition, planning, design, construction, repair, renovation, reconstruction, expansion, site improvement, and capital equipping of infrastructure upgrades in the City of Salisbury (Wicomico County)	1,000,000
(BC)	Sheppard Pratt Hospital – Sheppard Pratt at Elkridge. Provide a grant to the Board of Directors of the Sheppard Pratt Health System, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a replacement mental health hospital facility in Elkridge (Howard County)	2,000,000
(BD)	Somerset County – Crisfield–Somerset County Airport Hangars. Provide a grant to the Somerset County Commissioners for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of aircraft hangars at the Crisfield–Somerset County Airport (Somerset County)	300,000
(BE)	St. Francis Neighborhood Center – Expansion. Provide a grant to the Board of Directors of the St. Francis Neighborhood Center Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of an expansion to the St. Francis Neighborhood Center (Baltimore City)	750,000 500,000
(BF)	St. Mary’s County – Regional Agricultural Center. Provide a grant to the St. Mary’s County Commissioners <u>Southern Maryland Agricultural Development Commission of the Tri–County Council of Southern Maryland</u> for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Regional Agricultural Center (St. Mary’s County)	200,000

(BG)	The League for People with Disabilities – Facility Upgrade. Provide a grant to the Board of Directors of the League for People with Disabilities Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of an expansion at the Cold Spring Lane facility (Baltimore City)	250,000
(BH)	The Y in Central Maryland – Infrastructure Improvements and New Y Family Center. Provide a grant to the Board of Directors of the Young Men’s Christian Association (YMCA) of Central Maryland, Inc. for the planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of infrastructure improvements for existing Y family centers in Upton–Druid Heights and Waverly, and a new Y family center in Southwest Baltimore (Baltimore City)	1,000,000
(BI)	Town of La Plata – Kent Avenue Corridor Community Center. Provide a grant to the Town of La Plata for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Kent Avenue Corridor Community Center (Charles County) ...	250,000
(BJ)	Town of Mount Airy – Rails to Trails CSX. Provide a grant to the Mayor and Town Council of the Town of Mount Airy for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Rails to Trails CSX project (Frederick County)	300,000
(BK)	Town of New Market – Stormwater Drains Infrastructure. Provide a grant to the Mayor and Town Council of the Town of New Market for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of stormwater drains in New Market (Frederick County)	100,000 <u>171,000</u>
(BL)	University of Maryland – New Hillel Student Center. Provide a grant to the Board of Directors of Ben and Esther Rosenbloom Hillel Center for Jewish Life at University of Maryland, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new Hillel Center for Social Justice student center at the University of Maryland, College Park Campus (Prince George’s County)	600,000
(BM)	Upper Bay Counseling and Support Services – Interior Outfitting. Provide a grant to the Board of Directors of Upper	

	Bay Counseling and Support Services, Inc. for the planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the interior of a new facility (Cecil County)	500,000
(BN)	Washington County Public Service Academy – New Training Facility. Provide a grant to the Board of County Commissioners of Washington County for the acquisition, planning, design, construction, repair, renovation, reconstruction, expansion, site improvement, and capital equipping of a new Washington County Public Service Academy, including an Incident Command Room (Washington County)	500,000
(BO)	Waterfront Partnership of Baltimore – Rash Field Improvements. Provide a grant to the Board of Directors of the Waterfront Partnership of Baltimore, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Rash Field (Baltimore City)	500,000
(BP)	<u>Greenway Avenue Stadium. Provide a grant to the Greenway Avenue Stadium Capital Improvement Fund, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of infrastructure improvements at Greenway Avenue Stadium (Allegany County).....</u>	<u>750,000</u>
(BQ)	<u>Port Discovery Children’s Museum. Provide a grant to the Board of Directors of The Baltimore Children’s Museum, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Port Discovery Children’s Museum, including fabrication and installation of exhibits (Baltimore City)</u>	<u>1,000,000</u>
(BR)	<u>Johns Hopkins Medicine New Medical Research Building, Children’s Medical and Surgical Center, and North Tower Annex. Provide a grant to the Board of Trustees of the Johns Hopkins Health System for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of a new medical research building to house the Children’s Medical and Surgical Center including the North Tower Annex (Baltimore City)</u>	<u>2,500,000</u>
(BS)	<u>Maryland Science Center. Provide a grant to the Board of Trustees of the Maryland Science Center for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of</u>	

	<u>infrastructure improvements at the Maryland Science Center (Baltimore City)</u>	<u>1,500,000</u>
(BT)	<u>Kennedy Krieger Institute – Gompers School Building. Provide a grant to the Board of Directors of the Kennedy Krieger Institute, Inc. for the planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Gompers School Building (Baltimore City)</u>	<u>1,500,000</u>
(BU)	<u>Special Olympics Maryland Headquarters. Provide a grant to the Board of Directors of Special Olympics Maryland for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new headquarters facility at Towson University (Baltimore County)</u>	<u>875,000</u>
(BV)	<u>Merriweather Post Pavilion. Provide a grant to the Downtown Columbia Arts and Cultural Commission c/o Merriweather Post Pavilion to assist in funding the design, construction, reconstruction, renovation, repair, and capital equipping of infrastructure improvements at the Merriweather Post Pavilion (Howard County)</u>	<u>2,000,000</u>
(BW)	<u>Round House Theatre. Provide a grant to the Board of Trustees of the Round House Theatre, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Round House Theatre facility (Montgomery County)</u>	<u>1,500,000</u>
(BX)	<u>Prince George’s County Amphitheatre at Central Park. Provide a grant to the Maryland–National Capital Park and Planning Commission for the design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new amphitheatre located at Central Park (Prince George’s County)</u>	<u>5,000,000</u>
(BY)	<u>Prince George’s County Public High School Athletic Facilities. Provide a grant to the Prince George’s County Office of the County Executive for the planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of athletic facilities at Prince George’s County public high schools (Prince George’s County)</u>	<u>4,000,000</u>
(BZ)	<u>Bay Sox Stadium. Provide a grant to the Maryland–National Capital Park and Planning Commission for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of</u>	

	<u>infrastructure improvements at the Bay Sox Stadium, also known as Prince George’s Stadium (Prince George’s County) ..</u>	<u>500,000</u>
(CA)	<u>Bladensburg Waterfront Dock. Provide a grant to the Maryland–National Capital Park and Planning Commission for the design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new dock at the Bladensburg Waterfront (Prince George’s County)</u>	<u>250,000</u>
(CB)	<u>Southern Maryland Agricultural Land Preservation. Provide a grant to the Tri–County Council for Southern Maryland for the purposes of acquiring land preservation easements and purchases in support of the Southern Maryland Agricultural Development Commission (Regional)</u>	<u>1,000,000</u>
(CC)	<u>Ebenezer A.M.E. Church. Provide a grant to the Ebenezer A.M.E. Church for the planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Ebenezer A.M.E. Church in Fort Washington (Prince George’s County)</u>	<u>100,000</u>
(CD)	<u>Arena Players. Provide a grant to the Board of Directors of the Arena Players, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Arena Players theatre (Baltimore City)</u>	<u>100,000</u>
(CE)	<u>National Cryptologic Museum – Cyber Center of Education and Innovation. Provide a grant to the Board of Directors of The National Cryptologic Museum Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Cyber Center of Education and Innovation (Anne Arundel County)</u>	<u>125,000</u>
(CF)	<u>Habitat for Humanity of the Chesapeake. Provide a grant to the Board of Directors of the Habitat for Humanity of the Chesapeake, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Habitat for Humanity of the Chesapeake homes in Belair Edision (Baltimore City).....</u>	<u>250,000</u>
(CG)	<u>Baltimore Police Mounted Unit Stables. Provide a grant to the First Mile Stable Charitable Foundation, LLC for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the</u>	

	<u>Baltimore Police Mounted Unit facilities (Baltimore City).....</u>	<u>250,000</u>
(CH)	<u>Patriot Point. Provide a grant to the Patriot Point LLC for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Patriot Point retreat facility, located in Dorchester County (Dorchester County)</u>	<u>320,000</u>
(CI)	<u>Warrior Canine Connection. Provide a grant to the Board of Directors of the Warrior Canine Connection, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Warrior Canine Connection facility, located in Montgomery County (Montgomery County)</u>	<u>500,000</u>
(CJ)	<u>Hippodrome Foundation. Provide a grant to the Board of Directors of the Hippodrome Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the France–Merrick Performing Arts Center, located in Baltimore City (Baltimore City).....</u>	<u>1,000,000</u>
(CK)	<u>Baltimore Museum of Art. Provide a grant to the governing board of The Baltimore Museum of Art, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Baltimore Museum of Art facility, including repairs to the buildings’ roofs, located in Baltimore City (Baltimore City)</u>	<u>2,000,000</u>
(CL)	<u>Prince George’s Hospital Center Redevelopment. Provide a grant to the Redevelopment Authority of Prince George’s County for the planning and design of the redevelopment of the former site of the Prince George’s Hospital Center (Prince George’s County)</u>	<u>200,000</u>
(CM)	<u>Hands on Patterson Park Public. Provide a grant to the Board of Directors of the Patterson Park Public Charter School, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Hands on Patterson Park Public, located in Baltimore City (Baltimore City)</u>	<u>300,000</u>
(CN)	<u>Gilchrist Center Baltimore. Provide a grant to the Board of Directors of Gilchrist Hospice Care, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Gilchrist Center Baltimore facility, located in Baltimore City</u>	

	<u>(Baltimore City).....</u>	<u>1,000,000</u>
<u>(CO)</u>	<u>Hoeh Lithograph Building. Provide a grant of \$200,000 to the 2101 East Biddle, LLC for the purchase and installation of security cameras, outside lighting, and other security equipment, located in Baltimore City (Baltimore City)</u>	<u>200,000</u>
<u>(CP)</u>	<u>Modell Performing Arts Center at the Lyric. Provide a grant of \$500,000 to the Board of Trustees of the Lyric Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Modell Performing Arts Center at the Lyric, including repairs to the building's roof, located in Baltimore City (Baltimore City).....</u>	<u>500,000</u>
<u>(CQ)</u>	<u>Southern Bridge. Provide a grant to the Board of Directors of the Mary Harvin Transformation Center Community Development Corporation for installation of a parking lot, located in Baltimore City (Baltimore City)</u>	<u>500,000</u>
<u>(CR)</u>	<u>National Center on Institutions and Alternatives Expansion. Provide a grant to the Board of Directors of the National Center on Institutions and Alternatives, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the National Center on Institutions and Alternatives facility, located in Baltimore County (Baltimore County)</u>	<u>350,000</u>
<u>(CS)</u>	<u>Goodwill Industries of Monocacy Valley. Provide a grant to the Board of Directors of Goodwill Industries of Monocacy Valley, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Platoon Veterans Services Center at Goodwill, located in Frederick County (Frederick County)</u>	<u>500,000</u>
<u>(CT)</u>	<u>Lake Linganore Dredging. Provide a grant to the County Executive and County Council of Frederick County for the acquisition, planning, design, construction, repair, renovation, site improvement, and capital equipping of dredging and sediment removal from Lake Linganore, located in Frederick County (Frederick County)</u>	<u>2,000,000</u>
<u>(CU)</u>	<u>Religious Coalition for Emergency Human Needs. Provide a grant to the Board of Trustees of the Religious Coalition for Emergency Human Needs in Frederick County, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the</u>	

	<u>Religious Coalition for Emergency Human Needs facility, located in Frederick County (Frederick County)</u>	<u>500,000</u>
(CV)	<u>Kent County High School. Provide a grant of \$250,000 to the Board of Education of Kent County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the athletic track and tennis courts at Kent County High School, located in Kent County (Kent County)</u>	<u>250,000</u>
(CW)	<u>Hero Dogs, Inc. Provide a grant to the Board of Directors of Hero Dogs, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Hero Dogs facility, located in Montgomery County (Montgomery County)</u>	<u>30,000</u>
(CX)	<u>Rockville Welcome Center. Provide a grant of \$200,000 to the Board of Directors of CASA de Maryland, Inc. and the County Executive and County Council of Montgomery County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Rockville Welcome Center facility, located in Montgomery County (Montgomery County)</u>	<u>200,000</u>
(CY)	<u>Sandy Spring Meadow Basketball Court. Provide a grant to the Board of Commissioners of the Housing Opportunities Commission of Montgomery County for the design, construction, repair, reconstruction, renovation, site improvement, and capital equipping of the Sandy Spring Meadow community basketball court, located in Montgomery County (Montgomery County)</u>	<u>7,000</u>
(CZ)	<u>YMCA Bethesda–Chevy Chase. Provide a grant to the Board of Directors of the Young Men’s Christian Association of Metropolitan Washington for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the YMCA Bethesda–Chevy Chase facility, located in Montgomery County (Montgomery County)</u>	<u>325,000</u>
(DA)	<u>College Park City Hall. Provide a grant to the Mayor and City Council of the City of College Park for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of retail and community space plazas at the new College Park City Hall, including improvements to the site’s grounds, located in Prince George’s County (Prince George’s County).....</u>	<u>500,000</u>

- (DB) Seat Pleasant City Hall. Provide a grant to the Mayor and City Council of the City of Seat Pleasant for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Seat Pleasant City Hall facility, located in Prince George’s County (Prince George’s County)..... 250,000
- (DC) The Ivy Village Incubator for Nonprofit Excellence. Provide a grant to the Board of Directors of The Ivy Community Charities of Prince George’s County, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of The Ivy Village Incubator for Nonprofit Excellence facility, located in Prince George’s County (Prince George’s County)..... 250,000
- (DD) Long Branch–Garland Neighborhood Park. Provide a grant to the Maryland–National Capital Park and Planning Commission for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Long Branch–Garland Neighborhood Park, including the installation of playground equipment and improvements to the park’s grounds, located in Montgomery County (Montgomery County) 350,000
- (DE) North County High School Field House. Provide a grant of \$443,500 to the Board of Education of Anne Arundel County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a boys and girls team field house at North County High School, located in Anne Arundel County (Anne Arundel County) 443,500
- (DF) Maryland University of Integrative Health. Provide a grant to the Board of Trustees of the Maryland University of Integrative Health, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Maryland University of Integrative Health facility, including improvements to the building’s parking lot, located in Howard County (Howard County)..... 350,000
- (DG) Jonathan Street Revitalization. Provide a grant to Preservation Maryland for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of infrastructure improvements and upgrades in Jonathan Street, located in Hagerstown Maryland (Washington County) 250,000

(DH)	<u>Sinai Hospital of Baltimore. Provide a grant to the governing board of Sinai Hospital to assist in the renovation and expansion of the neonatal intensive care unit at Sinai Hospital of Baltimore, Inc. (Baltimore City)</u>	<u>1,000,000</u>
(DI)	<u>Hagerstown Minor League Baseball Stadium. Provide a grant to the Mayor and City Council of the City of Hagerstown for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a minor league baseball stadium, located in the City of Hagerstown (Washington County)</u>	<u>500,000</u>
(DJ)	<u>Innovative Center for Autonomous Systems. Provide a grant to the Southern Maryland Navy Alliance for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of office and meeting space for the Innovative Center for Autonomous Systems (St. Mary's County)</u>	<u>500,000</u>
(DK)	<u>Westside Regional Park. Provide a grant to the Mayor and City Council of the City of Frederick for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of infrastructure improvements to Westside Regional Park, located in the City of Frederick (Frederick County)</u>	<u>400,000</u>
(DL)	<u>Michael E. Busch Annapolis Library Signage. Provide a grant to the County Executive and County Council of Anne Arundel County for the design, construction, and capital equipping of signage for the Michael E. Busch Annapolis Library (Anne Arundel County)</u>	<u>100,000</u>
(DM)	<u>Middle Branch Park. Provide a grant to the Baltimore City Department of Recreation and Parks for the planning, design, construction, repair, reconstruction, renovation, site improvement, and capital equipping of infrastructure improvements to Middle Branch Park (Baltimore City)</u>	<u>500,000</u>
(DN)	<u>Patuxent River State Park. Provide funds for the design, construction, and capital equipping of infrastructure improvements to Patuxent River State Park (Montgomery County)</u>	<u>100,000</u>
(DO)	<u>Discovery Park at the University of Maryland. Provide a grant to the Mayor and City Council of the City of College Park for the acquisition, planning, design, construction, repair,</u>	

	<u>renovation, reconstruction, site improvement, and capital equipping of a community space and park in the Discovery District, including improvements to the site’s grounds, located in Prince George’s County (Prince George’s County).....</u>	<u>150,000</u>
(DP)	<u>Paint Branch Pedestrian Improvements. Provide a grant to the Board of Directors of the College Park City – University Partnership, Inc. for the acquisition, planning, design, engineering, construction, repair, renovation, reconstruction, site improvement, and capital equipping of infrastructure improvements to pedestrian connectivity adjacent to Paint Branch Parkway, located in Prince George’s County (Prince George’s County)</u>	<u>200,000</u>
(DQ)	<u>Beacon Heights – East Pines Redevelopment. Provide a grant to the Board of Directors of Sowing Empowerment and Economic Development, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the properties at Beacon Heights – East Pines Purple Line Station, including redevelopment for mixed–use retail and residential development (Prince George’s County).....</u>	<u>400,000</u>
(DR)	<u>Paint Branch Trail and Underpass of the Baltimore Avenue Bridge. Provide a grant to the Board of Directors of the College Park—University Partnership, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of walkways along the Paint Branch Trail and Baltimore Avenue Bridge underpass (Prince George’s County)</u>	<u>250,000</u>
(DS)	<u>Burtis House Stabilization. Provide a grant to the Board of Directors of Preservation Maryland for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Burtis House, located in Anne Arundel County (Anne Arundel County)</u>	<u>75,000</u>
(DT)	<u>Fort Washington Medical Center. Provide a grant to the Board of Directors of the Fort Washington Medical Center, Inc. for the acquisition of medical equipment including but not limited to a new CAT scan and magnetic resonance imaging equipment, located in Fort Washington (Prince George’s County).....</u>	<u>500,000</u>
(DU)	<u>Brooklyn Park Athletic Complex. Provide a grant to the County Executive and County Council of Anne Arundel County and the Board of Education of Anne Arundel County for the acquisition,</u>	

	<u>planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new Brooklyn Park Athletic Complex, located in Anne Arundel County (Anne Arundel County).....</u>	<u>80,000</u>
(DV)	<u>Lakeshore Volunteer Fire Department. Provide a grant to the Board of Directors of the Lakeshore Volunteer Fire Department, Inc. for the acquisition and purchase of new fire and rescue equipment and vehicles (Anne Arundel County)</u>	<u>100,000</u>
(DW)	<u>Baltimore County Department of Recreation and Parks Police Athletic League Centers. Provide a grant to the Baltimore County Department of Recreation and Parks for acquisition, planning, design, construction, repair, reconstruction, site improvement, and capital equipping of Baltimore County Police and Athletic Center facilities (Baltimore County)</u>	<u>500,000</u>
(DX)	<u>Bishop McNamara High School. Provide a grant to the Board of Directors of Bishop McNamara High School, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the La Reine Science and Innovation Center at Bishop McNamara High School, located in Prince George’s County (Prince George’s County)</u>	<u>250,000</u>
(DY)	<u>Laurel Municipal Building. Provide a grant to the City of Laurel for the planning, design, and construction of the city’s municipal building, including capital improvements to all building entry points, a secure location for passport assistance, and new security cameras (Prince George’s County).....</u>	<u>150,000</u>
(DZ)	<u>Pip Moyer Recreation Center. Provide a grant to the Mayor and City Council of the City of Annapolis for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of playgrounds and parks at The “Pip” Moyer Recreation Center and other Annapolis locations, located in Anne Arundel County (Anne Arundel County)</u>	<u>350,000</u>
(EA)	<u>Severn Intergenerational Center. Provide a grant to the Anne Arundel County Community Development Services, Inc. for the acquisition, planning, design, construction, renovation, reconstruction, rehabilitation, site improvement, and capital equipping of infrastructure improvements for the Severn Intergenerational Center (Anne Arundel County).....</u>	<u>1,000,000</u>
(EB)	<u>Community Action Council Early Childhood Education Center.</u>	

	<u>Provide a grant to the Board of Directors of the Community Action Council of Howard County, Maryland, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Long Reach Head Start Center (Howard County)</u>	<u>150,000</u>
(EC)	<u>Garrett County Public Schools Track Improvements. Provide a grant to the Board of County Commissioners of Garrett County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the athletic tracks at Southern Garrett High School and Northern Garrett High School (Garrett County)</u>	<u>100,000</u>
ZA01	MARYLAND HOSPITAL ASSOCIATION	
(A)	Atlantic General Hospital. Provide a grant to the Board of Trustees of Atlantic General Hospital Corporation for the design, construction, and equipping of a new ambulatory surgery facility, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Worcester County)	800,000
(B)	Frederick Memorial Hospital. Provide a grant to the Board of Directors of the Frederick Health Hospital, Inc. for the design, construction, renovation, and equipping of an expansion of the Critical Care Pavilion, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Frederick County)	2,500,000
(C)	The Johns Hopkins Hospital. Provide a grant to the Board of Trustees of The Johns Hopkins Health System to assist in the design, construction, and equipping of two contiguous row homes in East Baltimore, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City)	691,000
(D)	Kennedy Krieger Children’s Hospital. Provide a grant to the Board of Directors of Kennedy Krieger Children’s Hospital, Inc. to assist in the design, construction, and equipping of renovations of existing inpatient space to create a pediatric epilepsy monitoring unit, subject to the requirement that the	

grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City) 450,000

(E) MedStar Montgomery Medical Center. Provide a grant to the Board of Directors of Montgomery General Hospital, Inc. for the design, construction, and equipping of an Acute Care for the Elderly Unit and Geriatric Emergency Department, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Montgomery County) 400,000

(F) Meritus Medical Center. Provide a grant to the Board of Directors of Meritus Medical Center, Inc. for the design, construction, renovation, and equipping of the John Marsh Cancer Center, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Washington County) 509,000

(G) Mount Washington Pediatric Hospital. Provide a grant to the Board of Trustees of Mt. Washington Pediatric Hospital, Inc. to assist in the design, construction, and equipping of a new rehabilitation gymnasium and treatment space, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City) 750,000

(H) Sinai Hospital of Baltimore – Center for Hope. Provide a grant to the Board of Directors of Sinai Hospital of Baltimore, Inc. for the design, construction, and equipping of a new Center for Hope, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City) 500,000

ZA02

LOCAL SENATE INITIATIVES

(A) Allegany County Informational Historic Markers. Provide a grant of \$5,000 to the Board of Directors of the Cumberland Historic Cemetery Organization, Inc. for the acquisition, planning, design, construction, repair, renovation,

	<u>reconstruction, site improvement, and capital equipping of informational historic markers at multiple cemeteries, located in Allegany County (Allegany County)</u>	<u>5,000</u>
(B)	<u>Civil Air Patrol Squadron Building. Provide a grant to the Board of Governors of the Civil Air Patrol for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Civil Air Patrol Squadron Building, located in Allegany County (Allegany County)</u>	<u>42,000</u>
(C)	<u>Western Maryland Scenic Railroad. Provide a grant to the Board of Directors of Western Maryland Scenic Railroad Development Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a railroad tamping machine, located in Allegany County (Allegany County)</u>	<u>45,000</u>
(D)	<u>American Legion Guy C. Parlett Post 7. Provide a grant equal to the lesser of (i) \$38,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Guy C. Parlett Post No. 7, American Legion, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the American Legion Guy C. Parlett Post 7 facility, including improvements to the building’s parking lot, located in Anne Arundel County (Anne Arundel County)</u>	<u>38,000</u>
(E)	<u>American Legion Post 141. Provide a grant of \$25,000 to the Board of Directors of The American Legion, Department of Maryland, Cook–Pinkney Post No. 141, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the American Legion Post 141 building, including repairs to the building’s roof, located in Anne Arundel County (Anne Arundel County)</u>	<u>25,000</u>
(F)	<u>Bello Machre Community Training and Gathering Center. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Bello Machre, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Bello Machre Community Training and Gathering Center, located in Anne Arundel County (Anne Arundel County)</u>	<u>150,000</u>
(G)	<u>Benson–Hammond House. Provide a grant of \$50,000 to the</u>	

Board of Directors of the Ann Arrundell County Historical Society, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Benson–Hammond House, located in Anne Arundel, subject to a requirement that the grantee provide and expend a matching fund of \$5,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Anne Arundel County) ... 50,000

(H) Brewer Hill Cemetery. Provide a grant of \$70,000 to the Board of Directors of the Brewer Hill Cemetery Association, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Brewer Hill Cemetery facilities, located in Anne Arundel County (Anne Arundel County) 70,000

(I) Deale Elks Lodge No. 2528. Provide a grant of \$40,000, to the Board of Trustees of the Deale Elks Lodge 2528 of the Benevolent and Protective Order of Elks of the United States of America for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Deale Elks Lodge building including repairs to the building’s roof, located in Anne Arundel County, subject to a requirement that the grantee provide and expend a matching fund of \$10,000 (Anne Arundel County) 40,000

(J) Downtown Annapolis Mural Project. Provide a grant of \$15,000 to the Board of Directors of the Downtown Annapolis Partnership, Inc. and the Mayor and City Council of the City of Annapolis for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of murals on city buildings in Annapolis, located in Anne Arundel County, subject to a requirement that the grantee provide and expend a matching fund of \$1,500. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Anne Arundel County) ... 15,000

(K) Langton Green Community Farm. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Langton Green, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Langton Green Community Farm facility, including repairs to the building’s roof, located in Anne Arundel County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Anne Arundel County) 50,000

- (L) Linthicum Elementary School. Provide a grant of \$60,000 to the Board of Education of Anne Arundel County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Linthicum Elementary School, located in Anne Arundel County (Anne Arundel County) 60,000
- (M) Linthicum Veterans Memorial. Provide a grant of \$82,000, to the Board of Directors of the Linthicum Veterans Memorial, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Linthicum Veterans Memorial, located in Anne Arundel County, subject to a requirement that the grantee provide and expend a matching fund of \$62,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Anne Arundel County) 82,000
- (N) Northeast High School Physical Endurance Training Course. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Education of Anne Arundel County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Marine Corps Junior Reserve Officer Training Corps Program at Northeast High School, located in Anne Arundel County (Anne Arundel County) 50,000
- (O) PlayEastport. Provide a grant equal to the lesser of (i) \$40,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Eastport Elementary P.T.A., Inc. and the Board of Education of Anne Arundel County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of an outdoor play space at Eastport Elementary School, including the installation of playground equipment and improvements to the grounds, located in Anne Arundel County (Anne Arundel County) 40,000
- (P) Thomas Point Shoal Lighthouse. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the United States Lighthouse Society, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Thomas Point Shoal Lighthouse, located in Anne Arundel County. Notwithstanding

	<u>Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Anne Arundel County)</u>	<u>50,000</u>
(Q)	<u>West County Family Support Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Kingdom Kare, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the West County Family Support Center, located in Anne Arundel County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Anne Arundel County) ...</u>	<u>100,000</u>
(R)	<u>Woods Community Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Woods Community Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Woods Community Center, located in Anne Arundel County (Anne Arundel County)</u>	<u>100,000</u>
(S)	<u>Ambassador Theater. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Artspace Baltimore, LLC for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Ambassador Theater, located in Baltimore City (Baltimore City)</u>	<u>150,000</u>
(T)	<u>Belair–Edison Neighborhoods, Inc. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Belair–Edison Neighborhoods, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of commercial properties in the Belair–Edison community, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Baltimore City)</u>	<u>200,000</u>
(U)	<u>BLISS Meadows Farmhouse. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Backyard Basecamp, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the BLISS Meadows Farmhouse facility, located</u>	

	<u>in Baltimore City (Baltimore City)</u>	<u>50,000</u>
(V)	<u>Cecil Elementary School Community Park. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Central Baltimore Partnership, Inc. and the Board of Education of Baltimore City for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Cecil Elementary School Community Park, including improvements to the park's grounds, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Baltimore City)</u>	<u>25,000</u>
(W)	<u>Chesapeake Shakespeare Company's Downtown Theatre. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Chesapeake Shakespeare Company for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Chesapeake Shakespeare Company's Downtown Theatre, located in Baltimore City (Baltimore City)</u>	<u>200,000</u>
(X)	<u>Community Mediation Center – Safe Streets. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Community Mediation Program, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Safe Streets program facilities, located in Baltimore City (Baltimore City)</u>	<u>75,000</u>
(Y)	<u>Community Mediation Program – Mediation Center. Provide a grant of \$75,000 to the Board of Directors of the Community Mediation Program, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the community mediation building, located in Baltimore City (Baltimore City)</u>	<u>75,000</u>
(Z)	<u>Creative Alliance. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Creative Alliance, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Creative Alliance facility, including repairs to The Patterson building's roof, located in Baltimore City. Notwithstanding</u>	

Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act (Baltimore City) 100,000

(AA) Forest Park Senior Center. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Forest Park Senior Center, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Forest Park Senior Center, including repairs to the building’s roof, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Baltimore City) 150,000

(AB) Govans Ecumenical Development Corporation. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Govans Ecumenical Development Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Govans Ecumenical Development Corporation facilities, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Baltimore City) 25,000

(AC) Greenmount West Community Center. Provide a grant equal to the lesser of (i) \$30,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Greenmount West Community Center Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Greenmount West Community Center, located in Baltimore City (Baltimore City) 30,000

(AD) Hamilton Elementary/Middle School. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Parks & People Foundation, Inc. and the Board of Education of Baltimore City for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Hamilton Elementary/Middle School playground and schoolyard, including the installation of playground equipment and improvements to the grounds, located in Baltimore City (Baltimore City) 75,000

(AE) Harlem Park Community Center. Provide a grant of \$200,000,

	<u>to the Board of Directors of the St. James Development Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Harlem Park Community Center facility, located in Baltimore City, subject to a requirement that the grantee provide and expend a matching fund of \$50,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Baltimore City)</u>	<u>200,000</u>
(AF)	<u>Hon’s Honey Storefront. Provide a grant of \$50,000, to the Board of Directors of Drink at the Well Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a storefront for Hon’s Honey, located in Baltimore City, subject to a requirement that the grantee provide and expend a matching fund of \$40,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Baltimore City)</u>	<u>50,000</u>
(AG)	<u>Howell Celebrating Lives Viola Family Support Center, Inc.. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Howell Celebrating Lives Viola Family Support Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Howell Celebrating Lives Viola Family Support Center facility, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Baltimore City)</u>	<u>150,000</u>
(AH)	<u>Italian Cultural Center of Maryland. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Italian Cultural Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Community Health, Nutrition and Culinary Training Center, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Baltimore City)</u>	<u>25,000</u>
(AI)	<u>Kappa Alpha Psi Youth and Community Center. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Kappa Alpha Psi Foundation of Metropolitan Baltimore, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the</u>	

Kappa Alpha Psi Youth and Community Center, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act (Baltimore City) 150,000

(AJ) Living Classrooms Opportunity Hub. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Living Classrooms Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Living Classrooms Opportunity Hub facility, located in Baltimore City (Baltimore City) 150,000

(AK) Lovely Lane Arts and Neighborhood Center. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of The Trustees of the Methodist Episcopal Church in the City and Precincts of Baltimore for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Lovely Lane Arts and Neighborhood Center, located in Baltimore City (Baltimore City) 25,000

(AL) New Antioch Baptist Church Community Outreach Center. Provide a grant of \$15,000 to the Board of Trustees of the New Antioch Baptist Church for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the New Antioch Baptist Church Community Outreach Center, located in Baltimore City, subject to a requirement that the grantee provide and expend a matching fund of \$6,500. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Baltimore City) 15,000

(AM) Our Saviour Lutheran Church. Provide a grant of \$40,000 to the Our Saviour Lutheran Church for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Our Saviour Lutheran Church facility; located in Baltimore City, subject to a requirement that the grantee provide and expend a matching fund of \$10,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City) 40,000

(AN) Plantation Park Heights Urban Farm. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund

- provided, to the Board of Directors of the Plantation Park Heights Urban Farm, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the AgriHoodBaltimore facility, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City) 100,000
- (AO) Public School 103. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Beloved Community Services Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Public School 103 building, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Baltimore City) 150,000
- (AP) Ulman House. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Ulman Cancer Fund for Young Adults, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Ulman House facility, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Baltimore City) 100,000
- (AQ) Young Adult Residential Fellowship Program. Provide a grant of \$125,000, to the Board of Directors of the Pleasant Hope Community Development Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Young Adult Residential Fellowship Program facilities, located in Baltimore City, subject to a requirement that the grantee provide and expend a matching fund of \$100,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Baltimore City) 125,000
- (AR) Baltimore Association of Nepalese in America. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Baltimore Association of Nepalese in America Inc. for the acquisition, planning, design, construction, repair, renovation,

reconstruction, site improvement, and capital equipping of the Baltimore Association of Nepalese in America building, located in Baltimore County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Baltimore County) 25,000

(AS) Beacon of Hope. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Sparrows Point/North Point Historical Society, Inc. and the Board of Education of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Beacon of Hope project at Sparrows Point High School, located in Baltimore County (Baltimore County) 75,000

(AT) Community Assistance Network Food Pantry. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Community Assistance Network, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Community Assistance Network Food Pantry, located in Baltimore County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore County) 150,000

(AU) Community Therapy Clinic. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Jewels School, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the JEWELS Community Therapy Clinic, located in Baltimore County (Baltimore County) 150,000

(AV) Cromwell Valley Park. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Cromwell Valley Park, including improvements to the park's grounds, located in Baltimore County (Baltimore County) 50,000

(AW) Gordon Center for the Performing Arts. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Jewish Community Center of Baltimore, Inc. for the acquisition,

	<u>planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Performing Arts, located in Baltimore County (Baltimore County)</u>	<u>75,000</u>
(AX)	<u>Greater Baltimore Medical Center, Inc.. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Directors of GBMC Healthcare, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the expansion of the Greater Baltimore Medical Center facility, located in Baltimore County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Baltimore County)</u>	<u>25,000</u>
(AY)	<u>Gunpowder Elementary School. Provide a grant of \$150,000 to the Board of Education of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Gunpowder Elementary School playground, including the installation of playground equipment and improvements to the site's grounds, located in Baltimore County (Baltimore County)</u>	<u>150,000</u>
(AZ)	<u>Hazelwood Park Skatepark. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a skatepark at Hazelwood Park, including the installation of a parking lot and improvements to the park's grounds, located in Baltimore County (Baltimore County)</u>	<u>150,000</u>
(BA)	<u>Junior Achievement of Central Maryland, Inc.. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Junior Achievement of Central Maryland, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Junior Achievement Youth Workforce and Innovation Center, located in Baltimore County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore County)</u>	<u>150,000</u>
(BB)	<u>Liberty Community Development Youth Center. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Liberty</u>	

	<u>Community Development Corporation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Liberty Community Development Youth Center, located in Baltimore County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Baltimore County)</u>	<u>250,000</u>
(BC)	<u>Mann Residential Treatment Center. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Sheppard Pratt Health System, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Mann Residential Treatment Center, located in Baltimore County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore County)</u>	<u>25,000</u>
(BD)	<u>McCormick Elementary PAL Recreation Center. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a Police Athletic League recreation center at McCormick Elementary School, located in Baltimore County (Baltimore County)</u>	<u>50,000</u>
(BE)	<u>Parkville High School Athletic Facilities. Provide a grant of \$50,000 to the Board of Education of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Parkville High School athletic facilities, including the installation of a turf field, located in Baltimore County (Baltimore County)</u>	<u>50,000</u>
(BF)	<u>Pikesville Volunteer Fire Company. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Pikesville Volunteer Fire Company, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Pikesville Volunteer Fire Company, located in Baltimore County (Baltimore County)</u>	<u>75,000</u>
(BG)	<u>Relay Town Hall. Provide a grant equal to the lesser of (i) \$22,500 or (ii) the amount of the matching fund provided, to the</u>	

	<u>Executive Board of the Relay Improvement Association of Baltimore County, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Relay Town Hall building, located in Baltimore County (Baltimore County)</u>	<u>22,500</u>
(BH)	<u>Timonium Elementary School. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Education of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Timonium Elementary School playground, including the installation of playground equipment, located in Baltimore County (Baltimore County)</u>	<u>25,000</u>
(BI)	<u>Towson Armory Building. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Board of Directors of GGCAL Towson Row LLC for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Towson Armory Building, located in Baltimore County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Baltimore County)</u>	<u>250,000</u>
(BJ)	<u>Towson High School Stadium. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Towson High School Sports Boosters Club, Inc. and the Board of Education of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a comfort station at the Towson High School Stadium, located in Baltimore County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Baltimore County)</u>	<u>50,000</u>
(BK)	<u>Woodlawn High School Athletic Facilities. Provide a grant of \$150,000 to the Board of Education of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the athletic facilities at Woodlawn High School, including a flood study and improvements to the baseball and softball fields, located in Baltimore County (Baltimore County)</u>	<u>150,000</u>
(BL)	<u>Calvert Animal Welfare League. Provide a grant of \$25,000, to the Board of Directors of the Calvert Animal Welfare League, Inc. for the acquisition, planning, design, construction, repair,</u>	

	<u>renovation, reconstruction, site improvement, and capital equipping of the Calvert Animal Welfare League building, located in Calvert County, subject to a requirement that the grantee provide and expend a matching fund of \$10,000 (Calvert County)</u>	<u>25,000</u>
(BM)	<u>Calvert Marine Museum. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Calvert Marine Museum Society, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Calvert Marine Museum Paleontology Collections and Research Center, including landscaping and improvements to the site's grounds, located in Calvert County (Calvert County)</u>	<u>100,000</u>
(BN)	<u>End Hunger Warehouse. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of End Hunger in Calvert County, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the End Hunger Warehouse, located in Calvert County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Calvert County)</u>	<u>200,000</u>
(BO)	<u>Kellams Complex. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Mayor and Town Council of the Town of Chesapeake Beach for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Kellams Complex, including improvements to the site's grounds, located in Calvert County (Calvert County)</u>	<u>50,000</u>
(BP)	<u>Caroline County Public Schools Track Replacement. Provide a grant of \$200,000 to the Board of Education of Caroline County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the athletic track at Colonel Richardson High School, located in Caroline County (Caroline County)</u>	<u>200,000</u>
(BQ)	<u>Historical Society of Carroll County. Provide a grant equal to the lesser of (i) \$40,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of The Historical Society of Carroll County, Maryland, Inc. for the acquisition, planning,</u>	

	<u>design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Historical Society's three buildings, located in Carroll County (Carroll County)</u>	<u>40,000</u>
(BR)	<u>Mount Airy Center Street. Provide a grant of \$500,000, to the Mayor and Town Council of the Town of Mount Airy for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Mount Airy Center Street extension, located in Carroll County, subject to a requirement that the grantee provide and expend a matching fund of \$450,000 (Carroll County)</u>	<u>500,000</u>
(BS)	<u>Penn–Mar Human Services and Change. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Penn–Mar Organization, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Penn–Mar Human Services and Change organization, located in Carroll County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Carroll County)</u>	<u>50,000</u>
(BT)	<u>Westminster Rescue Mission. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Westminster Rescue Mission, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a women's addiction treatment services building on the Westminster Rescue Mission campus, located in Carroll County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Carroll County) ..</u>	<u>100,000</u>
(BU)	<u>Rev. Duke Log Cabin. Provide a grant of \$150,000, to the Board of Trustees of The Historical Society of Cecil County, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Rev. Duke Log Cabin, located in Cecil County, subject to a requirement that the grantee provide and expend a matching fund of \$25,000 (Cecil County)</u>	<u>150,000</u>
(BV)	<u>LifeStyles Homeless Services Center. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Lifestyles of Maryland Foundation, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the LifeStyles Family</u>	

	<u>Shelter, located in Charles County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Charles County)</u>	<u>200,000</u>
(BW)	<u>Lions Camp Merrick. Provide a grant of \$60,000 to the Board of Directors of the Lions Camp Merrick, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Lions Camp Merrick facilities, including upgrades to the septic system and repairs to the cabins' roofs, located in Charles County (Charles County)</u>	<u>60,000</u>
(BX)	<u>Waldorf Multipurpose Civic Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of County Commissioners of Charles County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Waldorf Multipurpose Civic Center, located in Charles County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Charles County)</u>	<u>100,000</u>
(BY)	<u>American Legion Post 91. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Dorchester Post No. 91 Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the American Legion Post 91 facility, including improvements to the building's parking lot, located in Dorchester County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Dorchester County)</u>	<u>100,000</u>
(BZ)	<u>Richardson Maritime Museum. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Richardson Maritime Museum, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Richardson Maritime Museum facility, located in Dorchester County (Dorchester County)</u>	<u>100,000</u>
(CA)	<u>Brunswick Emergency Operations Center. Provide a grant equal to the lesser of (i) \$476,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Brunswick for the acquisition, planning, design,</u>	

	<u>construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new emergency operations center in the City of Brunswick, located in Frederick County (Frederick County)</u>	<u>476,000</u>
(CB)	<u>Brunswick Reservoir Site Infrastructure. Provide a grant equal to the lesser of (i) \$500,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Brunswick for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a storage tank at the Brunswick Reservoir, located in Frederick County (Frederick County)</u>	<u>500,000</u>
(CC)	<u>Carroll Manor Fire Company. Provide a grant of \$42,000 to the Board of Directors of The Carroll Manor Fire Company, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the sewer system at the Adamstown Fire Station, located in Frederick County (Frederick County)</u>	<u>42,000</u>
(CD)	<u>Frederick Arts Council, Inc. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors to The Frederick Arts Council, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Frederick Arts Council Theater, located in Frederick County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Frederick County)</u>	<u>50,000</u>
(CE)	<u>Jefferson Community Tennis Court. Provide a grant of \$13,000 to the Board of Directors of the Jefferson Ruritan Club, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Jefferson community tennis court, including improvements to the site's grounds, located in Frederick County (Frederick County)</u>	<u>13,000</u>
(CF)	<u>Maryland Ensemble Theatre. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Maryland Ensemble Theatre, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Maryland Ensemble Theatre facility, located in Frederick County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Frederick County)</u>	<u>75,000</u>

- (CG) Middletown Downtown Core Economic Revitalization. Provide a grant of \$203,000, to the Burgess and Commissioners of the Town of Middletown for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of pedestrian and vehicular improvements to the Downtown Core, including improvements to the area’s sidewalks, located in Frederick County, subject to a requirement that the grantee provide and expend a matching fund of \$172,000 (Frederick County) 203,000
- (CH) Phoenix Foundation of Maryland. Provide a grant equal to the lesser of (i) \$42,500 or (ii) the amount of the matching fund provided, to the Board of Directors of the Phoenix Foundation of Maryland, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a school for students who are recovering from substance abuse, located in Frederick County (Frederick County) 42,500
- (CI) Shafer Farm House. Provide a grant of \$100,000, to the Board of Directors of the Burkittsville Preservation Association, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Shafer Farm House, including repairs to the building’s roof, located in Frederick County, subject to a requirement that the grantee provide and expend a matching fund of \$5,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Frederick County) 100,000
- (CJ) Sophie and Madigan Lillard Memorial Playground. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Sophie and Madigan’s Playground, Inc. and the Mayor and Board of Aldermen of the City of Frederick for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Sophie and Madigan Lillard Memorial Playground, located in Frederick County (Frederick County) 200,000
- (CK) Weinberg Center for the Arts. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Weinberg Center for Arts, for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital

	<u>equipping of the Weinberg Center for the Arts, located in Fredrick County (Frederick County)</u>	<u>200,000</u>
(CL)	<u>Believe in Tomorrow Children’s House at Deep Creek Lake. Provide a grant to the Board of Directors of the Believe in Tomorrow National Children’s Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Believe in Tomorrow Children’s House at Deep Creek Lake respite housing facility, including landscaping and improvements to the facility’s grounds, located in Garrett County (Garrett County)</u>	<u>13,000</u>
(CM)	<u>Broadford Park Trails. Provide a grant to the Mayor and City Council of the Town of Oakland for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of recreational trails at Broadford Park, including improvements to the site’s grounds, located in Garrett County (Garrett County)</u>	<u>50,000</u>
(CN)	<u>Garrett County Public Schools Track Improvements. Provide a grant to the Board of County Commissioners of Garrett County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the athletic tracks at Southern Garrett High School and Northern Garrett High School, located in Garrett County (Garrett County)</u>	<u>200,000</u>
(CO)	<u>Aberdeen Family Swim Center. Provide a grant to the Mayor and City Council of the City of Aberdeen for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Aberdeen Family Swim Center, located in Harford County (Harford County)</u>	<u>100,000</u>
(CP)	<u>Havre de Grace Performing Arts Center. Provide a grant of \$100,000 to the Mayor and City Council of the City of Havre de Grace for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a cultural and scholastic event center, including the performance of a feasibility study, located in Harford County (Harford County)</u>	<u>100,000</u>
(CQ)	<u>Hosanna School Museum. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Hosanna Community House, Incorporated for the acquisition, planning, design,</u>	

	<u>construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Hosanna School Museum, located in Harford County (Harford County)</u>	<u>50,000</u>
(CR)	<u>The Sgt. Alfred B. Hilton Memorial. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Sgt. Alfred B. Hilton Memorial Fund, Inc. and the Mayor and City Council of the City of Havre de Grace for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Sgt. Alfred B. Hilton Memorial at Millard Tydings Memorial Park, located in Harford County (Harford County)</u>	<u>50,000</u>
(CS)	<u>Walters Mill Canoe and Kayak Launch. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Harford County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a canoe and kayak launch facility at Deer Creek, located in Harford County (Harford County)</u>	<u>25,000</u>
(CT)	<u>Athelas Institute. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Athelas Institute, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of two homes for developmentally disabled adults, located in Howard County (Howard County)</u>	<u>25,000</u>
(CU)	<u>Living in Recovery, Inc. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Living in Recovery, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Living in Recovery residential facilities, located in Howard County (Howard County)</u>	<u>75,000</u>
(CV)	<u>Long Reach Village Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Howard County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a commercial kitchen at Long Reach Village Center, located in Howard County (Howard County)</u>	<u>100,000</u>

- (CW) Main Street Ellicott City Streetscape. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Howard County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the streetscape along Main Street in Ellicott City, including improvements to the site's sidewalks, located in Howard County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Howard County) 250,000
- (CX) The Community Ecology Institute. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Community Ecology Institute, Ltd. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Community Ecology Center, located in Howard County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Howard County) 100,000
- (CY) The Living Farm Heritage Museum. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Howard County Antique Farm Machinery Club, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the James Clark Main Display Building at the Living Farm Heritage Museum, located in Howard County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Howard County) 200,000
- (CZ) Winter Growth. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Winter Growth, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Winter Growth facility, located in Howard County (Howard County) 50,000
- (DA) BlackRock Center for the Arts. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Germantown Cultural Arts Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the BlackRock Center

	<u>for the Arts, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Montgomery County)</u>	<u>250,000</u>
(DB)	<u>Charles E. Smith Life Communities. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Governors of the Hebrew Home of Greater Washington, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Charles E. Smith Life Communities facilities, located in Montgomery County (Montgomery County)</u>	<u>50,000</u>
(DC)	<u>Homecrest House. Provide a grant equal to the lesser of (i) \$175,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the National Capital B'nai B'rith Assisted Housing Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Edwards Building, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Montgomery County)</u>	<u>175,000</u>
(DD)	<u>Ivymount School, Inc. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Ivymount School, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Ivymount School, including repairs to the building's roof, located in Montgomery County (Montgomery County)</u>	<u>25,000</u>
(DE)	<u>Jewish Foundation for Group Homes, Inc. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Jewish Foundation for Group Homes, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Jewish Foundation for Group Homes program, located in Montgomery County (Montgomery County)</u>	<u>150,000</u>
(DF)	<u>Montgomery County Homeless Youth Drop-In Center. Provide a grant of \$217,500, to the Board of Directors of the Montgomery County Collaboration Council for Children, Youth and Families, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Montgomery County Homeless Youth Drop-In Center, located in Montgomery</u>	

	<u>County, subject to a requirement that the grantee provide and expend a matching fund of \$21,750 (Montgomery County)</u>	<u>217,500</u>
(DG)	<u>OASIS Farm. Provide a grant equal to the lesser of (i) \$44,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Organization for Advancement of and Service for Individuals with Special Needs (OASIS), Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the OASIS Farm facility, including repairs to the buildings' roofs and improvements to the facility's parking lot, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Montgomery County)</u>	<u>44,000</u>
(DH)	<u>Olney Family Neighborhood Park. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Maryland–National Capital Park and Planning Commission for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Olney Family Neighborhood Park, including the installation of playground equipment, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Montgomery County)</u>	<u>100,000</u>
(DI)	<u>Sandy Spring Museum. Provide a grant equal to the lesser of (i) \$34,500 or (ii) the amount of the matching fund provided, to the Board of Directors of the Sandy Spring Museum for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Sandy Spring Museum, including improvements to the building's parking lot, located in Montgomery County (Montgomery County)</u>	<u>34,500</u>
(DJ)	<u>VisArts. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Metropolitan Center for the Visual Arts, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the VisArts facility, located in Montgomery County (Montgomery County)</u>	<u>150,000</u>
(DK)	<u>Willett Branch Greenway. Provide a grant equal to the lesser of (i) \$175,000 or (ii) the amount of the matching fund provided, to the Maryland–National Capital Park and Planning</u>	

Commission for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Willett Branch Greenway, including improvements to the site’s grounds and the installation of landscaping, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Montgomery County) 175,000

(DL) American Legion Post 66. Provide a grant of \$30,000 to the Board of Directors of The Disney–Bell Post 66 American Legion Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of new signage for American Legion Post 66, located in Prince George’s County (Prince George’s County) 30,000

(DM) Berwyn Heights Senior Center. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Mayor and Town Council of the Town of Berwyn Heights for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Berwyn Heights Senior Center facility, including repairs to the building’s roof, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Prince George’s County) 50,000

(DN) Bishop McNamara High School. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Bishop McNamara High School, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the La Reine Science and Innovation Center at Bishop McNamara High School, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Prince George’s County) 250,000

(DO) Bladensburg World War I Memorial. Provide a grant equal to the lesser of (i) \$160,000 or (ii) the amount of the matching fund provided, to the Maryland–National Capital Park and Planning Commission for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Bladensburg World War I Memorial Peace Cross, located in Prince George’s County (Prince George’s County) 160,000

- (DP) Camp Springs Elks Lodge No. 2332. Provide a grant of \$30,000 to the Board of Directors of the Camp Springs Lodge No. 2332, Benevolent and Protective Order of Elks of the United States of America, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Camp Springs Elks Lodge No. 2332, located in Prince George’s County (Prince George’s County) 30,000
- (DQ) Educare Resource Center. Provide a grant of \$50,000 to the Board of Directors of the Educare Resource Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Homeshare Plus housing facilities, located in Prince George’s County (Prince George’s County) 50,000
- (DR) Fort Foote Baptist Church. Provide a grant of \$200,000 to the Board of Trustees of the Fort Foote Baptist Church for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Fort Foote Baptist Church Youth and Adult Center, including repairs to the building’s roof, located in Prince George’s County, subject to a requirement that the grantee provide and expend a matching fund of \$100,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions. (Prince George’s County) 200,000
- (DS) Glut Food Co-op. Provide a grant of \$50,000 to the Board of Directors of Glut Food Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Glut Food Co-op facility, including repairs to the building’s roof, located in Prince George’s County, subject to a requirement that the grantee provide and expend a matching fund of \$15,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions. (Prince George’s County) 50,000
- (DT) Goodloe Alumni House. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Bowie State University Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Goodloe Alumni House, located in Prince George’s County (Prince George’s County) 50,000

- (DU) Greenbelt Station Hiker and Biker Trail. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Greenbelt for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Greenbelt Station Hiker and Biker Trail, located in Prince George’s County (Prince George’s County) 50,000
- (DV) Hyattsville Police Headquarters. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Hyattsville for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Hyattsville Police Headquarters facility, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Prince George’s County) 25,000
- (DW) Hyattsville Teen Activity and Mentoring Center. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Hyattsville for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Hyattsville Teen Activity and Mentoring Center facility, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Prince George’s County) 50,000
- (DX) Lake Arbor Golf Course. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Maryland–National Capital Park and Planning Commission for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the former Lake Arbor Golf Course property into community open space, located in Prince George’s County (Prince George’s County) 250,000
- (DY) Laurel Museum at Riverfront Park. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Laurel for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Laurel Museum at Riverfront Park, including

	<u>improvements to the site's grounds, located in Prince George's County (Prince George's County)</u>	<u>100,000</u>
(DZ)	<u>Riverdale Park Municipal Center. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Mayor and Town Council of the Town of Riverdale Park for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Riverdale Park Municipal Center, including improvements to the facility's grounds, located in Prince George's County (Prince George's County)</u>	<u>50,000</u>
(EA)	<u>Sacred Heart House on the Hill Community Outreach. Provide a grant of \$75,000, to the Archdiocese of Washington – Sacred Heart Church for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the House on the Hill Community Outreach building, located in Prince George's County, subject to a requirement that the grantee provide and expend a matching fund of \$40,000 (Prince George's County)</u>	<u>75,000</u>
(EB)	<u>Sarvis Empowerment Cafe. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Central Kenilworth Avenue Revitalization Community Development Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Sarvis Empowerment Cafe, located in Prince George's County (Prince George's County)</u>	<u>50,000</u>
(EC)	<u>Temple Hills Swim Club. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Temple Hills Swim Club, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of an outdoor swimming pool at the Temple Hills Swim Club, located in Prince George's County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Prince George's County)</u>	<u>50,000</u>
(ED)	<u>Haven Homes. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Haven Ministries, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of</u>	

	<u>Haven Ministries’ Housing Assistance Program facilities, located in Queen Anne’s County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Queen Anne’s County)</u>	<u>150,000</u>
(EE)	<u>Maryland Museum of Women’s History. Provide a grant of \$150,000 to the Board of Directors of the Mary Edwardine Bourke Emory Foundation, Inc., Benefit Corp. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Maryland Museum of Women’s History facility, located in Queen Anne’s County (Queen Anne’s County)</u>	<u>150,000</u>
(EF)	<u>Queen Anne’s County Arts Council. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Queen Anne’s County Arts Council, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Queen Anne’s County Arts Council Annex building, including repairs to the building’s roof, located in Queen Anne’s County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Queen Anne’s County)</u>	<u>125,000</u>
(EG)	<u>Chopticon High School. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Education of St. Mary’s County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Chopticon High School stadium field press box, located in St. Mary’s County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (St. Mary’s County)</u>	<u>100,000</u>
(EH)	<u>Sotterley Plantation. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Historic Sotterley, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Sotterley Plantation, located in St. Mary’s County (St. Mary’s County)</u>	<u>50,000</u>
(EI)	<u>American Legion Post 77. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The American Legion, Department of Maryland, Blake–Blackston Post No. 77, Inc. for the acquisition, planning, design, construction, repair, renovation,</u>	

	<u>reconstruction, site improvement, and capital equipping of the American Legion Post 77 building, located in Talbot County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Talbot County)</u>	<u>100,000</u>
(EJ)	<u>St. Michaels Community Center. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the St. Michaels Community Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the St. Michaels Community Center, located in Talbot County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Talbot County)</u>	<u>25,000</u>
(EK)	<u>Easterseals Adult Day Services Hagerstown Center. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Easter Seals Serving DC/MD/VA, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Easterseals Adult Day Services Hagerstown Center, located in Washington County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Washington County)</u>	<u>150,000</u>
(EL)	<u>Smithsburg Community Volunteer Fire Company. Provide a grant of \$75,000 to the Board of Directors of The Smithsburg Community Volunteer Fire Company for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the eating stand facility at the Smithsburg Community Volunteer Fire Company, located in Washington County (Washington County)</u>	<u>75,000</u>
(EM)	<u>Smithsburg High School Athletic Facilities. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Smithsburg Athletic Booster Club, Inc. and the Board of Education of Washington County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the athletic facilities at Smithsburg High School, including improvements to the stadium and sports fields, located in Washington County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Washington County)</u>	<u>50,000</u>

- (EN) Lower Eastern Shore Inclusive Play. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Wicomico County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of an inclusive playground and sensory trail, including installation of playground equipment and improvements to the site’s grounds, located in Wicomico County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Wicomico County) 100,000
- (EO) Queen City Elks Lodge No. 1051 and Success Temple No. 154. Provide a grant of \$100,000 to the Board of Trustees of the Queen City Lodge No. 1051, I.B.P.O.E. of W., Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Queen City Elks Lodge No. 1051 and Success Temple No. 154 building, including repairs to the building’s roof, located in Wicomico County (Wicomico County) 100,000
- (EP) Wicomico County Bookmobile. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Wicomico County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Bookmobile, located in Wicomico County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Wicomico County) 100,000
- (EQ) Believe In Tomorrow House at the Beach. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Believe in Tomorrow National Children’s Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Believe In Tomorrow House at the Beach facility, located in Worcester County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Worcester County) 50,000
- (ER) Pocomoke City Elks Lodge No. 1624. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Pocomoke Lodge No.

1624 Benevolent and Protective Order of Elks of the United States of America, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Pocomoke City Elks Lodge No. 1624, located in Worcester County (Worcester County) 75,000

ZA03 LOCAL HOUSE OF DELEGATES INITIATIVES

- (A) Allegany Oxford House. Provide a grant of \$50,000 to the Board of Directors of Archway Station, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Allegany Oxford House facility, located in Allegany County (Allegany County) 50,000
- (B) Benson–Hammond House. Provide a grant of \$50,000 to the Board of Directors of the Ann Arrundell County Historical Society, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Benson–Hammond House, located in Anne Arundel, subject to a requirement that the grantee provide and expend a matching fund of \$5,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Anne Arundel County) ... 50,000
- (C) Goshen Farmhouse. Provide a grant equal to the lesser of (i) \$60,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Goshen Farm Preservation Society Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Goshen Farmhouse, located in Anne Arundel County (Anne Arundel County) 60,000
- (D) Langton Green Community Farm. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Langton Green, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Langton Green Community Farm facility, including repairs to the building’s roof, located in Anne Arundel County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Anne Arundel County) 50,000
- (E) Lindale Middle School. Provide a grant of \$60,000 to the Board of Education of Anne Arundel County for the acquisition,

	<u>planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the tennis courts at Lindale Middle School, located in Anne Arundel County (Anne Arundel County)</u>	<u>60,000</u>
(F)	<u>North County High School Field House. Provide a grant of \$1,000,000 to the Board of Education of Anne Arundel County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a boys and girls team field house at North County High School, located in Anne Arundel County (Anne Arundel County)</u>	<u>1,000,000</u>
(G)	<u>Northeast High School Physical Endurance Training Course. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Board of Education of Anne Arundel County for Marine Corps Junior Reserve Officer Training Corps Program at Northeast High School, located in Anne Arundel County (Anne Arundel County)</u>	<u>25,000</u>
(H)	<u>West County Family Support Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Kingdom Kare, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the West County Family Support Center, located in Anne Arundel County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Anne Arundel County) ...</u>	<u>100,000</u>
(I)	<u>Ambassador Theater. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Artspace Baltimore, LLC for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Ambassador Theater, located in Baltimore City (Baltimore City)</u>	<u>100,000</u>
(J)	<u>Andre De Shields Center for the Arts. Provide a grant of \$2,500,000 to the Board of Directors of the Fund for Educational Excellence, Inc. for for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Arts at Baltimore City College, located in Baltimore City (Baltimore City)</u>	<u>2,500,000</u>
(K)	<u>Baltimore Clayworks, Inc. Provide a grant equal to the lesser</u>	

	<u>of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Baltimore Clayworks, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Baltimore Clayworks facility, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Baltimore City)</u>	<u>100,000</u>
(L)	<u>Baltimore Police Mounted Unit Stables. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the First Mile Stable Charitable Foundation, LLC for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Baltimore Police Mounted Unit facilities, located in Baltimore City (Baltimore City)</u>	<u>250,000</u>
(M)	<u>Blight Reduction and Homeownership Initiative. Provide a grant equal to the lesser of (i) \$270,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Cherry Hill Development Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of seven blighted homes for homeownership, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Baltimore City)</u>	<u>270,000</u>
(N)	<u>Bon Secours Community Works. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Bon Secours of Maryland Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Early Head Start Program facility, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Baltimore City)</u>	<u>100,000</u>
(O)	<u>Cecil Elementary School Community Park. Provide a grant equal to the lesser of (i) \$275,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Central Baltimore Partnership, Inc. and the Board of Education of Baltimore City for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Cecil Elementary School Community Park, including improvements to the park's grounds, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Baltimore City)</u>	<u>275,000</u>

- (P) Central Baltimore Partnership. Provide a grant equal to the lesser of (i) \$1,000,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Central Baltimore Partnership, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the North Calvert Green redevelopment project, located in Baltimore City (Baltimore City) 1,000,000
- (Q) Creative Alliance. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Creative Alliance, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Creative Alliance facility, including repairs to The Patterson building’s roof, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act (Baltimore City) 100,000
- (R) Fayette Street Outreach Organization Community Center. Provide a grant of \$100,000 to the Board of Directors of The Fayette Street Outreach Organization, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Fayette Street Outreach Community Center, located in Baltimore City (Baltimore City) 100,000
- (S) Forest Park Senior Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Forest Park Senior Center, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Forest Park Senior Center, including repairs to the building’s roof, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Baltimore City) 100,000
- (T) Hon’s Honey Storefront. Provide a grant of \$50,000, to the Board of Directors of Drink at the Well Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a storefront for Hon’s Honey, located in Baltimore City, subject to a requirement that the grantee provide and expend a matching fund of \$40,000. Notwithstanding Section 1(5) of this

	<u>Act, the matching fund may consist of real property (Baltimore City)</u>	<u>50,000</u>
(U)	<u>Itineris Foundation. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Itineris Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Itineris Foundation building, located in Baltimore City (Baltimore City)</u>	<u>100,000</u>
(V)	<u>LIFE Church Ministries Food Pantry. Provide a grant of \$10,000 to the Board of Trustees of Life Church Ministries for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the food pantry for LIFE Church Ministries, located in Baltimore City (Baltimore City)</u>	<u>10,000</u>
(W)	<u>Orchard Street Church. Provide a grant equal to the lesser of (i) \$300,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Baltimore Urban League, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Orchard Street Church, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Baltimore City)</u>	<u>300,000</u>
(X)	<u>Park West Health System. Provide a grant equal to the lesser of (i) \$500,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Park West Health Systems, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Park West Belvedere facility, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Baltimore City)</u>	<u>500,000</u>
(Y)	<u>Plantation Park Heights Urban Farm. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Plantation Park Heights Urban Farm, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the AgriHoodBaltimore facility, located in Baltimore City. Notwithstanding Section</u>	

1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City) 150,000

(Z) Public School 103. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Beloved Community Services Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Public School 103 building, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Baltimore City) 200,000

(AA) South Baltimore Community Land Trust. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the South Baltimore Community Land Trust Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of eight units of permanently affordable community land trust housing, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Baltimore City) 200,000

(AB) Youth Empowered Society Drop-In Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Strong City Baltimore, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Youth Empowered Society Drop-In Center, located in Baltimore City (Baltimore City) 100,000

(AC) Baltimore Association of Nepalese in America. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Baltimore Association of Nepalese in America Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Baltimore Association of Nepalese in America building, located in Baltimore County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Baltimore County) 100,000

(AD) Community Assistance Network Food Pantry. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the

	<u>matching fund provided, to the Board of Directors of the Community Assistance Network, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Community Assistance Network Food Pantry, located in Baltimore County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore County</u>	<u>100,000</u>
(AE)	<u>Community Therapy Clinic. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Jewels School, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the JEWELS Community Therapy Clinic, located in Baltimore County (Baltimore County)</u>	<u>75,000</u>
(AF)	<u>Cromwell Valley Park. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of Cromwell Valley Park, including improvements to the park's grounds, located in Baltimore County (Baltimore County)</u>	<u>150,000</u>
(AG)	<u>Franklin Woodlands Trail. Provide a grant of \$40,000 to the Board of Directors of the Reisterstown Improvement Association, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Franklin Woodlands Trail, including improvements to the site's grounds, and the installation of landscaping and exercise equipment, located in Baltimore County (Baltimore County)</u>	<u>40,000</u>
(AH)	<u>Gordon Center for the Performing Arts. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Jewish Community Center of Baltimore, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Performing Arts, located in Baltimore County (Baltimore County)</u>	<u>75,000</u>
(AI)	<u>Liberty Community Development Youth Center. Provide a grant equal to the lesser of (i) \$300,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Liberty</u>	

Community Development Corporation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Liberty Community Development Youth Center, located in Baltimore County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Baltimore County) 300,000

(AJ) Liberty Road Volunteer Fire Company. Provide a grant of \$300,000 to the Board of Directors of The Liberty Road Volunteer Fire Company, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Liberty Road Volunteer Fire Company facility, located in Baltimore County (Baltimore County) 300,000

(AK) Pikesville Volunteer Fire Company. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Pikesville Volunteer Fire Company, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Pikesville Volunteer Fire Company, located in Baltimore County (Baltimore County) 75,000

(AL) Simmons Museum of Negro Leagues Baseball. Provide a grant of \$50,000 to the Board of Directors of The Hubert V. Simmons Museum of Negro Leagues Baseball, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, capital equipping, and expansion of the Simmons Museum of Negro Leagues Baseball, including the design, fabrication, and installation of exhibits, located in Baltimore County (Baltimore County) 50,000

(AM) Sparrows Point High School Scoreboards. Provide a grant equal to the lesser of (i) \$15,000 or (ii) the amount of the matching fund provided, to the Board of Education of Baltimore County for for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the baseball and softball programs at Sparrows Point High School, located in Baltimore County (Baltimore County) 15,000

(AN) St. Stephen Church Fire Suppression Water Tank. Provide a grant equal to the lesser of (i) \$55,000 or (ii) the amount of the matching fund provided, to the St. Stephen’s Roman Catholic

	<u>Congregation, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a fire suppression water tank at St. Stephen Church, located in Baltimore County (Baltimore County)</u>	<u>55,000</u>
(AO)	<u>Towson Armory Building. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Board of Directors of GGCAL Towson Row LLC for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Towson Armory Building, located in Baltimore County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Baltimore County)</u>	<u>250,000</u>
(AP)	<u>Towson High School Stadium. Provide a grant equal to the lesser of (i) \$175,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Towson High School Sports Boosters Club, Inc. and the Board of Education of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a comfort station at the Towson High School Stadium, located in Baltimore County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Baltimore County)</u>	<u>175,000</u>
(AQ)	<u>Upper Falls Odd Fellows Lodge. Provide a grant equal to the lesser of (i) \$53,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Upper Falls Lodge #175, "IOOF", Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Upper Falls Odd Fellows Lodge building, located in Baltimore County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Baltimore County)</u>	<u>53,000</u>
(AR)	<u>WIN Team Headquarters and Treatment Facility. Provide a grant of \$300,000 to the WIN Team LLC for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the WIN Team headquarters and treatment facility, located in Baltimore County (Baltimore County)</u>	<u>300,000</u>
(AS)	<u>Calvert Marine Museum. Provide a grant equal to the lesser of</u>	

	<u>(i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Calvert Marine Museum Society, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Calvert Marine Museum Paleontology Collections and Research Center, including landscaping and improvements to the site's grounds, located in Calvert County (Calvert County)</u>	<u>150,000</u>
<u>(AT)</u>	<u>Caroline County Public Schools Track Replacement. Provide a grant of \$168,500 to the Board of Education of Caroline County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the athletic track at Colonel Richardson High School, located in Caroline County (Caroline County)</u>	<u>168,500</u>
<u>(AU)</u>	<u>St. Ignatius Chapel Point and St. Thomas Manor. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Corporation of the Roman Catholic Clergyman for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of St. Ignatius Chapel Point and St. Thomas Manor, located in Charles County (Charles County)</u>	<u>250,000</u>
<u>(AV)</u>	<u>Velocity Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Trustees College of Southern Maryland for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Velocity Center, located in Charles County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Charles County)</u>	<u>100,000</u>
<u>(AW)</u>	<u>Maces Lane Community Center. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Mace's Lane Community Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Maces Lane Community Center, including repairs to the building's roof, located in Dorchester County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Dorchester County)</u>	<u>200,000</u>
<u>(AX)</u>	<u>Carroll Manor Fire Company. Provide a grant of \$42,000 to the Board of Directors of The Carroll Manor Fire Company, Inc. for</u>	

- the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the sewer system at the Adamstown Fire Station, located in Frederick County (Frederick County) 42,000
- (AY) Museum of the Ironworker. Provide a grant of \$50,000, to the Board of Directors of the Catoctin Furnace Historical Society, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the museum of the Ironworker, located in Frederick County, subject to a requirement that the grantee provide and expend a matching fund of \$38,000 (Frederick County) 50,000
- (AZ) Phoenix Foundation of Maryland. Provide a grant equal to the lesser of (i) \$42,500 or (ii) the amount of the matching fund provided, to the Board of Directors of the Phoenix Foundation of Maryland, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a school for students who are recovering from substance abuse, located in Frederick County (Frederick County) 42,500
- (BA) Believe in Tomorrow Children’s House at Deep Creek Lake. Provide a grant equal to the lesser of (i) \$14,200 or (ii) the amount of the matching fund provided, to the Board of Directors of the Believe in Tomorrow National Children’s Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Believe in Tomorrow Children’s House at Deep Creek Lake respite housing facility, including landscaping and improvements to the facility’s grounds, located in Garrett County (Garrett County) 14,200
- (BB) Havre de Grace Community Redevelopment Plan. Provide a grant of \$150,000 to the Mayor and City Council of the City of Havre de Grace for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the reuse of two commercial properties, located in Harford County (Harford County) 150,000
- (BC) Mann Residential Treatment Center. Provide a grant equal to Howard County Conservancy. Provide a grant of \$350,000, to the Board of Trustees of The Howard County Conservancy, Inc. for the acquisition, planning, design, construction, repair,

renovation, reconstruction, site improvement, and capital equipping of the Carriage House building and a new pole barn, located in Howard County, subject to a requirement that the grantee provide and expend a matching fund of \$150,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Howard County) 350,000

(BD) Howard County Veterans Monument. Provide a grant equal to the lesser of (i) \$350,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Howard County Veterans Foundation, Inc. and the County Executive and County Council of Howard County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Howard County Veterans Monument at Vivian C. “Millie” Bailey Park, located in Howard County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Howard County) 350,000

(BE) Arts on the Block Studio Expansion. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Artpreneurs, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Arts on the Block studio expansion, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Montgomery County) 100,000

(BF) Charles E. Smith Life Communities. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Governors of the Hebrew Home of Greater Washington, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Charles E. Smith Life Communities facilities, located in Montgomery County (Montgomery County) 50,000

(BG) Easter Seals Inter-Generational Center and Regional Headquarters. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Easter Seals Serving DC/MD/VA, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Inter-Generational Center, located in

	<u>Montgomery County (Montgomery County)</u>	<u>150,000</u>
(BH)	<u>Fairland Recreation Park. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Maryland–National Capital Park and Planning Commission for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of bike trails at Fairland Recreational Park, including improvements to the park’s grounds, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Montgomery County)</u>	<u>100,000</u>
(BI)	<u>Ivymount School, Inc. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Ivymount School, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Ivymount School, including repairs to the building’s roof, located in Montgomery County (Montgomery County)</u>	<u>125,000</u>
(BJ)	<u>Kensington Multipurpose Recreation Center. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the County Executive and County Council of Montgomery County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a multipurpose recreation center, including the installation of playground equipment, located in Montgomery County (Montgomery County)</u>	<u>100,000</u>
(BK)	<u>Olney Family Neighborhood Park. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Maryland–National Capital Park and Planning Commission for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Olney Family Neighborhood Park, including the installation of playground equipment, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Montgomery County)</u>	<u>100,000</u>
(BL)	<u>Willett Branch Greenway. Provide a grant equal to the lesser of (i) \$225,000 or (ii) the amount of the matching fund provided, to the Maryland–National Capital Park and Planning</u>	

Commission for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Willett Branch Greenway, including improvements to the site’s grounds and the installation of landscaping, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Montgomery County) 225,000

(BM) Alice Ferguson Foundation. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Alice Ferguson Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Hard Bargain Farm Environmental Center, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Prince George’s County) 200,000

(BN) Crossland High School. Provide a grant of \$325,000 to the Board of Education of Prince George’s County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the stadium bleachers and press box at Crossland High School, located in Prince George’s County (Prince George’s County) 325,000

(BO) Fort Washington Community Space. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Ebenezer African Methodist Episcopal Church of Fort Washington, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a multipurpose community space, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Prince George’s County) 50,000

(BP) Greenbelt Station Hiker and Biker Trail. Provide a grant equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Greenbelt for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Greenbelt Station Hiker and Biker Trail, located in Prince George’s County (Prince George’s County) 200,000

(BQ) Hyattsville Police Headquarters. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund

provided, to the Mayor and City Council of the City of Hyattsville for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Hyattsville Police Headquarters facility, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Prince George’s County) 125,000

(BR) Lake Arbor Golf Course. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the Maryland–National Capital Park and Planning Commission for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the former Lake Arbor Golf Course property into community open space, located in Prince George’s County (Prince George’s County) 250,000

(BS) Riverdale Park Municipal Center. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to the Mayor and Town Council of the Town of Riverdale Park for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Riverdale Park Municipal Center, including improvements to the facility’s grounds, located in Prince George’s County (Prince George’s County) 25,000

(BT) Riverdale Park Trolley Car/Public Amenity Space. Provide a grant of \$250,000 to the Board of Directors of the Riverdale Park Business Association, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a trolley car into a public amenity space, located in Prince George’s County, subject to a requirement that the grantee provide and expend a matching fund of \$100,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions. (Prince George’s County) 250,000

(BU) Sarvis Empowerment Cafe. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Central Kenilworth Avenue Revitalization Community Development Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Sarvis Empowerment Cafe, located in Prince George’s County (Prince George’s County) 75,000

- (BV) Savor Food Hall. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Neighborhood Culinary Alliance, Corp. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Savor Food Hall facility, located in Prince George’s County (Prince George’s County) 75,000
- (BW) Success Factors Foundation Youth Development Center. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of No Gripes, No Worries, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Success Factors Foundation Youth Development Center, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Prince George’s County) 75,000
- (BX) The Ivy Village Incubator for Nonprofit Excellence. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Ivy Community Charities of Prince George’s County, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of The Ivy Village Incubator for Nonprofit Excellence facility, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property (Prince George’s County) 50,000
- (BY) Walker Mill Community Development. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Walker Mill Community Development Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new mobile kitchen, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Prince George’s County) 150,000
- (BZ) Chancellor’s Point Community Sailing Center. Provide a grant of \$73,300 to the Board of Directors of the Historic St. Mary’s City Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Chancellor’s Point

	<u>Community Sailing Center, located in St. Mary’s County, subject to a requirement that the grantee provide and expend a matching fund of \$14,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions. (St. Mary’s County)</u>	<u>73,300</u>
(CA)	<u>Hagerstown BMX Track. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Hagerstown BMX, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Hagerstown BMX Track facility, located in Washington County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Washington County)</u>	<u>75,000</u>
(CB)	<u>Queen City Elks Lodge No. 1051 and Success Temple No. 154. Provide a grant of \$100,000 to the Board of Trustees of the Queen City Lodge No. 1051, I.B.P.O.E. of W., Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Queen City Elks Lodge No. 1051 and Success Temple No. 154 building, including repairs to the building’s roof, located in Wicomico County (Wicomico County)</u>	<u>100,000</u>
(CC)	<u>Believe In Tomorrow House at the Beach. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Believe in Tomorrow National Children’s Foundation, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Believe In Tomorrow House at the Beach facility, located in Worcester County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Worcester County)</u>	<u>50,000</u>

ZB02 LOCAL JAILS AND DETENTION CENTERS

(A)	Frederick County Adult Detention Center Phase IV Medical Addition. Provide a grant to Frederick County, Maryland, to begin design of a new medical unit at the Frederick County Adult Detention Center, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Frederick County)	1,263,000
(B)	Queen Anne’s County Detention Center Additions and	

Renovations. Provide a grant to the County Commissioners of Queen Anne’s County to continue design of renovations and an addition to the Queen Anne’s County Detention Center, subject to the requirement that the grantee provide an equal and matching fund for this purpose (Queen Anne’s County) 4,852,000

(C) St. Mary’s County Adult Detention Center Upgrades, Housing, and Medical Units. Provide a grant to the County Commissioners of St. Mary’s County to continue constructing the renovation and expansion of the St. Mary’s County Adult Detention Center, subject to the requirement that the grantee provide an equal and matching fund for this purpose (St. Mary’s County) 5,530,000

(4) An annual tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal of and interest on the bonds, as and when due and until paid in full. The principal shall be discharged within 15 years after the date of issue of the bonds.

(5) (a) Prior to the payment of any matching grant funds under the provisions of Section 1(3) Items ZA00 through ZB02 of this Act, grantees shall provide and expend matching funds as specified. No part of a grantee’s matching fund may be provided, either directly or indirectly, from funds of the State, whether appropriated or unappropriated. Except as otherwise provided, no part of the fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act. In case of any dispute as to what money or assets may qualify as matching funds, the Board of Public Works shall determine the matter, and the Board’s decision is final. Grantees have until June 1, 2022, to present evidence satisfactory to the Board of Public Works that the matching fund will be provided. If satisfactory evidence is presented, the Board shall certify this fact to the State Treasurer and the proceeds of the loan shall be expended for the purposes provided in this Act. If this evidence is not presented by June 1, 2022, the proceeds of the loan shall be applied to the purposes authorized in § 8–129 of the State Finance and Procurement Article.

(b) It is further provided that when an equal and matching fund is specified in Section 1(3) Items ZA00 through ZB02 of this Act, grantees shall provide a matching fund equal to the lesser of (i) the authorized amount of the State grant or (ii) the amount of the matching fund certified by the Board of Public Works. If satisfactory evidence is presented, the Board shall certify this fact and the amount of the matching fund to the State Treasurer and the proceeds of the loan equal to the amount of the matching fund shall be expended for the purposes provided in this Act. If this evidence is not presented by June 1, 2022, the proceeds of the loan shall be applied to the purposes authorized in § 8–129 of the State Finance and Procurement Article. The proceeds of any amount of the loan in excess of the matching fund certified by the Board of Public Works shall also be applied to the purposes authorized in § 8–129 of the State Finance and Procurement Article.

(6) (a) Prior to approval by the Board of Public Works of an expenditure of bond proceeds authorized under Section 1(3) Items ZA00 through ZB02 of this Act, the grantee

shall grant and convey to the Maryland Historical Trust a historic preservation easement on the property where the capital project assisted by the bond proceeds is located if the Director of the Trust determines that the capital project impacts real property that is individually listed in, or eligible for individual listing in, the Maryland Register of Historic Properties, unless the Director of the Trust also determines that the real property:

(i) Is a type that is already adequately represented among the Trust's existing easement properties;

(ii) Is already subject to adequate protections of historic preservation law or instrument; or

(iii) Has conditions peculiar to it that make requiring an easement impractical.

(b) If the grantee holds a lease on the property, the Trust may accept an easement on the leasehold interest.

(c) The easement must be in form, substance, and duration acceptable to the Director of the Trust.

(d) (i) A recipient may administratively appeal to the Maryland Historical Trust Board of Trustees a determination made by the Director of the Trust under subparagraph (a) of this paragraph.

(ii) The decision made by the Maryland Historical Trust Board of Trustees on an appeal is final and is not subject to further administrative appeal or judicial review.

(7) The proceeds of the loan must be expended or encumbered by the Board of Public Works for the purposes provided in this Act no later than June 1, 2027. If any funds authorized by this Act remain unexpended or unencumbered after June 1, 2027, the amount of the unexpended or unencumbered authorization shall be canceled and be of no further force and effect. If bonds have been issued for the loan, the amount of unexpended or unencumbered bond proceeds shall be disposed of as provided in § 8–129 of the State Finance and Procurement Article.

(8) Multiple grants provided to the same organization in this Section are in addition to one another. Unless otherwise provided, any matching fund requirements apply to each individual grant.

(9) (a) Subject to subparagraphs (b) and (c) of this paragraph, the Board of Public Works may approve an appropriation in Section 1(3) Items ZA00 through ZB02 of this Act, notwithstanding technical differences in:

(i) The name of the grantee or the description of the project, provided that the proposed use of funds is consistent with the public purpose of the original

appropriation; or

(ii) The location of the project, provided that the proposed location is within the county specified in the original appropriation.

(b) The Department of Budget and Management shall notify the Office of Policy Analysis within the Department of Legislative Services in writing of:

(i) The technical differences between an appropriation in Section 1(3) Items ZA00 through ZB02 of this Act and the proposed use of the funds; and

(ii) The justification that the proposed use of the funds is consistent with the public purpose of the appropriation.

(c) (i) The Office of Policy Analysis shall have 45 days to review and comment on the proposed use of the funds.

(ii) If the Office of Policy Analysis does not submit written objections within 45 days, the Department of Budget and Management shall provide certification in writing to the Board of Public Works that the proposed use of funds may be approved notwithstanding technical differences in the appropriation in Section 1(3) Items ZA00 through ZB02 of this Act.

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

Chapter 424 of the Acts of 2013

Section 1(3)

RD00

ST. MARY'S COLLEGE OF MARYLAND
(St. Mary's County)

(A) Anne Arundel Hall Reconstruction. Provide funds to complete archeological field work and begin construction of the Anne Arundel Hall Reconstruction Project, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to the appropriation of all funds necessary to complete this project. **NOTWITHSTANDING SECTION 1(7) OF THIS ACT, THIS AUTHORIZATION MAY NOT TERMINATE BEFORE JUNE 1, 2022** 4,580,000

DEPARTMENT OF JUVENILE SERVICES

VE01

RESIDENTIAL SERVICES

(A) Cheltenham Youth Facility – New Detention Center. Provide

funds to design and construct a new detention center at the Cheltenham Youth Facility, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to the appropriation of all funds necessary to complete this project (Prince George’s County) [21,362,000]
20,995,833

WA01 DEPARTMENT OF STATE POLICE
(Statewide)

(B) Old Crime Lab (Headquarters Building K) – HVAC Improvements and Reconfiguration. Provide supplemental funds to design, construct, and equip the renovation and upgrade of building systems at the Old Crime Lab (Headquarters Building K) [1,612,000]
1,242,676

Chapter 424 of the Acts of 2013, as amended by Chapter 463 of the Acts of 2014, Chapter 495 of the Acts of 2015, Chapter 27 of the Acts of 2016, Chapter 22 of the Acts of 2017, Chapter 9 of the Acts of 2018, and Chapter 14 of the Acts of 2019

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan of 2013 in the total principal amount of [~~\$1,099,347,145~~ **\$1,098,311,654**]. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

Chapter 424 of the Acts of 2013, as amended by Chapter 22 of the Acts of 2017

Section 1(3)

EXECUTIVE DEPARTMENT – GOVERNOR

DE02.01 BOARD OF PUBLIC WORKS
STATE GOVERNMENT CENTER – ANNAPOLIS
(Anne Arundel County)

(A) Old Senate Chamber Reconstruction. Provide funds to complete design and construct alterations and renovations to

the State House in order to restore the Old Senate Chamber to its 18th Century appearance	[4,375,000]
	4,075,000

Chapter 463 of the Acts of 2014

Section 1(3)

DEPARTMENT OF JUVENILE SERVICES

VE01 RESIDENTIAL SERVICES

(A) Cheltenham Youth Facility – New Detention Center. Provide funds to design, construct, and equip a new detention center at the Cheltenham Youth Facility, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to the appropriation of all funds necessary to complete this project (Prince George’s County)	[31,521,000]
	30,879,319

ZA01 MARYLAND HOSPITAL ASSOCIATION

(J) Sinai Hospital of Baltimore. Provide a grant to the governing board of Sinai Hospital to assist in the renovation and expansion of the Pediatric Emergency Department at Sinai Hospital of Baltimore, Inc., subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding the provisions of Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City)	[1,000,000]
	0

ZA03 LOCAL HOUSE OF DELEGATES INITIATIVES

(AH) Piscataway Indian Museum. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Cedarville Band of Piscataway Indians, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Piscataway Indian Museum. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Charles County)	[100,000]
	0

Chapter 22 of the Acts of 2017, Chapter 9 of the Acts of 2018, and Chapter 14 of the Acts of 2019

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan of 2014 in the total principal amount of [\$1,175,026,207] \$1,173,284,526. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 and 8–131.2 of the State Finance and Procurement Article.

Chapter 27 of the Acts of 2016

Section 1(3)

DEPARTMENT OF PLANNING

DW01.08 JEFFERSON PATTERSON PARK AND MUSEUM (Calvert County)

(B) St. Leonard’s Creek Shoreline Erosion Control. Provide funds to design and construct shoreline erosion control measures and other improvements along St. Leonard’s Creek at Jefferson Patterson Park and Museum [3,091,000] 2,091,172

UNIVERSITY SYSTEM OF MARYLAND

RB23 BOWIE STATE UNIVERSITY (Prince George’s County)

(A) Natural Sciences Center. Provide funds to complete construction and equipping of a new Natural Sciences Center [31,501,000] 28,001,000

Chapter 27 of the Acts of 2016, as amended by Chapter 22 of the Acts of 2017, Chapter 9 of the Acts of 2018, and Chapter 14 of the Acts of 2019

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan of 2016 in the total principal amount of ~~[\$974,430,199]~~ **\$966,930,371**. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 and 8–131.2 of the State Finance and Procurement Article.

Chapter 27 of the Acts of 2016, as amended by Chapter 22 of the Acts of 2017, Chapter 9 of the Acts of 2018, and Chapter 737 of the Acts of 2019

Section 1(3)

ZA00 MISCELLANEOUS GRANT PROGRAMS

(AR) [Downtown Frederick Public Parking and Infrastructure. Provide a grant of \$1,000,000 to the Mayor and Board of Aldermen of the City of Frederick for the acquisition, planning, design, construction, repair, renovation, and reconstruction, including public utility, road, streetscape, and park improvements of the downtown Frederick public parking garage near the southeast corner of East Patrick Street and South Carroll Street, located in Frederick County. Notwithstanding any other provision of law, this grant is not subject to review by the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the grantee has until June 1, 2021, to present evidence that a matching fund will be provided. Notwithstanding Section 1(7) of this Act, this grant may not terminate before June 1, 2026] **LAKE LINGANORE DREDGING. PROVIDE A GRANT TO FREDERICK COUNTY, MARYLAND, FOR THE DREDGING OF LAKE LINGANORE TO REMOVE SEDIMENT (Frederick County)** 1,000,000

Chapter 27 of the Acts of 2016, as amended by Chapter 14 of the Acts of 2019

Section 1(3)

ZA01 MARYLAND HOSPITAL ASSOCIATION

(A) Adventist Healthcare [Hospital] Shady Grove Medical Center. Provide a grant to the Board of Directors of Adventist HealthCare, Inc., d.b.a., Adventist Healthcare [Hospital] Shady Grove Medical Center to assist with renovations to provide space for psychological and physical health services,

subject to the requirement that the grantee provide an equal and matching fund for this purpose, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to the appropriation of all funds necessary to complete this project. **NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2022, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Montgomery County)

392,000

Chapter 22 of the Acts of 2017

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

That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan of 2017 in the total principal amount of ~~[\$1,089,383,121]~~ **\$1,085,383,121**. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 and 8–131.2 of the State Finance and Procurement Article.

Section 1(3)

ZA01 MARYLAND HOSPITAL ASSOCIATION

(I) Union Hospital of Cecil County. Provide a grant to the Board of Directors of Union Hospital of Cecil County to acquire, design, construct, and equip a Behavioral Health Crisis Assessment and Stabilization Center, subject to the requirement that the grantee provide an equal and matching fund for this purpose. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act. **NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2022, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Cecil County)

786,000

Chapter 22 of the Acts of 2017, as amended by Chapter 9 of the Acts of 2018 and Chapter 737 of the Acts of 2019

Section 1(3)

ZA00 MISCELLANEOUS GRANT PROGRAMS

(AU) ~~¶~~Downtown Frederick Public Parking and Infrastructure.

Provide a grant of \$4,000,000 to the Mayor and Board of Aldermen of the City of Frederick for the acquisition, planning, design, construction, repair, renovation, and reconstruction, including public utility, road, streetscape, and park improvements of the downtown Frederick public parking garage near the southeast corner of East Patrick Street and South Carroll Street, located in Frederick County. Notwithstanding any other provision of law, this grant is not subject to review by the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the grantee has until June 1, 2021, to present evidence that a matching fund will be provided. Notwithstanding Section 1(7) of this Act, this grant may not terminate before June 1, 2026.] ~~LAKE LINGANORE DREDGING. PROVIDE A GRANT TO FREDERICK COUNTY, MARYLAND, FOR THE DREDGING OF LAKE LINGANORE TO REMOVE SEDIMENT (Frederick County)~~

4,000,000
0

Chapter 14 of the Acts of 2019

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

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan of 2019 in the total principal amount of ~~[\$1,092,194,000]~~ **\$1,090,357,000**. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 and 8–131.2 of the State Finance and Procurement Article.

Section 1(3)

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

QB04.03 ROXBURY CORRECTIONAL INSTITUTION (Washington County)

(A) Gatehouse and Perimeter Security System. Provide funds to begin designing a replacement security system, including perimeter fencing, related equipment, a new building to house a gatehouse function, and relocation of the Regional Business Office, at the Roxbury Correctional Institution in Hagerstown

[611,000]
0

QR02.01 MARYLAND CORRECTIONAL INSTITUTION – HAGERSTOWN (Washington County)

- (A) Perimeter Security Improvements. Provide funds to begin designing a replacement security system, to include perimeter fencing, related equipment, a new gatehouse with a visiting center, and a new gymnasium at the Maryland Correctional Institution – Hagerstown [1,226,000] 0

SECTION 3. AND BE IT FURTHER ENACTED, That the General Assembly declares that it is the public policy of this State to manage State general obligation bond debt in a manner that will maintain Maryland’s AAA bond rating. The General Assembly further declares that legislative oversight, control, and review of all forms of State obligations are essential to maintenance of the State’s existing bond rating and protection of the fiscal integrity of the State.

SECTION 4. AND BE IT FURTHER ENACTED, That, before work may commence pursuant to any supplement to any appropriation contained in this Act, satisfactory evidence must be given to the Board of Public Works that the project can be completed with the aggregate of the funds in this Act and previously appropriated for the stated purpose.

SECTION 5. AND BE IT FURTHER ENACTED, That:

(1) with the approval of the Department of Budget and Management, any appropriation for design provided in this Act may be used to fund construction if the amount of the appropriation exceeds the amount required for design expenses, including allowances for contingencies; and

(2) with the approval of the Department of Budget and Management, any appropriation for construction provided in this Act may be used to purchase capital equipment if the amount of the appropriation exceeds the amount required for construction expenses, including allowances for contingencies.

SECTION 6. AND BE IT FURTHER ENACTED, That, except as otherwise provided in this Act, before a State agency or institution named in this Act as responsible for an individual item may begin work with funds appropriated by this Act, the agency or institution shall provide satisfactory evidence to the Board of Public Works that the work described in the individual item can be completed with the funds specified for that item.

SECTION 7. AND BE IT FURTHER ENACTED, That, with the approval of the Department of Budget and Management, any appropriation under the provisions of this Act that is in excess of the amount needed for a project may be credited to the Construction Contingency Fund under § 3–609 of the State Finance and Procurement Article.

SECTION 8. AND BE IT FURTHER ENACTED, That, if federal funds are available to help accomplish any project identified in this Act, the State agency or institution responsible for the project shall make efforts through proper administrative procedures to obtain these federal funds. Before spending any funds appropriated by this Act, the agency or institution shall certify its efforts to the Board of Public Works and state the reason for any failure to obtain federal funds. If federal funds are obtained, they shall be used to defray the costs of the project described in this Act and not to expand its scope.

SECTION 9. AND BE IT FURTHER ENACTED, That:

(1) for any appropriation for the planning of a State-owned project provided in this Act, if a program required by § 3-602(d) of the State Finance and Procurement Article has not been submitted, the State agency or institution responsible for the project shall submit a program to the Department of Budget and Management for approval before funds may be expended from the appropriation; and

(2) for any appropriation for the construction of a State-owned project provided in this Act, if preliminary plans and outline specifications required by § 3-602(f)(2)(i) of the State Finance and Procurement Article have not been prepared, the State agency or institution responsible for the project shall submit preliminary plans and outline specifications to the Department of Budget and Management for approval before funds may be expended from the appropriation.

SECTION 10. AND BE IT FURTHER ENACTED, That no portion of the proceeds of a loan or any of the matching funds provided for a project funded under this Act may be used for the furtherance of an essentially religious endeavor. Upon the request of the Board of Public Works, a recipient of the proceeds of a loan under this Act shall submit evidence satisfactory to the Board that none of the proceeds of the loan or any matching funds has been or is being used for a purpose prohibited by this Act.

SECTION 11. AND BE IT FURTHER ENACTED, That the Comptroller may advance funds to any loan funds account established pursuant to a general obligation bond loan enabling Act for any expenditure authorized by that Act, provided that if general obligation bonds have not been issued under the authority of that Act, the next ensuing sale of general obligation bonds shall include the issuance of bonds under the authority of that Act in an amount at least equivalent to the amount of the funds so advanced.

SECTION 12. AND BE IT FURTHER ENACTED, That Section(s) 12, 13, and 14 of Chapter 14 of the Acts of the General Assembly of 2019 be repealed.

SECTION 13. AND BE IT FURTHER ENACTED, That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan Preauthorization Act of 2021 in the total principal amount of ~~\$259,575,000~~ \$402,725,000. These loans shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public

Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 and 8–131.2 of the State Finance and Procurement Article.

(2) The bonds to evidence these loans or installments of these loans may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects' and engineers' fees:

DA03MARYLAND STADIUM AUTHORITY

(A)	<u>Department of Legislative Services Building. Provide funds to continue the design, construction, and capital equipping of the renovation or new construction of the Department of Legislative Services building (Anne Arundel County)</u>	<u>35,000,000</u>
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MILITARY DEPARTMENT

DH01.04

MILITARY DEPARTMENT OPERATIONS AND
MAINTENANCE
(Harford County)

(A)	Havre de Grace Combined Support Maintenance Shop Automotive and Surface Equipment Facility. Provide funds to complete construction of the Combined Support Maintenance Shop Automotive and Surface Equipment Facility	4,798,000
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FB04

DEPARTMENT OF INFORMATION TECHNOLOGY
(Statewide)

(A)	Public Safety Communications System. Provide funds to continue construction of a statewide unified public safety radio communications system, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project	2,685,000
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DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
SERVICES

QS01.01

DIVISION OF CORRECTION
(Anne Arundel County)

(A) Jessup Region Electrical Infrastructure Upgrade. Provide funds to complete construction of upgrades to the electrical infrastructure servicing correctional facilities, support buildings, and offices in the Jessup region..... 8,924,000

QS02.08 EASTERN CORRECTIONAL INSTITUTION
(Somerset County)

(A) High Temperature Distribution and Perimeter Security Improvements. Provide funds to continue construction of the replacement high temperature hot water system and perimeter security fence system at the Eastern Correctional Institution in Westover 11,514,000

UNIVERSITY SYSTEM OF MARYLAND

RB21 UNIVERSITY OF MARYLAND, BALTIMORE CAMPUS
(Baltimore City)

(A) School of Social Work Addition and Renovation. Provide funds to begin the design of the renovations of buildings for a new School of Social Work 5,000,000

RB22 UNIVERSITY OF MARYLAND, COLLEGE PARK CAMPUS
(Prince George’s County)

(A) Chemistry Building Wing 1 Replacement. Provide funds to continue construction of the Chemistry Building Wing 1 Replacement, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project ... 45,190,000

(B) University of Maryland, College Park Campus – School of Public Policy Building. Provide funds to continue construction of the School of Public Policy Building 2,500,000

RB23 BOWIE STATE UNIVERSITY
(Prince George’s County)

(A) Communication Arts and Humanities Building. Provide funds to continue the design, construction, and capital equipping of a new Communication Arts and Humanities Building 60,000,000

RB25 UNIVERSITY OF MARYLAND EASTERN SHORE
(Somerset County)

(A)	School of Pharmacy and Health Professions. Provide funds to complete construction of a new building for the School of Pharmacy and Health Professions	13,716,000 <u>17,716,000</u>
RB26	FROSTBURG STATE UNIVERSITY (Allegany County)	
(A)	Education and Health Sciences Center. Provide funds to complete construction of a new Education and Health Sciences Center, and relocate utility systems at the site	43,655,000
RB27	COPPIN STATE UNIVERSITY (Baltimore City)	
(A)	Percy Julian Science Building. Provide funds to complete construction of renovations and an addition to the Percy Julian Science Building to house the School of Business and School of Graduate Studies programs	20,771,000 <u>30,771,000</u>
RB31	UNIVERSITY OF MARYLAND BALTIMORE COUNTY (Baltimore County)	
(A)	Utility Upgrades and Site Improvements. Provide funds to continue construction to replace, repair, and upgrade utility systems and campus infrastructure	6,834,000
<u>(B)</u>	<u>Sherman Hall Renovation. Provide funds to begin the design of the renovation of Sherman Hall</u>	<u>6,000,000</u>
RB36	UNIVERSITY SYSTEM OF MARYLAND OFFICE (St. Mary's County)	
(A)	University of Maryland at Southern Maryland Third Academic Building. Provide funds to complete construction of a third building at the University of Maryland at Southern Maryland campus, formerly called the Southern Maryland Regional Higher Education Center, to provide academic and research laboratory space	3,229,000
RD00	ST. MARY'S COLLEGE OF MARYLAND (St. Mary's County)	
(A)	Academic Building and Auditorium. Provide funds to complete construction of a new academic building and auditorium	18,837,000

RI00 MARYLAND HIGHER EDUCATION COMMISSION

- (A) Community College Construction Grant Program. Provide funds to assist the subdivisions in the acquisition of property and in the design, construction, renovation, and equipping of local and regional community college buildings, site improvements, and facilities. The funds appropriated for this purpose shall be administered in accordance with § 11–105(j) of the Education Article, provided that notwithstanding Section 6 of this Act, work may continue on each of these projects prior to the appropriation of all funds necessary to complete the project 66,816,000
 - (1) Allegany College of Maryland – Technology Building Renovation, Phase 2 (Allegany County)..... 2,918,000
 - (2) Cecil College – Entrance, Roadway, and Facilities Management Building (Cecil County) 3,507,000
 - (3) Frederick Community College – Linganore Hall Renovation and Addition (Frederick County) 3,132,000
 - (4) Howard Community College – Mathematics and Athletics Complex (Howard County) 13,844,000
 - (5) Montgomery College – Catherine and Isiah Leggett Math and Science Building (Montgomery County) 12,569,000
 - (6) Prince George’s Community College – Marlboro Hall Renovation and Addition (Prince George’s County) 30,846,000

DEPARTMENT OF THE ENVIRONMENT

UB00 MARYLAND ENVIRONMENTAL SERVICE

- (A) Infrastructure Improvement Fund. Provide funds to design, construct, and equip water and wastewater facility improvements for State institutions, provided that notwithstanding Section 6 of this Act, work may commence on a project prior to the appropriation of all funds necessary to

complete the project. Expenditures for any of the following projects may not exceed the amount listed therein by more than 7.5% without notification to the General Assembly. Funds may be spent only on the projects listed below or on prior or future authorized projects. Expenditure of any part of this appropriation for a prior or future authorized project shall also require notification to the General Assembly 12,606,000

- (1) Eastern Correctional Institution – Co-Generation Plant – Fuel Conversion to Natural Gas (Somerset County) 1,058,000
- (2) Point Lookout State Park – Water Distribution and Sewer Collection System Upgrade (St. Mary’s County) 3,813,000
- (3) Swallow Falls State Park – Water and Wastewater Treatment Plant and Infrastructure Improvements (Garrett County) 2,850,000
- (4) Victor Cullen – Upgrade of Wastewater Treatment Plant and Collection System Upgrade (Frederick County) 2,971,000
- (5) Woodstock – Wastewater Treatment Plant Upgrades (Baltimore County) 1,914,000

ZA00

MISCELLANEOUS GRANT PROGRAMS

- (A) Merriweather Post Pavilion. Provide a grant to the Downtown Columbia Arts and Cultural Commission c/o Merriweather Post Pavilion to assist in funding the design, construction, reconstruction, renovation, repair, and capital equipping of infrastructure improvements at the Merriweather Post Pavilion (Howard County) 3,000,000
- (B) Bay Sox Stadium. Provide a grant to the Maryland–National Capital Park and Planning Commission for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of infrastructure improvements at the Bay Sox Stadium, also known as Prince George’s Stadium (Prince George’s County) .. 500,000

(C)	<u>Garrett College – Community Education and Performing Arts Center. Provide a grant to the Board of Trustees of Garrett Community College, Inc. d.b.a. Garrett College for the design, construction, and equipping of renovations and an expansion to the 800 Building on Garrett College’s main campus, which will become the Community Education and Performing Arts Center (Garrett County)</u>	<u>700,000</u>
(D)	<u>Greenway Avenue Stadium. Provide a grant to the Greenway Avenue Stadium Capital Improvement Fund, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of infrastructure improvements at Greenway Avenue Stadium (Allegany County)</u>	<u>750,000</u>
(E)	<u>Prince George’s County Amphitheatre at Central Park. Provide a grant to the Maryland–National Capital Park and Planning Commission for the design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a new amphitheatre located at Central Park (Prince George’s County)</u>	<u>11,000,000</u>
(F)	<u>The Y in Central Maryland – Infrastructure Improvements and New Y Family Center. Provide a grant to the Board of Directors of the Young Men’s Christian Association (YMCA) of Central Maryland, Inc. for the planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of infrastructure improvements for existing Y family centers in Upton–Druid Heights and Waverly, and a new Y family center in Southwest Baltimore (Baltimore City)</u>	<u>1,000,000</u>
(G)	<u>The League for People with Disabilities – Facility Upgrade. Provide a grant to the Board of Directors of the League for People with Disabilities Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of an expansion at the Cold Spring Lane facility (Baltimore City)</u>	<u>500,000</u>
(H)	<u>Baltimore Museum of Art. Provide a grant to the governing board of The Baltimore Museum of Art, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Baltimore Museum of Art facility, including repairs to the buildings’ roofs, located in Baltimore City (Baltimore City)</u>	<u>2,000,000</u>
(I)	<u>Andre De Shields Center for the Arts. Provide a grant to the</u>	

	<u>Board of Directors of the Fund for Educational Excellence, Inc. for the acquisition, planning, design, construction, reconstruction, renovation, repair, site work, and capital equipping of infrastructure improvements for the Arts at Baltimore City College (Baltimore City)</u>	<u>500,000</u>
(J)	<u>Friends House Retirement Community. Provide a grant to the Board of Directors of the Friends House Retirement Community, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Friends House Retirement Community, located in Montgomery County (Montgomery County)</u>	<u>100,000</u>
(K)	<u>Our House Youth Home. Provide a grant to the Board of Directors of Our House Youth Home, Inc. for the acquisition, planning, design, construction, reconstruction, renovation, repair, site improvement, and capital equipping of capital improvements for Our House Youth Home (Montgomery County)</u>	<u>100,000</u>
(L)	<u>Burtonsville Parking Structure. Provide a grant to the County Executive and County Council of Montgomery County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Burtonsville Parking Structure, located in Montgomery County (Montgomery County)</u>	<u>500,000</u>

SECTION 14. AND BE IT FURTHER ENACTED, That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan Preauthorization Act of 2022 in the total principal amount of ~~\$57,680,000~~ \$202,680,000. These loans shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 and 8–131.2 of the State Finance and Procurement Article.

(2) The bonds to evidence these loans or installments of these loans may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects' and engineers' fees:

<u>DA03</u>	<u>MARYLAND STADIUM AUTHORITY</u>	
(A)	<u>Department of Legislative Services Building. Provide funds to continue the construction and capital equipping of the renovation or new construction of the Department of Legislative Services building (Anne Arundel County)</u>	<u>35,000,000</u>
FB04	DEPARTMENT OF INFORMATION TECHNOLOGY (Statewide)	
(A)	Public Safety Communications System. Provide funds to continue construction of a statewide unified public safety radio communications system	2,650,000
	UNIVERSITY SYSTEM OF MARYLAND	
<u>RB21</u>	<u>UNIVERSITY OF MARYLAND, BALTIMORE CAMPUS</u> (Baltimore City)	
(A)	<u>School of Social Work Addition and Renovation. Provide funds to design, construct, and capital equip the renovation of buildings for a new School of Social Work</u>	<u>50,000,000</u>
RB22	UNIVERSITY OF MARYLAND, COLLEGE PARK CAMPUS (Prince George’s County)	
(A)	Chemistry Building Wing 1 Replacement. Provide funds to continue construction of the Chemistry Building Wing 1 Replacement, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project ...	38,146,000
<u>RB23</u>	<u>BOWIE STATE UNIVERSITY</u> (Prince George’s County)	
(A)	<u>Communication Arts and Humanities Building. Provide funds to construct and capital equip the new Communication Arts and Humanities building (Prince George’s County)</u>	<u>60,000,000</u>
RI00	MARYLAND HIGHER EDUCATION COMMISSION	
(A)	Community College Construction Grant Program. Provide funds to assist the subdivisions in the acquisition of property and in the design, construction, renovation, and equipping of local and regional community college buildings, site improvements, and facilities. The funds appropriated for this	

purpose shall be administered in accordance with § 11–105(j) of the Education Article, provided that notwithstanding Section 6 of this Act, work may continue on each of these projects prior to the appropriation of all funds necessary to complete the project 16,884,000

(1) Howard Community College – Mathematics and Athletics Complex (Howard County) 13,844,000

(2) Prince George’s Community College – Marlboro Hall Renovation and Addition (Prince George’s County) 3,040,000

SECTION 15. AND BE IT FURTHER ENACTED, That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Maryland Consolidated Capital Bond Loan Preauthorization Act of 2023 in the total principal amount of ~~\$11,747,000~~ \$14,747,000. These loans shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 and 8–131.2 of the State Finance and Procurement Article.

(2) The bonds to evidence these loans or installments of these loans may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects’ and engineers’ fees:

RI00 MARYLAND HIGHER EDUCATION COMMISSION

(A) Community College Construction Grant Program. Provide funds to assist the subdivisions in the acquisition of property and in the design, construction, renovation, and equipping of local and regional community college buildings, site improvements, and facilities. The funds appropriated for this purpose shall be administered in accordance with § 11–105(j) of the Education Article, provided that notwithstanding Section 6 of this Act, work may continue on each of these projects prior to the appropriation of all funds necessary to complete the project 11,747,000

- (1) Howard Community College –
Mathematics and Athletics
Complex (Howard County) 11,747,000

ZA00 MISCELLANEOUS CAPITAL GRANTS

- (A) Bowie Racetrack Recreational Facility. Provide funds to the City of Bowie government for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a Bowie Racetrack Recreational Facility (Prince George’s County)..... 3,000,000

SECTION 16. AND BE IT FURTHER ENACTED, That:

(1) Notwithstanding §§ 8–125(e) and 8–132 of the State Finance and Procurement Article, the first \$102,000,000 in premiums from the sale of State bonds in fiscal year 2021 shall remain in the State and Local Facilities Loan Fund or Annuity Bond Fund and, on approval of the Board of Public Works, may be expended by the Comptroller only for the following purposes:

RB36 UNIVERSITY SYSTEM OF MARYLAND OFFICE

- (A) University of Maryland at Southern Maryland Third Academic Building. Provide funds to continue construction of a third building at the University of Maryland at Southern Maryland campus, formerly called the Southern Maryland Regional Higher Education Center, to provide academic and research laboratory space, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project ... 31,000,000

RB25 UNIVERSITY OF MARYLAND EASTERN SHORE
(Somerset County)

- (A) School of Pharmacy and Health Professions. Provide funds to continue construction of a new building for the School of Pharmacy and Health Professions, provided that notwithstanding Section 6 of this Act, work may continue on this project prior to the appropriation of all funds necessary to complete this project 31,000,000

(2) Further provided that in the event that more than \$109,000,000 in premiums from the sale of State bonds in fiscal 2021 are received, the amount of premiums available shall be used for the following purposes in the following priority order:

RB22 UNIVERSITY OF MARYLAND, COLLEGE PARK CAMPUS

(Prince George’s County)

- (A) School of Public Policy Building. Provide funds to continue construction of the School of Public Policy Building..... 5,000,000
- (B) Maryland Basketball Performance Center. Provide funds to design, construct, and equip a new Maryland Basketball Performance Center at the University of Maryland, College Park Campus..... 5,000,000

DE02.01BOARD OF PUBLIC WORKSGENERAL STATE FACILITIES(Statewide)

- (A) Facilities Renewal Fund. Provide funds for the repair and rehabilitation of State–owned capital facilities..... 10,000,000

RM00MORGAN STATE UNIVERSITY(Baltimore City)

- (A) Deferred Maintenance and Site Improvements. Provide funds to design, construct, and equip various infrastructure, building system, and site improvements 5,000,000

RQ00UNIVERSITY OF MARYLAND MEDICAL SYSTEM(Baltimore City)

- (A) Comprehensive Cancer and Organ Transplant Treatment Center. Provide a grant to the University of Maryland Medical System to design, construct, and equip facilities to expand clinical programs of the Marlene and Stewart Greenebaum Comprehensive Cancer and Organ Transplant Treatment Center 7,000,000

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICESQT04DIVISION OF PRETRIAL DETENTION(Baltimore City)

- (A) Therapeutic Treatment Center. Provide funds to begin design of a Therapeutic Treatment Center at the Baltimore City Correctional Complex..... 8,000,000

(3) The Comptroller shall make any transfers or accounting adjustments and reconciliations necessary to implement the provision of this section.

SECTION ~~16~~ 17. AND BE IT FURTHER ENACTED, That the net new debt to be authorized by legislation in fiscal year 2021 may not exceed \$1,095,000,000 as evidenced by the following:

FY 2021 debt to be authorized by this Act	1,104,114,000 <u>1,108,114,000</u>
Subtotal	1,104,114,000 <u>1,108,114,000</u>
Reductions in previously authorized State Debt made in this bill	9,114,000 <u>13,114,000</u>
New debt to be authorized in FY 2021.....	1,095,000,000

SECTION ~~17~~ 18. AND BE IT FURTHER ENACTED, That Section 13 of this Act shall take effect June 1, 2021.

SECTION ~~18~~ 19. AND BE IT FURTHER ENACTED, That Section 14 of this Act shall take effect June 1, 2022.

SECTION ~~19~~ 20. AND BE IT FURTHER ENACTED, That Section 15 of this Act shall take effect June 1, 2023.

SECTION ~~20~~ 21. AND BE IT FURTHER ENACTED, That, except as provided in Sections ~~17, 18, and 19~~ 18, 19, and 20 of this Act, this Act shall take effect June 1, 2020.

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

Chapter 538

(Senate Bill 192)

AN ACT concerning

Budget Reconciliation and Financing Act of 2020

FOR the purpose of ~~repealing a requirement that the Comptroller publish, in a certain manner, certain notices regarding persons appearing to be the owners of abandoned property; requiring the Comptroller to establish and maintain a certain abandoned property database and publish notice of the database in a certain manner; repealing a requirement that the Comptroller publish, in a certain manner, certain notices regarding persons appearing to be the owners of abandoned property; requiring the~~

~~Comptroller to establish and maintain a certain abandoned property database and publish notice of the database in a certain manner; increasing a certain fee for certain supervisees in the Drinking Driver Monitor Program; repealing the termination date of a certain increase in the surcharge on certain recordable instruments that the State Court Administrator is required to establish for the Circuit Court Real Property Records Improvement Fund; reducing the amount the State is required to appropriate to the Maryland Agricultural and Resource-Based Industry Development Corporation in certain fiscal years; requiring the Corporation to use the appropriation for certain programs in certain amounts, subject to a certain contingency; altering the year by which the Corporation is to become self-sufficient and in no further need of certain operating support; expanding the authorized uses of certain funds; altering, for certain fiscal years, the total State operating fund per full-time equivalent student for certain community colleges that the Governor is required to request; altering, for certain fiscal years, the total State operating funds required to be distributed to certain community colleges; *altering, for a certain fiscal year, the total State operating funds required to be distributed to certain community colleges and the manner of distribution*; authorizing the Governor to include a certain mandated appropriation in either the operating budget or the capital budget; authorizing, rather than requiring, the Governor to include in certain budgets certain appropriations; altering, for certain fiscal years, the annual apportionment for each institution that qualifies for aid under the Joseph A. Sellinger Program; ~~repealing a requirement that the Governor include certain appropriations in the budget each year; reducing the rate increase for certain service providers the Governor is required to include in a certain budget~~; requiring the State Department of Education to work with a certain office in developing certain rates; clarifying that a State contribution to a certain college investment plan may be made to ~~one account~~ a limited number of accounts for each qualified beneficiary; limiting a certain qualified beneficiary from receiving more than ~~one State contribution~~ a certain number of State contributions under certain circumstances; authorizing a certain board to adopt certain regulations; *requiring that the Department of Public Safety and Correctional Services provide certain information, in electronic form, to the Maryland Department of Planning and the Department of Legislative Services, on or before a certain date*; *requiring, for purposes of creating certain State and federal redistricting plans, the Department of Planning and the Department of Legislative Services to enter into a certain memorandum of understanding relating to certain incarcerated individuals on or before a certain date*; requiring the Maryland Department of Health to pay certain penalties into a certain fund; increasing the amount of funds in a certain fund over which certain funds shall revert to the General Fund; requiring the Maryland Department of Health to establish a certain program, establish certain criteria, carry out the program in a certain manner, and adopt certain regulations; providing that no more than a certain percentage of certain payments shall be subject to the collection of certain penalties; authorizing the Maryland Department of Health to modify the program in a certain manner; prohibiting a certain penalty or adjustment from being accomplished or implemented in a certain manner; altering the fiscal agent of the Children's Cabinet Interagency Fund; altering the amount the Governor is ~~authorized~~ required to appropriate to a certain fund in certain budgets ~~in a certain fiscal year~~; ~~limiting the amount of a~~~~

~~certain subsidy that a certain commission may receive each fiscal year; requiring that a certain subsidy for a certain program must be at least a certain amount each fiscal year; reducing the amount the State is required to appropriate in the State budget as a payment to a certain city for certain services; repealing a requirement that a certain appropriation to a certain city be increased each year by a certain amount;~~ authorizing the use of a certain fund to pay certain expenses only under certain circumstances; providing that for certain fiscal years a certain revenue estimate adjustment made by the Bureau of Revenue Estimates may not exceed certain amounts; authorizing the Governor to provide copies of certain budget books in print or electronic form; prohibiting the restoration of certain proposed appropriations struck or reduced by the General Assembly in the annual budget, except under certain circumstances; repealing the requirement for certain personnel detail and strategic plan information to be provided in certain budget books and requiring the information to be provided on the Department of Budget and Management's website; requiring that certain information be provided in a certain manner on the Department of Budget and Management's website; repealing a requirement that the Governor submit certain budget books and provide certain information in a certain manner; ~~altering a requirement that for a certain fiscal year the Governor include in the budget bill a certain appropriation to the accumulation funds of the State Retirement and Pension System; repealing altering a requirement that if certain revenues exceed a certain estimate the Comptroller distribute a certain amount to a certain fund to be used for certain purposes; repealing altering a requirement that money in a certain fund be used for a certain purpose; repealing a requirement that the State pay a certain amount for certain fiscal years to a certain account as repayment for a certain transfer; clarifying that a certain distribution shall be made in an annual appropriation in a certain budget code; requiring the Comptroller to distribute a certain amount for certain fiscal years to a certain account; *altering the rate at which the land of certain country clubs and golf courses is valued for property tax assessment purposes; providing for a certain annual increase in the valuation rate for certain country clubs and golf courses under certain circumstances; repealing a certain vendor discount for certain car dealers; increasing a certain car dealer processing fee; altering and clarifying a certain itemization of a certain prior authorization of local transportation aid;* ~~reducing for a certain fiscal year~~ the total amount of film tax credit certificates that the Secretary of Commerce may issue; increasing the percentage of certain costs for which each county and Baltimore City are responsible for reimbursing the State; requiring certain third-party settlement organizations to report, under certain circumstances, certain payment information to the Comptroller and certain payees at least a certain number of days before federal income tax filing deadlines; altering certain requirements that for certain fiscal years the Governor appropriate certain amounts from the General Fund to a certain special fund; providing, for certain fiscal years, the budgeted Medicaid Deficit Assessment; altering the fiscal year budget that the Governor is required to begin reducing the budgeted Medicaid Deficit Assessment by a certain amount; repealing a requirement that for certain fiscal years certain amounts be transferred between certain funds; ~~providing, for a certain fiscal year, that payments to providers with rates set by a certain committee may not increase by more than a certain amount; authorizing the Governor to transfer certain~~~~

amounts from certain funds; ~~repealing provisions of law relating to the National Capital Strategic Economic Development Program~~; reducing for a certain fiscal year a certain appropriation; ~~requiring that for certain fiscal years a certain distribution of revenue be used for a certain purpose~~; authorizing the transfer of certain funds; requiring the transfer of certain funds; requiring the Department of Budget and Management to submit a certain report to the Legislative Policy Committee within a certain period of time after certain funds are released; repealing certain obsolete provisions of law; making a certain provision of this Act contingent on the taking effect of another Act; providing for a delayed effective date for certain provisions of this Act; 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; and generally relating to the financing of State and local government.

BY repealing

~~Article – Economic Development
Section 4–513
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)~~

BY repealing

~~Article – Housing and Community Development
Section 6–701 through 6–710 and the subtitle “Subtitle 7. National Capital Strategic Economic Development Program”
Annotated Code of Maryland
(2019 Replacement Volume and 2019 Supplement)~~

BY repealing

Article – Insurance
Section 19–801 through 19–808 and the subtitle “Subtitle 8. Maryland Health Care Provider Rate Stabilization Fund”
Annotated Code of Maryland
(2017 Replacement Volume and 2019 Supplement)

BY repealing

Article – Public Safety
Section 4–1006
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY repealing

Article – State Finance and Procurement
Section ~~7–116 and 7–329(b–1)~~ 6–226(a)(2)(ii)22.
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

~~BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 17–311
Annotated Code of Maryland
(2013 Replacement Volume and 2019 Supplement)~~

BY renumbering
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)23. through 6–226(a)(2)(ii)122., respectively
to be Section 6–226(a)(2)(ii)22. through 6–226(a)(2)(ii)121., respectively
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY repealing
Chapter 193 of the Acts of the General Assembly of 2005
Section 3

~~BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 17–311
Annotated Code of Maryland
(2013 Replacement Volume and 2019 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 6–115
Annotated Code of Maryland
(2017 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 13–604
Annotated Code of Maryland
(2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 10–523
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 5–219(a), 24–201, and 24–204(a) and 18–19A–01(c)
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 5–219(g), ~~16–305(e)(1)~~, ~~8–417(b)(1)~~, ~~16–305(e)(1)~~, 16–320(c), ~~and 17–104(a)~~
17–104(a), and 18–19A–04.1(a)

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY adding to

Article – Education

Section 18–19A–04.1(h)

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

~~BY repealing~~

~~Article – Education~~

~~Section 24–204(d)~~

~~Annotated Code of Maryland~~

~~(2018 Replacement Volume and 2019 Supplement)~~

~~BY repealing and reenacting, without amendments,~~

~~Article – Health – General~~

~~Section 7–307(a)(3), 16–201.3(a)(2), 16–201.4(a), and 19–2201(a) and (e)(1)~~

~~Annotated Code of Maryland~~

~~(2019 Replacement Volume)~~

BY repealing and reenacting, with amendments,

Article – Election Law

Section 8–701(a)

Annotated Code of Maryland

(2017 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

~~Section 7–307(d)(2), 16–201.3(d)(2), 16–201.4(b)(1), and 19–2201(e)(2)(iv)~~ Section
15–103.3(b)(1) and (c)(1) and (4)

Annotated Code of Maryland

(2019 Replacement Volume)

BY adding to

Article – Health – General

~~19–2201(e)(2)(v)~~ 15–103.7

Annotated Code of Maryland

(2019 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Housing and Community Development

Section 4–509(a)(1) and (4)

Annotated Code of Maryland
(2019 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 4–509(j)(3)
Annotated Code of Maryland
(2019 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Human Services
Section 8–508
Annotated Code of Maryland
(2019 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
Article – Insurance
Section 6–121(a)
Annotated Code of Maryland
(2017 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section ~~14–106(d) and (e)~~ 6–121(b)(1) and 31–107.2(a)
Annotated Code of Maryland
(2017 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 10–301(a) and (c)
Annotated Code of Maryland
(2016 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 10–314
Annotated Code of Maryland
(2016 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section ~~4–608~~, 6–104(e), 7–115, 7–311(j)(1), ~~7–329(e) and (d)~~ 7–329(b–1), and
7–330(g) and (j)
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY adding to

Article – State Finance and Procurement
Section 7–114.3
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section ~~7–329(b) and (c)~~ 7–329(b) and (c) through (e) and 7–330(b) through (f), (h),
(i), and (k)
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 2–2A–01
Annotated Code of Maryland
(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section ~~2–606~~ 2–202(b), 2–606, and 10–730(f)
Annotated Code of Maryland
(2016 Replacement Volume and 2019 Supplement)

BY adding to
Article – Tax – General
Section 10–825
Annotated Code of Maryland
(2016 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section ~~8–213 and 2–106 and~~ 13–209(g)(2), (3), and (4)
Annotated Code of Maryland
(2019 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–812 and 15–311.1(b)
Annotated Code of Maryland
(2012 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 15–311.1(a)
Annotated Code of Maryland
(2012 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Chapter 397 of the Acts of the General Assembly of 2011, as amended by Chapter 425 of the Acts of the General Assembly of 2013, Chapter 464 of the Acts of the General Assembly of 2014, Chapter 489 of the Acts of the General Assembly of 2015, Chapter 23 of the Acts of the General Assembly of 2017, Chapter 10 of the Acts of the General Assembly of 2018, and Chapter 16 of the Acts of the General Assembly of 2019

Section 16(c)

BY repealing and reenacting, with amendments,

Chapter 565 of the Acts of the General Assembly of 2019

Section 1 Item J00B01.05

~~BY repealing and reenacting, with amendments,~~

~~Chapter 364 of the Acts of the General Assembly of 2017~~

~~Section 3~~

~~BY repealing and reenacting, with amendments,~~

~~Chapter 365 of the Acts of the General Assembly of 2017~~

~~Section 3~~

~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 4-513 of Article – Economic Development of the Annotated Code of Maryland be repealed.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 6-701 through 6-710 and the subtitle “Subtitle 7. National Capital Strategic Economic Development Program” of Article – Housing and Community Development of the Annotated Code of Maryland be repealed.~~

~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 19-801 through 19-808 and the subtitle “Subtitle 8. Maryland Health Care Provider Rate Stabilization Fund” of Article – Insurance and Section(s) 6-226(a)(2)(ii)22 of Article – State Finance and Procurement of the Annotated Code of Maryland be repealed.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 4-1006 of Article – Public Safety of the Annotated Code of Maryland be repealed.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 6-226(a)(2)(ii)22 of Article – State Finance and Procurement of the Annotated Code of Maryland be repealed.~~

~~SECTION 3. 4. AND BE IT FURTHER ENACTED, That Section(s) 6-226(a)(2)(ii)23 through 6-226(a)(2)(ii)122, respectively, of Article – State Finance and Procurement of the Annotated Code of Maryland be renumbered to be Section(s) 6-226(a)(2)(ii)22 through 6-226(a)(2)(ii)121, respectively.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That Section(c) 7-116 of Article State Finance and Procurement of the Annotated Code of Maryland be repealed.~~

~~SECTION 4. 5. AND BE IT FURTHER ENACTED, That Section(s) 3 of Chapter 193 of the Acts of the General Assembly of 2005 be repealed.~~

~~SECTION 4. 5. 6. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

~~Article – Commercial Law~~

~~17-311.~~

~~[(a) (1) Within 365 days from the filing of the report required by § 17-310 of this subtitle, the Administrator shall cause notice to be published in a newspaper of general circulation in the county in the State within which is located the last known address of any person to be named in the notice.~~

~~(2) If an address is not listed or if the address is outside the State, the notice shall be published in the county within which the person who held the abandoned property has the principal place of business in this State.~~

~~(b) The published notice shall be entitled “Notice of Names of Persons Appearing to Be Owners of Abandoned Property” and shall contain:~~

~~(1) The names in alphabetical order and last known addresses, if any, of persons listed in the report and entitled to notice in the county specified in this section;~~

~~(2) A statement that information concerning the amount or description of the property and the name and address of the person who held the property may be obtained by any person who possesses an interest in the property, by addressing an inquiry to the Administrator; and~~

~~(3) A statement that a proof of claim may be presented by the owner to the Administrator.~~

~~(c) The Administrator is not required to publish in the notice any item valued at less than \$100 unless the Administrator considers the publication to be in the public interest.]~~

~~(A) IN THIS SECTION, “ABANDONED PROPERTY DATABASE” MEANS AN ELECTRONIC DATABASE CONTAINING THE NAMES AND LAST KNOWN ADDRESSES, IF ANY, OF PERSONS WHO APPEAR TO BE OWNERS OF ABANDONED PROPERTY.~~

~~(B) (1) THE ADMINISTRATOR SHALL MAINTAIN, OR CAUSE TO BE MAINTAINED, AN ABANDONED PROPERTY DATABASE.~~

~~(2) WITHIN 365 DAYS AFTER THE FILING OF THE REPORT REQUIRED BY § 17-310 OF THIS SUBTITLE, THE ADMINISTRATOR SHALL ADD TO THE ABANDONED PROPERTY DATABASE THE NAMES AND LAST KNOWN ADDRESSES, IF ANY, OF PERSONS LISTED IN THE REPORT.~~

~~(3) THE ADMINISTRATOR SHALL MAINTAIN, OR CAUSE TO BE MAINTAINED, AN INTERNET WEBSITE THAT:~~

~~(I) PROVIDES REASONABLE MEANS BY WHICH A PERSON MAY SEARCH THE ABANDONED PROPERTY DATABASE REQUIRED BY THIS SUBSECTION;~~

~~(II) CONTAINS A STATEMENT THAT INFORMATION CONCERNING THE AMOUNT OR DESCRIPTION OF THE PROPERTY AND THE NAME AND ADDRESS OF THE PERSON WHO HELD THE PROPERTY MAY BE OBTAINED BY ANY PERSON WHO POSSESSES AN INTEREST IN THE PROPERTY, BY ADDRESSING AN INQUIRY TO THE ADMINISTRATOR;~~

~~(III) CONTAINS A STATEMENT THAT A PROOF OF CLAIM MAY BE PRESENTED BY THE OWNER TO THE ADMINISTRATOR; AND~~

~~(IV) INCLUDES A LINK TO AN ABANDONED PROPERTY CLAIM FORM.~~

~~(c) (1) THE ADMINISTRATOR SHALL PUBLISH NOTICE ON THE INTERNET WEBSITE REQUIRED BY SUBSECTION (b)(3) OF THIS SECTION.~~

~~(2) THE NOTICE SHALL:~~

~~(i) BE PUBLISHED AT LEAST ONCE EACH CALENDAR QUARTER IN ONE OR MORE NEWSPAPERS OF GENERAL CIRCULATION IN EACH COUNTY OF THE STATE; AND~~

~~(ii) CONTAIN:~~

~~1. A STATEMENT THAT THE ADMINISTRATOR MAINTAINS RECORDS OF THE NAMES AND LAST KNOWN ADDRESSES, IF ANY, OF PERSONS WHO APPEAR TO BE OWNERS OF ABANDONED PROPERTY;~~

~~2. A STATEMENT THAT ANY PERSON MAY SEARCH THE ADMINISTRATOR'S ABANDONED PROPERTY RECORDS THROUGH THE ADMINISTRATOR'S INTERNET WEBSITE;~~

~~3. THE ADDRESS OF THE INTERNET WEBSITE; AND~~

~~4. A PHONE NUMBER THAT A PERSON MAY CALL FOR ASSISTANCE IF THE PERSON DOES NOT HAVE INTERNET ACCESS.~~

~~(d) Within 120 days from the receipt of the report required by § 17-310 of this subtitle, the Administrator shall mail a notice to each person who has an address listed in the report who appears entitled to property valued at \$100 or more and presumed abandoned under this subtitle.~~

~~(e) The mailed notice shall contain:~~

~~(1) A statement that, according to a report filed with the Administrator, property is being held to which the addressee appears entitled;~~

~~(2) The name and address of the person who held the property and any necessary information regarding any change of the name or address of the holder; and~~

~~(3) A statement that a proof of claim may be presented by the owner to the Administrator.~~

~~*Article – Commercial Law*~~

~~*17-311.*~~

~~(a) (1) Within 365 days from the filing of the report required by § 17-310 of this subtitle, the Administrator shall cause notice to be published in a newspaper of general circulation in the county in the State within which is located the last known address of any person to be named in the notice.~~

~~(2) If an address is not listed or if the address is outside the State, the notice shall be published in the county within which the person who held the abandoned property has the principal place of business in this State.~~

~~(b) The published notice shall be entitled “Notice of Names of Persons Appearing to Be Owners of Abandoned Property” and shall contain:~~

~~(1) The names in alphabetical order and last known addresses, if any, of persons listed in the report and entitled to notice in the county specified in this section;~~

~~(2) A statement that information concerning the amount or description of the property and the name and address of the person who held the property may be obtained by any person who possesses an interest in the property, by addressing an inquiry to the Administrator; and~~

~~(3) A statement that a proof of claim may be presented by the owner to the Administrator.~~

~~(e) The Administrator is not required to publish in the notice any item valued at less than \$100 unless the Administrator considers the publication to be in the public interest.~~

~~(A) IN THIS SECTION, "ABANDONED PROPERTY DATABASE" MEANS AN ELECTRONIC DATABASE CONTAINING THE NAMES AND LAST KNOWN ADDRESSES, IF ANY, OF PERSONS WHO APPEAR TO BE OWNERS OF ABANDONED PROPERTY.~~

~~(B) (1) THE ADMINISTRATOR SHALL MAINTAIN, OR CAUSE TO BE MAINTAINED, AN ABANDONED PROPERTY DATABASE.~~

~~(2) WITHIN 365 DAYS AFTER THE FILING OF THE REPORT REQUIRED BY § 17-310 OF THIS SUBTITLE, THE ADMINISTRATOR SHALL ADD TO THE ABANDONED PROPERTY DATABASE THE NAMES AND LAST KNOWN ADDRESSES, IF ANY, OF PERSONS LISTED IN THE REPORT.~~

~~(3) THE ADMINISTRATOR SHALL MAINTAIN, OR CAUSE TO BE MAINTAINED, AN INTERNET WEBSITE THAT:~~

~~(I) PROVIDES REASONABLE MEANS BY WHICH A PERSON MAY SEARCH THE ABANDONED PROPERTY DATABASE REQUIRED BY THIS SUBSECTION;~~

~~(II) CONTAINS A STATEMENT THAT INFORMATION CONCERNING THE AMOUNT OR DESCRIPTION OF THE PROPERTY AND THE NAME AND ADDRESS OF THE PERSON WHO HELD THE PROPERTY MAY BE OBTAINED BY ANY PERSON WHO POSSESSES AN INTEREST IN THE PROPERTY, BY ADDRESSING AN INQUIRY TO THE ADMINISTRATOR;~~

~~(III) CONTAINS A STATEMENT THAT A PROOF OF CLAIM MAY BE PRESENTED BY THE OWNER TO THE ADMINISTRATOR; AND~~

~~(IV) INCLUDES A LINK TO AN ABANDONED PROPERTY CLAIM FORM.~~

~~(C) (1) THE ADMINISTRATOR SHALL PUBLISH NOTICE ON THE INTERNET WEBSITE REQUIRED BY SUBSECTION (B)(3) OF THIS SECTION.~~

~~(2) THE NOTICE SHALL:~~

~~(I) BE PUBLISHED AT LEAST ONCE EACH CALENDAR QUARTER IN ONE OR MORE NEWSPAPERS OF GENERAL CIRCULATION IN EACH COUNTY OF THE STATE; AND~~

~~(II) CONTAIN:~~

~~1. A STATEMENT THAT THE ADMINISTRATOR MAINTAINS RECORDS OF THE NAMES AND LAST KNOWN ADDRESSES, IF ANY, OF PERSONS WHO APPEAR TO BE OWNERS OF ABANDONED PROPERTY;~~

~~2. A STATEMENT THAT ANY PERSON MAY SEARCH THE ADMINISTRATOR'S ABANDONED PROPERTY RECORDS THROUGH THE ADMINISTRATOR'S INTERNET WEBSITE;~~

~~3. THE ADDRESS OF THE INTERNET WEBSITE; AND~~

~~4. A PHONE NUMBER THAT A PERSON MAY CALL FOR ASSISTANCE IF THE PERSON DOES NOT HAVE INTERNET ACCESS.~~

~~(d) Within 120 days from the receipt of the report required by § 17-310 of this subtitle, the Administrator shall mail a notice to each person who has an address listed in the report who appears entitled to property valued at \$100 or more and presumed abandoned under this subtitle.~~

~~(e) The mailed notice shall contain:~~

~~(1) A statement that, according to a report filed with the Administrator, property is being held to which the addressee appears entitled;~~

~~(2) The name and address of the person who held the property and any necessary information regarding any change of the name or address of the holder; and~~

~~(3) A statement that a proof of claim may be presented by the owner to the Administrator.~~

Article – Correctional Services

6-115.

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

(2) “Program fee” means any fee the Division assesses on a supervisee the Division places in the Drinking Driver Monitor Program.

(3) “Supervisee” means a person that the court places under the supervision of the Division.

(4) “Supervision fee” means the fee the court orders under § 6-226 of the Criminal Procedure Article.

(b) All supervisees placed in the Drinking Driver Monitor Program by the Division shall be:

(1) subject to a monthly supervision fee in accordance with § 6–226 of the Criminal Procedure Article; and

(2) assessed a monthly Program fee of [~~\$55~~] \$75 by the Division.

(c) (1) The Program fee imposed under this section shall be paid to the Division by all supervisees in the Drinking Driver Monitor Program.

(2) The Division shall pay the Program fees collected under this section into the Drinking Driver Monitor Program Fund.

(d) Notwithstanding subsections (b) and (c) of this section, the Division may exempt a supervisee as a whole or in part from the Program fee imposed under this section if:

(1) the supervisee has diligently tried but has been unable to obtain employment that provides sufficient income for the supervisee to pay the fee;

(2) (i) the supervisee is a student in a school, college, or university or is enrolled in a course of vocational or technical training designed to prepare the student for gainful employment; and

(ii) certification of student status is supplied to the Division by the institution in which the supervisee is enrolled;

(3) the supervisee has a handicap limiting employment, as determined by a physical or psychological examination accepted by the Division;

(4) the supervisee is responsible for the support of dependents and the payment of the fee is an undue hardship on the supervisee; or

(5) other extenuating circumstances exist.

Article – Courts and Judicial Proceedings

13–604.

(a) (1) Except as provided in paragraph (2) of this subsection, the Administrator shall establish a surcharge of \$20 for each type of recordable instrument to be recorded among the land records and the financing statement records.

(2) For recordable instruments executed on or after July 1, 2011, [but before July 1, 2020,] the surcharge established under this subsection shall be \$40 for each

type of recordable instrument to be recorded among the land records and the financing statement records.

(b) The surcharge shall be collected by the office of the clerk of the circuit court for each county.

(c) The surcharge may not be charged to an entity that is exempt from the payment of fees under § 3–603 of the Real Property Article.

(d) Receipts from the surcharge shall be placed in the Fund and used by the Administrator for the purposes of the Fund.

Article – Economic Development

10–523.

(a) (1) The Corporation may receive annual funding through an appropriation in the State budget.

(2) The Corporation may also receive money for projects included in the budgets of State units.

(3) (i) To assist the Corporation in complying with subsection (c) of this section, the Governor shall include each year in the State budget bill an appropriation to the Corporation for rural business development and assistance as follows:

1. for fiscal year [2015] 2021, \$2,875,000; and

2. for each of the fiscal years [2016] 2022 through [2024] 2025, [\$2,875,000] \$2,735,000.

(ii) In addition to any money provided under subparagraph (i) of this paragraph, the Governor may include each year in the State budget bill an appropriation to the Corporation in an amount not exceeding \$5,000,000 for rural land acquisition and easement programs, including programs to assist young and beginning farmers.

(b) (1) THE FUNDS APPROPRIATED TO THE CORPORATION UNDER SUBSECTION (A)(3)(I)2 OF THIS SECTION SHALL BE USED TO SUPPORT THE CORPORATION’S RURAL BUSINESS LOAN PROGRAMS AND SMALL MATCHING GRANT PROGRAMS.

(2) All unexpended and unencumbered money appropriated to the Corporation shall remain with the Corporation for future use.

(c) The Corporation shall conduct its financial affairs so that, by fiscal year [2025] 2026, it is self-sufficient and in no further need of general operating support by the State.

(d) The Corporation may use up to 3% of the money received under § 13-306(a)(3)(ii)2 of the Tax – Property Article for administrative costs associated with the Next Generation Farmland Acquisition Program.

Article – Education

5-219.

- (a) In this section, “Fund” means The Blueprint for Maryland’s Future Fund.
- (g) The Fund may be used only to assist in providing adequate funding for [early]:

(1) **EARLY** childhood education and primary and secondary education based on the recommendations of the Commission on Innovation and Excellence in Education, including revised education funding formulas; AND

(2) **MARYLAND PREKINDERGARTEN EXPANSION GRANTS.**

8-417.

(b) (1) The Department, [as] IN COLLABORATION WITH the fiscal agent of the Children’s Cabinet Fund under Title 8, Subtitle 5 of the Human Services Article, shall administer and implement a redesigned rate setting process for nonpublic general education schools, residential child care programs, and nonresidential child care programs.

~~16-305.~~

~~(e) (1) (i) Except as provided in subparagraphs (iii), (iv), [and] (v), (VI), AND (VII) of this paragraph, the total State operating fund per full-time equivalent student to the community colleges for each fiscal year as requested by the Governor shall be:~~

~~1. In fiscal year 2009, not less than an amount equal to 26.25% of the State’s General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the previous fiscal year;~~

~~2. In fiscal year 2010, not less than an amount equal to 23.6% of the State’s General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;~~

~~3. In fiscal year 2011, not less than an amount equal to 21.8% of the State’s General Fund appropriation per full-time equivalent student to the 4-year~~

~~public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;~~

~~4. In fiscal year 2012, not less than an amount equal to 20% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;~~

~~5. In fiscal year 2014, an amount that is the greater of 19.7% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year or \$1,839.47 per full-time equivalent student;~~

~~6. In fiscal year 2015, an amount that is the greater of 19.7% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year or \$1,839.47 per full-time equivalent student;~~

~~7. In fiscal year 2017, not less than an amount equal to 20.5% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;~~

~~8. In fiscal year 2018, not less than an amount equal to 21.0% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;~~

~~9. In fiscal year 2019, not less than an amount equal to 22.0% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year; AND~~

~~10. In fiscal year 2020, not less than an amount equal to 23% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year[;]~~

~~11. In fiscal year 2021, not less than an amount equal to 25% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;~~

~~12. In fiscal year 2022, not less than an amount equal to 27% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year; and~~

~~13. In fiscal year 2023 and each fiscal year thereafter, not less than an amount equal to 29% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year].~~

~~(ii) For purposes of this subsection, the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State for a fiscal year shall include noncapital appropriations from the Higher Education Investment Fund.~~

~~(iii) Notwithstanding the provisions of subparagraph (i) of this paragraph, the total State operating funds to be distributed under this subsection to the community colleges for each of fiscal years 2011 and 2012 shall be \$194,407,432.~~

~~(iv) In fiscal year 2013, the total State operating funds for community colleges shall be \$199,176,114, to be distributed as follows:~~

1.	Allegany College	\$4,773,622;
2.	Anne Arundel Community College	\$27,235,320;
3.	Community College of Baltimore County	\$34,398,366;
4.	Carroll Community College	\$6,851,515;
5.	Cecil Community College	\$4,645,751;
6.	College of Southern Maryland	\$10,902,580;
7.	Chesapeake College	\$5,675,815;
8.	Frederick Community College	\$8,145,648;
9.	Garrett College	\$2,246,709;

10.	Hagerstown Community College	\$6,965,064;
11.	Harford Community College	\$9,990,806;
12.	Howard Community College	\$12,584,485;
13.	Montgomery College	\$35,098,553;
14.	Prince George's Community College	\$22,013,074; and
15.	Wor-Wie Community College	\$6,748,796.

~~(v) In fiscal year 2016, the total State operating funds for community colleges shall be \$222,744,620, to be distributed as follows:~~

1.	Allegany College	\$4,850,443;
2.	Anne Arundel Community College	\$28,715,483;
3.	Community College of Baltimore County	\$38,637,668;
4.	Carroll Community College	\$7,345,653;
5.	Cecil Community College	\$5,108,064;
6.	College of Southern Maryland	\$13,017,885;
7.	Chesapeake College	\$6,142,473;
8.	Frederick Community College	\$8,975,284;
9.	Garrett College	\$2,561,002;
10.	Hagerstown Community College	\$7,620,412;
11.	Harford Community College	\$10,865,634;
12.	Howard Community College	\$15,723,055;
13.	Montgomery College	\$40,000,786;
14.	Prince George's Community College	\$26,072,537; and
15.	Wor-Wie Community College	\$7,108,241.

~~(VI) IN FISCAL YEAR 2021, THE TOTAL STATE OPERATING FUNDS FOR THE COMMUNITY COLLEGES SHALL BE \$267,916,591 TO BE DISTRIBUTED AS FOLLOWS:~~

- ~~1. ALLEGANY COLLEGE OF MARYLAND\$5,603,130;~~
- ~~2. ANNE ARUNDEL COMMUNITY COLLEGE\$5,603,130;~~
- ~~3. COMMUNITY COLLEGE OF BALTIMORE COUNTY\$45,623,299;~~
- ~~4. CARROLL COMMUNITY COLLEGE\$8,195,322;~~
- ~~5. CECH COLLEGE\$5,755,092;~~
- ~~6. COLLEGE OF SOUTHERN MARYLAND\$15,088,436;~~
- ~~7. CHESAPEAKE COLLEGE\$6,589,636;~~
- ~~8. FREDERICK COMMUNITY COLLEGE\$12,042,368;~~
- ~~9. GARRETT COLLEGE\$3,027,853;~~
- ~~10. HAGERSTOWN COMMUNITY COLLEGE\$9,316,385;~~
- ~~11. HARFORD COMMUNITY COLLEGE\$12,990,121;~~
- ~~12. HOWARD COMMUNITY COLLEGE\$21,459,934;~~
- ~~13. MONTGOMERY COLLEGE\$48,388,449;~~
- ~~14. PRINCE GEORGE'S COMMUNITY COLLEGE\$33,586,778; AND~~
- ~~15. WOR WIC COMMUNITY COLLEGE\$8,559,565.~~

~~(VII) BEGINNING IN FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER, THE TOTAL STATE OPERATING FUNDS TO BE DISTRIBUTED UNDER THIS SUBSECTION TO EACH COMMUNITY COLLEGE SHALL BE THE AMOUNT OF AID PROVIDED IN THE CURRENT FISCAL YEAR AS APPROVED IN THE STATE BUDGET AS ENACTED BY THE GENERAL ASSEMBLY INCREASED BY THE PERCENTAGE BY WHICH THE PROJECTED TOTAL GENERAL FUND REVENUES FOR THE UPCOMING FISCAL YEAR EXCEED THE REVISED ESTIMATE OF TOTAL GENERAL FUND REVENUES FOR~~

~~THE CURRENT FISCAL YEAR, AS CONTAINED IN THE DECEMBER REPORT OF ESTIMATED STATE REVENUES SUBMITTED BY THE BOARD OF REVENUE ESTIMATES TO THE GOVERNOR UNDER § 6-106 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

~~16-305.~~

~~(e) (1) (i) Except as provided in subparagraphs (iii), (iv), [and] (v), AND (VI) of this paragraph, the total State operating fund per full-time equivalent student to the community colleges for each fiscal year as requested by the Governor shall be:~~

~~1. In fiscal year 2009, not less than an amount equal to 26.25% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the previous fiscal year;~~

~~2. In fiscal year 2010, not less than an amount equal to 23.6% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;~~

~~3. In fiscal year 2011, not less than an amount equal to 21.8% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;~~

~~4. In fiscal year 2012, not less than an amount equal to 20% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;~~

~~5. In fiscal year 2014, an amount that is the greater of 19.7% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year or \$1,839.47 per full-time equivalent student;~~

~~6. In fiscal year 2015, an amount that is the greater of 19.7% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year or \$1,839.47 per full-time equivalent student;~~

~~7. In fiscal year 2017, not less than an amount equal to 20.5% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year.~~

~~8. In fiscal year 2018, not less than an amount equal to 21.0% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year.~~

~~9. In fiscal year 2019, not less than an amount equal to 22.0% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year.~~

~~10. In fiscal year 2020, not less than an amount equal to 23% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year.~~

~~11. In fiscal year 2021, not less than an amount equal to 25% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year.~~

~~12.] 11. In fiscal year 2022, not less than an amount equal to 27% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year; and~~

~~13.] 12. In fiscal year 2023 and each fiscal year thereafter, not less than an amount equal to 29% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year.~~

~~(ii) For purposes of this subsection, the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State for a fiscal year shall include nonecapital appropriations from the Higher Education Investment Fund.~~

~~(iii) Notwithstanding the provisions of subparagraph (i) of this paragraph, the total State operating funds to be distributed under this subsection to the community colleges for each of fiscal years 2011 and 2012 shall be \$194,407,432.~~

~~(iv) In fiscal year 2013, the total State operating funds for community colleges shall be \$199,176,114, to be distributed as follows:~~

1.	Allegany College.....	\$4,773,622.
2.	Anne Arundel Community College.....	\$27,235,320.
3.	Community College of Baltimore County.....	\$34,398,366.
4.	Carroll Community College.....	\$6,851,515.
5.	Cecil Community College.....	\$4,645,751.
6.	College of Southern Maryland.....	\$10,902,580.
7.	Chesapeake College.....	\$5,675,815.
8.	Frederick Community College.....	\$8,145,648.
9.	Garrett College.....	\$2,246,709.
10.	Hagerstown Community College.....	\$6,965,064.
11.	Harford Community College.....	\$9,990,806.
12.	Howard Community College.....	\$12,584,485.
13.	Montgomery College.....	\$35,998,553.
14.	Prince George's Community College.....	\$22,013,074.
15.	Wor-Wie Community College.....	\$6,748,796.

~~and~~

~~(v) In fiscal year 2016, the total State operating funds for community colleges shall be \$222,744,620, to be distributed as follows:~~

1.	Allegany College.....	\$4,850,443.
2.	Anne Arundel Community College.....	\$28,715,483.
3.	Community College of Baltimore County.....	\$38,637,668.

4.	Carroll Community College.....	\$7,345,653;
5.	Cecil Community College.....	\$5,108,064;
6.	College of Southern Maryland.....	\$13,017,885;
7.	Chesapeake College.....	\$6,142,473;
8.	Frederick Community College.....	\$8,975,284;
9.	Garrett College.....	\$2,561,002;
10.	Hagerstown Community College.....	\$7,620,412;
11.	Harford Community College.....	\$10,865,634;
12.	Howard Community College.....	\$15,723,055;
13.	Montgomery College.....	\$40,000,786;
14.	Prince George's Community College.....	\$26,072,537; and
15.	Wor-Wic Community College.....	\$7,108,241.

~~(VI) IN FISCAL YEAR 2021, THE TOTAL STATE OPERATING FUNDS FOR COMMUNITY COLLEGES SHALL BE \$282,513,138, TO BE DISTRIBUTED IN PROPORTION TO THE NUMBER OF FULL-TIME EQUIVALENT STUDENTS ENROLLED AT EACH COMMUNITY COLLEGE DURING THE FALL SEMESTER OF FISCAL YEAR 2020, AS DETERMINED BY THE MARYLAND HIGHER EDUCATION COMMISSION.~~

16-320.

(c) (1) (I) In ~~fiscal year 2019 and in each fiscal year thereafter~~ **FISCAL YEARS 2019 THROUGH 2021**, the Governor ~~[shall]~~ **MAY** annually appropriate in the operating budget ~~OR CAPITAL BUDGET~~ of the Commission an amount equal to 5% of the appropriation to the Community College Construction Grant Program in the same fiscal year.

(II) IN FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL ANNUALLY APPROPRIATE IN THE OPERATING OR CAPITAL BUDGET OF THE COMMISSION AN AMOUNT EQUAL TO 5% OF THE APPROPRIATION TO THE COMMUNITY COLLEGE CONSTRUCTION GRANT PROGRAM IN THE SAME FISCAL YEAR.

(2) ~~¶The appropriation required; IF AN APPROPRIATION IS PROPOSED BY THE GOVERNOR~~ under paragraph (1) of this subsection, ~~THE APPROPRIATION~~ shall be in addition to and may not supplant the amount appropriated to the Community College Construction Grant Program in the State budget.

17–104.

(a) (1) Except as provided in paragraphs (2), (3), [and] (4), AND (5), ~~AND (6)~~ of this subsection, the Maryland Higher Education Commission shall compute the amount of the annual apportionment for each institution that qualifies under this subtitle by multiplying the number of full–time equivalent students enrolled at the institution during the fall semester of the fiscal year preceding the fiscal year for which the aid apportionment is made, as determined by the Maryland Higher Education Commission by:

(i) In fiscal year 2009, an amount not less than 16% of the State’s General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the preceding fiscal year;

(ii) In fiscal year 2010, an amount not less than 12.85% of the State’s General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in the State for the same fiscal year;

(iii) In fiscal year 2011, an amount not less than 9.8% of the State’s General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;

(iv) In fiscal year 2012, an amount not less than 9.2% of the State’s General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;

(v) In fiscal year 2014, an amount that is the greater of 9.4% of the State’s General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year or \$875.53 per full–time equivalent student;

(vi) In fiscal year 2015, an amount that is the greater of 9.4% of the State’s General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year or \$875.53 per full–time equivalent student;

(vii) In fiscal year 2017, an amount not less than 10.1% of the State’s General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;

(viii) In fiscal year 2018, an amount not less than 10.5% of the State’s General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;

(ix) In fiscal year 2019, an amount not less than 10.8% of the State’s General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the same fiscal year; ~~AND~~

(x) In fiscal year 2020, an amount not less than 11.1% of the State’s General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the same fiscal year; ~~AND~~ and

~~(XI) IN FISCAL YEAR 2022, AN AMOUNT NOT LESS THAN 14% OF THE STATE’S GENERAL FUND PER FULL TIME EQUIVALENT STUDENT APPROPRIATION TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THIS STATE FOR THE SAME FISCAL YEAR;~~

~~(XII) IN FISCAL YEAR 2023, AN AMOUNT NOT LESS THAN 15% OF THE STATE’S GENERAL FUND PER FULL TIME EQUIVALENT STUDENT APPROPRIATION TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THIS STATE FOR THE SAME FISCAL YEAR; AND~~

~~(xi) (XIII) (XI)~~ In fiscal year ~~2021~~ **2024** **2022** and each fiscal year thereafter, an amount not less than 15.5% of the State’s General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the same fiscal year.

(2) For each of fiscal years 2011 and 2012, the total amount of the aid provided under this subtitle shall be \$38,445,958, to be allocated among the institutions that qualify under this subtitle in proportion to the number of full-time equivalent students enrolled at each institution during the fall semester of the fiscal year preceding the fiscal year for which the aid apportionment is made, as determined by the Maryland Higher Education Commission.

(3) In fiscal year 2013, the total amount of aid due to all institutions shall be \$38,056,175.

(4) In fiscal year 2016, the total amount of the aid provided under this subtitle shall be \$42,822,240, to be allocated among the institutions that qualify under this subtitle in proportion to the number of full-time equivalent students enrolled at each institution during the fall semester of fiscal year 2015, as determined by the Maryland Higher Education Commission.

~~(5) IN FISCAL YEAR 2021, THE TOTAL AMOUNT OF AID DUE TO ALL INSTITUTIONS SHALL BE \$59,024,905 TO BE DISTRIBUTED AS FOLLOWS:~~

~~(I) CAPITOL TECHNOLOGY UNIVERSITY \$670,957;~~

~~(II) GOUCHER COLLEGE \$2,466,084;~~

(III) HOOD COLLEGE	\$1,834,286;
(IV) JOHNS HOPKINS UNIVERSITY	\$29,019,524;
(V) LOYOLA UNIVERSITY MARYLAND.....	\$6,534,728;
(VI) MARYLAND INSTITUTE COLLEGE OF ART	\$2,823,062;
(VII) MCDANIEL COLLEGE	\$2,771,043;
(VIII) MOUNT ST. MARY'S UNIVERSITY	\$2,676,349;
(IX) NOTRE DAME OF MARYLAND UNIVERSITY.....	\$1,842,589;
(X) ST. JOHN'S COLLEGE	\$843,131;
(XI) STEVENSON UNIVERSITY.....	\$4,358,920;
(XII) WASHINGTON ADVENTIST UNIVERSITY.....	\$1,171,808; AND
(XIII) WASHINGTON COLLEGE.....	\$2,012,424.

~~(6) BEGINNING IN FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER, THE TOTAL AMOUNT OF AID PROVIDED TO EACH ELIGIBLE INSTITUTION UNDER THIS SUBTITLE SHALL BE THE AMOUNT OF AID PROVIDED IN THE CURRENT FISCAL YEAR INCREASED BY ONE PERCENTAGE POINT LESS THAN THE PERCENTAGE BY WHICH THE PROJECTED TOTAL GENERAL FUND REVENUES FOR THE UPCOMING FISCAL YEAR EXCEED THE REVISED ESTIMATE OF TOTAL GENERAL FUND REVENUES FOR THE CURRENT FISCAL YEAR, AS CONTAINED IN THE DECEMBER REPORT OF ESTIMATED STATE REVENUES SUBMITTED BY THE BOARD OF REVENUE ESTIMATES TO THE GOVERNOR UNDER § 6-106 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

(5) IN FISCAL YEAR 2021, THE TOTAL AMOUNT OF THE AID PROVIDED UNDER THIS SUBTITLE SHALL BE \$70,159,994 \$68,624,905 \$69,624,905, TO BE ALLOCATED AMONG THE INSTITUTIONS THAT QUALIFY UNDER THIS SUBTITLE IN PROPORTION TO THE NUMBER OF FULL-TIME EQUIVALENT STUDENTS ENROLLED AT EACH INSTITUTION DURING THE FALL SEMESTER OF FISCAL YEAR 2020, AS DETERMINED BY THE MARYLAND HIGHER EDUCATION COMMISSION.

18-19A-01.

(c) “Board” means the Maryland 529 Board established under § 18-1904 of this title.

18-19A-04.1.

(a) (1) [For] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR investment accounts established after December 31, 2016, a State contribution may be made to [an] ~~ONE~~ NOT MORE THAN TWO investment ~~account~~ ACCOUNTS FOR EACH QUALIFIED BENEFICIARY as provided in this section if:

[(1)] (I) The qualified beneficiary of the investment account is a Maryland resident;

[(2)] (II) The account holder submits an application to the Board or its designee between January 1 and June 1 of each year; and

[(3)] (III) The account holder has Maryland taxable income in the previous taxable year no greater than \$112,500 for an individual or \$175,000 for a married couple filing a joint return.

(2) FOR STATE CONTRIBUTION APPLICATION PERIODS AFTER DECEMBER 31, 2020, A QUALIFIED BENEFICIARY MAY NOT RECEIVE MORE THAN ~~ONE STATE CONTRIBUTION~~ TWO STATE CONTRIBUTIONS FOR EACH YEAR THE QUALIFIED BENEFICIARY IS ELIGIBLE FOR THE STATE CONTRIBUTION UNDER THIS SECTION.

(H) THE BOARD MAY ADOPT ANY REGULATIONS THAT THE BOARD CONSIDERS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION.

~~24-201.~~

~~There is a Maryland Public Broadcasting Commission.~~

~~24-204.~~

~~(a) (1) The Commission annually shall prepare a budget request to provide funds to perform its duties under this subtitle.~~

~~(2) The Commission may receive and spend any grant or gift budgeted or provided for it.~~

~~(3) (i) The Commission is encouraged to make use of its facilities, equipment, and other resources to provide services that may generate additional income. Any income earned in that manner shall be considered special funds for use by the Commission.~~

~~(ii) Unexpended funds may be carried forward and expended in any subsequent fiscal year, subject to the approval of the Board of Public Works.~~

~~[(d) (1) Beginning in fiscal year 2019, and for each fiscal year thereafter, the Governor shall include in the annual budget bill a General Fund appropriation to the Commission in an amount not less than the General Fund appropriation for the current fiscal year as approved in the State budget as enacted by the General Assembly and increased by the percentage by which the projected total General Fund revenues for the upcoming fiscal year exceed the revised estimate of total General Fund revenues for the current fiscal year, as contained in the December report of estimated State revenues submitted by the Board of Revenue Estimates to the Governor under § 6-106 of the State Finance and Procurement Article.]~~

~~(2) (i) In addition to the appropriation required under paragraph (1) of this subsection, if the actual amount of special funds in special fund code R15304 Community Services Grant and CPB Grant in budget code R15P00 Maryland Public Broadcasting Commission received by the Commission in the second previous fiscal year is lower than the amount that was budgeted for the Commission as approved in the State budget as enacted by the General Assembly for the second previous fiscal year, the Governor shall include in the annual budget bill, for the upcoming fiscal year, a General Fund appropriation to the Commission in an amount not less than the difference between the actual funds and the budgeted funds.~~

~~(ii) The general funds appropriated under subparagraph (i) of this paragraph may not be included in the calculation under paragraph (1) of this subsection for any subsequent fiscal year.]~~

Article – Election Law

8-701.

(a) (1) The population count used after each decennial census for the purpose of creating the congressional districting plan used to elect the State’s Representatives in Congress:

[(1) (I) may not include individuals who:

[(i) 1. were incarcerated in State or federal correctional facilities, as determined by the decennial census; and

[(ii) 2. were not residents of the State before their incarceration;
and

[(2) (II) shall count individuals incarcerated in the State or federal correctional facilities, as determined by the decennial census, at their last known residence before incarceration if the individuals were residents of the State.

(2) BEGINNING WITH THE 2020 DECENNIAL CENSUS:

(I) ON OR BEFORE OCTOBER 31 IN THE YEAR OF EACH DECENNIAL CENSUS, THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL SUBMIT TO THE MARYLAND DEPARTMENT OF PLANNING AND THE DEPARTMENT OF LEGISLATIVE SERVICES THE FOLLOWING IDENTIFIABLE INFORMATION, IN ELECTRONIC FORM, FOR EACH INDIVIDUAL INCARCERATED IN A STATE CORRECTIONAL FACILITY ON APRIL 1 IN THE YEAR OF THE DECENNIAL CENSUS:

1. THE NAME OF THE INDIVIDUAL;
2. THE ADDRESS OF THE INDIVIDUAL'S LAST KNOWN RESIDENCE;
3. THE INDIVIDUAL'S RACE OR ETHNICITY; AND
4. ANY OTHER INFORMATION NECESSARY TO FULFILL THE PURPOSES OF THIS SECTION; AND

(II) ON OR BEFORE AUGUST 1 IN THE YEAR OF EACH DECENNIAL CENSUS, THE MARYLAND DEPARTMENT OF PLANNING AND THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING, THE TERMS OF WHICH SHALL REQUIRE THE DEPARTMENT OF PLANNING AND THE DEPARTMENT OF LEGISLATIVE SERVICES TO WORK COLLABORATIVELY TO:

1. SUMMARIZE THE RESULTS OF THE GEOCODED DATA CREATED BY THE DEPARTMENT OF PLANNING AS REQUIRED UNDER COMAR 35.05.01;
2. USING THE GEOCODED DATA, IDENTIFY THE INDIVIDUALS INCARCERATED IN A STATE CORRECTIONAL FACILITY OR FEDERAL CORRECTIONAL FACILITY IN THE STATE THAT WILL BE INCLUDED IN THE ADJUSTED CENSUS DATA UNDER THIS SECTION;
3. MAKE ANY NECESSARY CHANGES TO THE DEPARTMENT OF PLANNING'S GEOCODED DATABASE;
4. JOINTLY REVIEW FOR ACCURACY ANY CHANGES TO THE CENSUS DATA BY ANY SOFTWARE VENDOR OR OTHER ENTITY; AND
5. JOINTLY CERTIFY, ON OR BEFORE MARCH 15 IN THE YEAR FOLLOWING EACH DECENNIAL CENSUS, THE ADJUSTED CENSUS DATA TO BE USED FOR REDISTRICTING UNDER THIS SECTION.

Article – Health – General

~~7-307.~~

~~(a) (3) “Community provider” means a community-based agency or program funded by the Administration to serve individuals with developmental disabilities.~~

~~(d) (2) The Governor’s proposed budget for fiscal year 2021 shall include a [4%] 2% rate increase for community service providers over the funding provided in the legislative appropriation for Object 08 Contractual Services in Program M00M01.02 Community Services for fiscal year 2020.~~

~~16-201.3.~~

~~(a) (2) “Community provider” means a community-based agency or program funded by the Behavioral Health Administration or the Medical Care Programs Administration to serve individuals with mental disorders, substance-related disorders, or a combination of these disorders.~~

~~(d) (2) The Governor’s proposed budget for fiscal year 2021 shall include a [4%] 2% rate increase for community providers over the funding provided in the legislative appropriation for the immediately preceding fiscal year for each of the following:~~

~~(i) Object 08 Contractual Services in Program M00Q01.10 Medicaid Behavioral Health Provider Reimbursement — Medical Care Programs Administration;~~

~~(ii) Object 08 Contractual Services in Program M00L01.02 Community Services — Behavioral Health Administration; and~~

~~(iii) Object 08 Contractual Services in Program M00L01.03 Community Services for Medicaid State Fund Recipients — Behavioral Health Administration.~~

~~16-201.4.~~

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

~~(2) “Provider” means a provider of:~~

~~(i) Nursing home services;~~

~~(ii) Medical day care services;~~

~~(iii) Private duty nursing services;~~

~~(iv) Personal care services;~~

~~(v) Home and community based services; and~~

~~(vi) Services provided through the Community First Choice program.~~

~~(3) "Rate" means the reimbursement rate paid by the Department to providers of nursing home, medical day care, private duty nursing, personal care, and home and community based services and services provided through the Community First Choice program from the State General Fund, Maryland Medical Assistance Program funds, other State or federal funds, or a combination of these funds.~~

~~(b) (1) The Governor's proposed budget for fiscal year 2021 shall include a [4%] 2% rate increase for providers over the funding provided in the legislative appropriation for the immediately preceding fiscal year in Program M00Q01.03 Medical Care Provider Reimbursements — Medical Care Programs Administration and Program M00Q01.07 Maryland Children's Health Program — Medical Care Programs Administration.~~

15-103.3.

(b) (1) The Department shall pay all fines collected under § 15-103(b)(12)(v) of this subtitle AND PENALTIES COLLECTED UNDER § 15-103.7(E)(2)(IV) OF THIS SUBTITLE to the Comptroller of the State.

(c) (1) [(i) Except as otherwise provided in this paragraph, the] THE Fund shall be used exclusively for the provider reimbursement budget under the HealthChoice Program, including providing financial incentives designed to improve the quality of care to managed care organizations that exceed performance targets.

[(ii) For fiscal years 2004 through 2006, the Fund shall be used exclusively to provide grants to Medbank of Maryland, Inc.

(iii) The grant to Medbank of Maryland, Inc. under this section may not exceed:

1. \$1,200,000 in fiscal 2004;
2. \$1,000,000 in fiscal 2005; and
3. \$500,000 in fiscal 2006.]

(4) At the end of each fiscal year, any amount in excess of [\$3] \$5 million shall revert to the General Fund.

15-103.7.

(A) IN THIS SECTION, “PROGRAM” MEANS THE PROGRAM ESTABLISHED BY THE DEPARTMENT UNDER SUBSECTION (B) OF THIS SECTION.

(B) (1) THE DEPARTMENT SHALL ESTABLISH A VALUE-BASED PURCHASING PROGRAM THAT AWARDS FINANCIAL INCENTIVES TO AND ASSESSES PENALTIES ON MANAGED CARE ORGANIZATIONS BASED ON THE ORGANIZATION’S PERFORMANCE ON HEALTH MEASURES ESTABLISHED BY THE DEPARTMENT.

(2) THE DEPARTMENT SHALL, IN ACCORDANCE WITH THIS SECTION, ESTABLISH CRITERIA TO IMPLEMENT THE PROGRAM, INCLUDING THE ESTABLISHMENT OF PERFORMANCE TARGETS, AWARD OF INCENTIVES, AND COLLECTION OF PENALTIES.

(C) NOT MORE THAN 1% OF THE AMOUNT OF CAPITATED PAYMENTS RECEIVED BY A MANAGED CARE ORGANIZATION EACH YEAR SHALL BE SUBJECT TO THE COLLECTION OF PENALTIES UNDER THE PROGRAM.

(D) FOR EACH MEASUREMENT YEAR, BEGINNING JANUARY 1, 2021, THE DEPARTMENT MAY NOT IN ANY CALENDAR YEAR PAY A TOTAL AMOUNT OF INCENTIVES TO MANAGED CARE ORGANIZATIONS UNDER THE PROGRAM IN AN AMOUNT THAT EXCEEDS:

(1) THE TOTAL AMOUNT OF PENALTIES THE DEPARTMENT COLLECTS FROM MANAGED CARE ORGANIZATIONS UNDER THE PROGRAM; AND

(2) ANY ADDITIONAL FUNDS ALLOCATED BY THE DEPARTMENT TO SUPPORT THE PROGRAM.

(E) (1) FOR EACH MEASUREMENT YEAR, BEGINNING JANUARY 1, 2021, THE DEPARTMENT SHALL BASE THE INITIAL DISTRIBUTION OF FUNDING AWARDED UNDER THE PROGRAM TO A MANAGED CARE ORGANIZATION IN EACH CALENDAR YEAR ON THE NUMBER OF PERFORMANCE TARGETS THAT THE MANAGED CARE ORGANIZATION MEETS OR EXCEEDS.

(2) FOR EACH MEASUREMENT YEAR, BEGINNING JANUARY 1, 2021, IF THE TOTAL AMOUNT OF PENALTIES THAT THE DEPARTMENT COLLECTS UNDER THE PROGRAM EXCEEDS THE TOTAL AMOUNT OF INCENTIVE FUNDING AWARDED IN THE INITIAL DISTRIBUTION OF FUNDS IN A CALENDAR YEAR UNDER THE PROGRAM, THE REMAINING FUNDS SHALL BE ALLOCATED AS FOLLOWS:

(I) 40% TO MANAGED CARE ORGANIZATIONS THAT HAVE MET OR EXCEEDED MORE PERFORMANCE TARGETS THAN THE MANAGED CARE ORGANIZATION HAS NOT MET;

(II) 25% TO MANAGED CARE ORGANIZATIONS THAT THE DEPARTMENT DETERMINES HAVE DEMONSTRATED PERFORMANCE IMPROVEMENT IN THE MEASUREMENT YEAR, IF THE MANAGED CARE ORGANIZATIONS USE THE FUNDING TO TARGET PERFORMANCE IMPROVEMENT IN AREAS IDENTIFIED BY THE DEPARTMENT;

(III) 25% FOR HEALTH IMPROVEMENT PROGRAMS UNDER THE MARYLAND MEDICAID MANAGED CARE PROGRAM, WITH THE FUNDING USED TO FUND ENHANCEMENTS IN:

1. AREAS WHERE THE MARYLAND MEDICAID MANAGED CARE PROGRAM AS A WHOLE UNDERPERFORMS AS COMPARED TO EQUIVALENT PROGRAMS IN OTHER STATES; OR

2. AREAS DETERMINED BY THE DEPARTMENT TO BE A STATE HEALTH PRIORITY;

(IV) EXCEPT AS PROVIDED IN ITEM (V) OF THIS SUBSECTION, 10% TO ESTABLISH A RESERVE IN THE HEALTHCHOICE PERFORMANCE INCENTIVE FUND TO BE USED IN ANY CALENDAR YEAR IN WHICH THE AMOUNT OF PENALTIES THE DEPARTMENT COLLECTS UNDER THE PROGRAM ARE INSUFFICIENT TO PAY INCENTIVES EARNED BY MANAGED CARE ORGANIZATIONS; AND

(V) IF THE DEPARTMENT MAY NOT ALLOCATE FUNDS, IN WHOLE OR IN PART, IN ACCORDANCE WITH ITEM (IV) OF THIS PARAGRAPH BECAUSE OF THE LIMITATION IN PARAGRAPH (3) OF THIS SUBSECTION, THE DEPARTMENT SHALL EQUALLY ALLOCATE THE REMAINING FUNDS FOR USE UNDER ITEMS (I), (II), AND (III) OF THIS PARAGRAPH.

(3) THE DEPARTMENT MAY NOT ALLOCATE FUNDS UNDER PARAGRAPH (2)(IV) OF THIS SUBSECTION IN A MANNER THAT CAUSES THE BALANCE IN THE HEALTHCHOICE PERFORMANCE INCENTIVE FUND TO EXCEED \$5 MILLION.

(F) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE DEPARTMENT MAY MODIFY THE PROGRAM IF THE DEPARTMENT:

(1) ADOPTS BY REGULATION ANY CHANGES TO THE CORE SET OF PERFORMANCE MEASURES AND THE METHODOLOGY FOR PENALTIES, REWARDS, DISINCENTIVES, OR INCENTIVES UNDER SUBSECTION (E)(1) AND (2)(I) OF THIS SECTION BEFORE THE CALENDAR YEAR FOR WHICH THE MANAGED CARE ORGANIZATIONS WILL BE HELD ACCOUNTABLE FOR THE STANDARD COMPLIANCE WITH THE PERFORMANCE MEASURES; AND

(2) NOTIFIES EACH MANAGED CARE ORGANIZATION OF THE CORE SET OF PERFORMANCE MEASURES AND TARGETS UNDER SUBSECTION (E)(1) AND (2)(I) OF THIS SECTION AT LEAST 3 MONTHS BEFORE THE CALENDAR YEAR FOR WHICH THE MANAGED CARE ORGANIZATION WILL BE HELD ACCOUNTABLE TO THE STANDARD FOR COMPLIANCE WITH THE PERFORMANCE MEASURES.

(G) ANY PENALTY OR CAPITATION ADJUSTMENT IMPOSED UNDER THIS SECTION ON A MANAGED CARE ORGANIZATION MAY NOT BE ACCOMPLISHED OR IMPLEMENTED BY WITHHOLDING A CAPITATION PAYMENT.

(H) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

~~19-2201.~~

~~(a) In this section, "Fund" means the Community Health Resources Commission Fund.~~

~~(e) (1) Subject to paragraph (2) of this subsection, the Fund may be used only to:~~

~~(i) Cover the administrative costs of the Commission;~~

~~(ii) Cover the actual documented direct costs of fulfilling the statutory and regulatory duties of the Commission in accordance with the provisions of this subtitle;~~

~~(iii) Provide operating grants to qualifying community health resources; and~~

~~(iv) Provide funding for the development, support, and monitoring of a unified data information system among primary and specialty care providers, hospitals, and other providers of services to community health resource members.~~

~~(2) (iv) For fiscal [year] YEARS 2019 [and each fiscal year thereafter,] AND 2020, the Fund may be used for any project or initiative authorized under Title 10, Subtitle 2 and Title 13, Subtitle 3 of this article and approved by the Commission if no less than \$8,000,000 of the subsidy required under § 14-106(d)(2)(ii)2 of the Insurance Article is used in each fiscal year for the purposes under paragraph (1) of this subsection.~~

~~(v) FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER, THE FUND MAY BE USED FOR ANY PROJECT OR INITIATIVE AUTHORIZED UNDER TITLE 10, SUBTITLE 2 AND TITLE 13, SUBTITLE 3 OF THIS ARTICLE AND APPROVED BY THE COMMISSION IF NO MORE THAN \$8,000,000 OF THE SUBSIDY REQUIRED UNDER § 14-106(D)(2)(II)2 OF THE INSURANCE ARTICLE IS~~

~~USED IN EACH FISCAL YEAR FOR THE PURPOSES UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

Article – Housing and Community Development

4–509.

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

(4) “Fund” means the Seed Community Development Anchor Institution Fund.

(j) (3) **(I)** For fiscal year 2021 ~~and each fiscal year thereafter~~, the Governor ~~[shall]~~ ~~MAY~~ include in the annual budget bill or the capital budget bill an appropriation of ~~[\$10,000,000]~~ **\$5,000,000** for the Fund.

(II) FOR FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL OR THE CAPITAL BUDGET BILL AN APPROPRIATION OF \$10,000,000 FOR THE FUND.

Article – Human Services

8–508.

The [State Department of Education] GOVERNOR’S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES is the fiscal agent for the Fund.

Article – Insurance

6–121.

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

(2) “Nonprofit health maintenance organization” means a health maintenance organization authorized by Title 19, Subtitle 7 of the Health – General Article that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code.

(3) “Premium tax exemption value” means the amount of premium taxes that a nonprofit health maintenance organization would have been required to pay if the nonprofit health maintenance organization were not exempt from taxation under § 6–101(b)(5) of this subtitle.

(b) (1) [A] BEGINNING IN FISCAL YEAR 2022, A nonprofit health maintenance organization shall transfer funds in an amount equal to the premium tax exemption value of the nonprofit health maintenance organization to the [Medical Assistance Program Account established under Title 19, Subtitle 8 of this article to be used

to support the provision of health care to eligible individuals] COMMISSIONER TO DISTRIBUTE TO THE GENERAL FUND OF THE STATE TO BE USED TO SUPPORT THE PROVISION OF HEALTH CARE TO ELIGIBLE INDIVIDUALS IN THE MEDICAL ASSISTANCE PROGRAM.

~~14-106.~~

~~(d) (1) Notwithstanding subsection (c) of this section, a nonprofit health service plan that is subject to this section and issues comprehensive health care benefits in the State shall:~~

~~(i) offer health care products in the individual market;~~

~~(ii) offer health care products in the small employer group market in accordance with Title 15, Subtitle 12 of this article;~~

~~(iii) subsidize the Senior Prescription Drug Assistance Program established under Title 15, Subtitle 10 of the Health General Article;~~

~~(iv) subsidize the Kidney Disease Program under Title 13, Subtitle 3 of the Health General Article;~~

~~(v) support the costs of the Community Health Resources Commission under Title 19, Subtitle 21 of the Health General Article, including:~~

~~1. operating grants to community health resources;~~

~~2. funding for a unified data information system;~~

~~3. the documented direct costs of fulfilling the statutory and regulatory duties of the Commission; and~~

~~4. the administrative costs of the Commission; and~~

~~(vi) subsidize the provision of mental health services to the uninsured under Title 10, Subtitle 2 of the Health General Article.~~

~~(2) (i) Except as provided in subparagraph (ii) of this paragraph, the support provided under paragraph (1)(iv), (v), and (vi) of this subsection to the Kidney Disease Program, the Community Health Resources Commission, and the Maryland Department of Health, respectively, shall be the value of the premium tax exemption less the subsidy required under this subsection for the Senior Prescription Drug Assistance Program.~~

~~(ii) [The] SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE subsidy provided under this subsection to the Community Health Resources Commission may not be less than:~~

~~1. \$3,000,000 for each of fiscal years 2012 and 2013; and~~

~~2. \$8,000,000 for EACH OF fiscal [year] YEARS 2014 [and each fiscal year thereafter] THROUGH 2020.~~

~~(III) FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER, THE SUBSIDY PROVIDED UNDER THIS SUBSECTION TO THE COMMUNITY HEALTH RESOURCES COMMISSION MAY NOT EXCEED \$8,000,000.~~

~~(3) For any year, the subsidy and funding required under this subsection by a nonprofit health service plan subject to this section may not exceed the value of the nonprofit health service plan's premium tax exemption under § 6-101(b) of this article.~~

~~(c) The subsidy that a nonprofit health service plan is required to provide to the Senior Prescription Drug Assistance Program under subsection (d)(1)(iii) of this section [may not exceed]:~~

~~(1) for the period of January 1, 2006 through June 30, 2006, MAY NOT EXCEED \$8,000,000;~~

~~(2) for fiscal years 2008 through [2025] 2020, MAY NOT EXCEED \$14,000,000; [and]~~

~~(3) FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER, MAY NOT BE LESS THAN \$14,000,000; AND~~

~~(4) for any year, MAY NOT EXCEED the value of the nonprofit health service plan's premium tax exemption under § 6-101(b) of this article.~~

31-107.2.

(a) (1) For State fiscal year 2015 and for each State fiscal year thereafter, from the funds received from the distribution of the premium tax under § 6-103.2 of this article, the Governor shall provide an appropriation in the State budget adequate to fully fund the operations of the Exchange.

(2) (i) For State fiscal year 2015, the appropriation shall be no less than \$10,000,000.

[(ii) For each State fiscal year thereafter, the appropriation shall be no less than \$35,000,000.]

(II) ~~FOR STATE FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER AND EACH FISCAL YEAR THEREAFTER, THE APPROPRIATION SHALL BE \$22,000,000~~ \$31,500,000.

~~(III) FOR EACH STATE FISCAL YEAR THEREAFTER, THE APPROPRIATION SHALL BE NO LESS THAN \$35,000,000.~~

(III) FOR EACH STATE FISCAL YEAR THEREAFTER, THE APPROPRIATION SHALL BE NOT LESS THAN \$35,000,000.

Article – Labor and Employment

10-301.

- (a) In this subtitle the following words have the meanings indicated.
- (c) “Fund” means the Uninsured Employers’ Fund.

10-314.

- (a) The Fund shall consist of:

- (1) the money credited to the Fund under Title 9 of this article;
 - (2) income from investments that the State Treasurer makes for the Fund;
- and
- (3) interest on deposits or investments of money from the Fund.

(b) [The] SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE Director shall use the Fund to pay:

- (1) each award under Title 9 of this article charged against the Fund;
 - (2) the amount that the Director authorizes for an expert or witness hired under § 10-310(c) of this subtitle;
 - (3) other proper charges that the Director authorizes;
 - (4) whenever an employer who is self-insured in accordance with § 9-404 or § 9-405 of this article becomes insolvent, any outstanding obligations of the employer;
- and
- (5) hearing loss claims for retirees of the Bethlehem Steel Corporation.

(c) The liability of the Board, Director, Fund, State Treasurer, and State for all proper charges against the Fund is limited to the assets of the Fund.

(D) BEGINNING IN FISCAL YEAR 2021, THE DIRECTOR MAY USE THE FUND TO PAY FOR THE ADMINISTRATION OF THE FUND ONLY IF AN APPROPRIATION IS INCLUDED IN THE STATE BUDGET FOR THIS PURPOSE.

Article – State Finance and Procurement

~~4-608.~~

~~[(a)] Annually, the State shall appropriate in the State budget and pay to the Mayor and Aldermen of the City of Annapolis at least ~~[\$750,000]~~ **\$367,000** as payment for services provided to the State by the City of Annapolis.~~

~~[(b) For fiscal year 2022 and each fiscal year thereafter, the appropriation required under subsection (a) of this section shall be increased by the percent increase in the Consumer Price Index for All Urban Consumers for the Baltimore Metropolitan Statistical Area.]~~

6-104.

(e) (1) Beginning with the revenue estimate for fiscal year 2020, the Bureau shall calculate the share of General Fund revenues represented by nonwithholding income tax revenues in accordance with this subsection.

(2) (i) For each fiscal year, the Bureau shall calculate the 10-year average share of General Fund revenues represented by nonwithholding income tax revenues.

(ii) 1. For each fiscal year, the 10-year average shall use the 10 most recently completed fiscal years for which data are available when the estimate is prepared in the September before the beginning of the fiscal year.

2. The same 10-year average shall be used in all subsequent revisions to the revenue estimate for that fiscal year.

(3) (i) Subject to subparagraph (ii) of this paragraph, for each fiscal year, if the Bureau's estimate of the share of General Fund revenues from nonwithholding income tax revenues is above the 10-year average share, the Bureau shall adjust the revenue estimate by reducing General Fund revenues from nonwithholding income tax revenues by an amount sufficient to align the estimated share of General Fund revenues from nonwithholding income tax revenues with the 10-year average share of General Fund revenues from nonwithholding income taxes.

(ii) The adjustment made under subparagraph (i) of this paragraph may not exceed the following percentage of total General Fund revenues **OR DOLLAR VALUE IN A SPECIFIED FISCAL YEAR**:

1. 0.225% for fiscal year 2020;
2. [1%] ~~\$60,000,000~~ ~~\$61,000,000~~ **\$0** for fiscal year 2021;
[and]
3. [2%] **\$80,000,000** for fiscal year 2022 [and each fiscal year thereafter];
4. **\$100,000,000 FOR FISCAL YEAR 2023;**
5. **\$120,000,000 FOR FISCAL YEAR 2024;**
6. **\$140,000,000 FOR FISCAL YEAR 2025; AND**
7. **2% FOR FISCAL YEAR 2026 AND EACH FISCAL YEAR THEREAFTER.**

(iii) The capped estimate calculated under this paragraph shall be incorporated in the revenue estimate the Bureau shall report to the Board in the report required under subsection (b)(2) of this section.

7-114.3.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PROPOSED APPROPRIATION IN THE ANNUAL BUDGET BILL FOR A UNIT OF STATE GOVERNMENT THAT THE GENERAL ASSEMBLY HAS STRUCK OR REDUCED MAY NOT BE RESTORED FOR THE SAME PURPOSE AS ORIGINALLY PROPOSED.

(B) A PROPOSED APPROPRIATION THAT THE GENERAL ASSEMBLY HAS STRUCK OR REDUCED MAY BE RESTORED FOR THE SAME PURPOSE AS ORIGINALLY PROPOSED IF THE GENERAL ASSEMBLY, IN STRIKING OR REDUCING THE APPROPRIATION, EXPRESSLY AUTHORIZED THE RESTORATION.

7-115.

(a) On submission of the budget bill to the presiding officers of the General Assembly, the Governor shall provide the supporting material specified in this section.

(b) ~~(1)~~ The Governor shall provide budget books that include the information required in this section.

~~(2) ANY COPIES OF BUDGET BOOKS REQUIRED BY THIS ARTICLE MAY, AT THE DISCRETION OF THE GOVERNOR, BE PROVIDED IN EITHER PRINT OR ELECTRONIC FORMAT.~~

(c) The budget books for a fiscal year shall:

(1) (i) state each source of State revenues for the year, from which the proposed appropriations are to be paid; and

(ii) state the amount that the Governor estimates will be collected from each source;

(2) contain a summary of the annuity bond accounts of the State as of the end of the last full fiscal year; and

(3) (i) include a copy of the statewide cost allocation plan filed with the federal government for federal reimbursement of the costs of indirect State services that benefit federally funded programs; and

(ii) list, by unit of the State government, the amount of reimbursement received under the plan during the last full fiscal year.

(d) The budget books shall contain personnel detail in a section that, by unit of the State government, sets forth, for each program or purpose of that unit:

(1) the total number of officers and employees and the number in each job classification:

(i) authorized in the State budget for the last full fiscal year and the current fiscal year; and

(ii) requested for the next fiscal year; AND

~~(2) the total amount for salaries of officers and employees and the amount for salaries of each job classification:~~

~~(i) spent during the last full fiscal year;~~

~~(ii) authorized in the State budget for the current fiscal year; and~~

~~(iii) requested for the next fiscal year; and~~

~~(3) an itemized statement of the expenditures for contractual services, supplies and materials, equipment, land and structures, fixed charges, and other operating expenses:~~

~~(i) made in the last full fiscal year;~~

- (ii) authorized in the State budget for the current fiscal year; and
- (iii) requested for the next fiscal year.

(e) ~~The budget books shall include~~ **FOLLOWING INFORMATION SHALL BE PROVIDED ON THE WEBSITE OF THE DEPARTMENT OF BUDGET AND MANAGEMENT SIMULTANEOUSLY WITH THE SUBMISSION OF THE ANNUAL STATE BUDGET:**

(1) the StateStat or managing for results agency strategic plan required under this article, ~~but shall be~~ limited to a description of the agency’s mission, goals, objectives, and performance measures; AND

(2) PERSONNEL DETAIL, BY UNIT OF STATE GOVERNMENT, THAT SETS FORTH, FOR EACH PROGRAM OR PURPOSE OF THE UNIT, THE TOTAL AMOUNT FOR SALARIES OF OFFICERS AND EMPLOYEES AND THE AMOUNT FOR SALARIES OF EACH JOB CLASSIFICATION:

(I) SPENT DURING THE LAST FULL FISCAL YEAR;

(II) AUTHORIZED IN THE STATE BUDGET FOR THE CURRENT FISCAL YEAR; AND

(III) REQUESTED FOR THE NEXT FISCAL YEAR.

(f) Whenever a proposed budget exceeds the recommendations of the Spending Affordability Committee, the budget books shall:

- (1) indicate the degree to which the proposed budget and recommendations differ; and
- (2) set forth the Governor’s reasons for exceeding the recommendations.

(g) The budget books shall include supporting data and the results of the calculations required under § 5–202(l) of the Education Article.

(H) THE INFORMATION REQUIRED UNDER THIS SECTION SHALL BE PROVIDED ON THE WEBSITE OF THE DEPARTMENT OF BUDGET AND MANAGEMENT SIMULTANEOUSLY WITH THE SUBMISSION OF THE ANNUAL STATE BUDGET.

7–311.

(j) (1) Except as provided in paragraph (2) of this subsection, for fiscal year 2007 and for each subsequent fiscal year, the Governor shall include in the budget bill an appropriation:

(i) for fiscal year 2017, to the accumulation funds of the State Retirement and Pension System an amount, up to a maximum of \$50,000,000, that is equal to one-half of the amount by which the unappropriated General Fund surplus as of June 30 of the second preceding fiscal year exceeds \$10,000,000;

(ii) for fiscal year 2020:

1. to the accumulation funds of the State Retirement and Pension System an amount, up to a maximum of \$50,000,000, that is equal to one-half of the amount by which the unappropriated General Fund surplus as of June 30 of the second preceding fiscal year exceeds \$10,000,000; and

2. to the Account equal to the amount by which the unappropriated General Fund surplus as of June 30 of the second preceding fiscal year exceeds \$10,000,000, less the amount of the appropriation under item 1 of this item; [and]

(iii) for fiscal year 2021 [and each fiscal year thereafter], ~~TO THE ACCOUNT EQUAL TO THE AMOUNT BY WHICH THE UNAPPROPRIATED GENERAL FUND SURPLUS AS OF JUNE 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS \$10,000,000; AND~~ ACCOUNT IN THE AMOUNT OF \$291,439,149; AND

(IV) FOR FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER:

1. to the accumulation funds of the State Retirement and Pension System an amount, up to a maximum of \$25,000,000, that is equal to one-quarter of the amount by which the unappropriated General Fund surplus as of June 30 of the second preceding fiscal year exceeds \$10,000,000;

2. to the Postretirement Health Benefits Trust Fund established under § 34-101 of the State Personnel and Pensions Article an amount, up to a maximum of \$25,000,000, that is equal to one-quarter of the amount by which the unappropriated General Fund surplus as of June 30 of the second preceding fiscal year exceeds \$10,000,000; and

3. to the Account equal to the amount by which the unappropriated General Fund surplus as of June 30 of the second preceding fiscal year exceeds \$10,000,000, less the amount of the appropriations under items 1 and 2 of this item.

7-329.

(b) At the end of fiscal year 2020, and each fiscal year thereafter, if General Fund revenues for the fiscal year are less than the March estimate of the Board of Revenue Estimates, the amount of nonwithholding income tax revenues that exceeds the capped estimate determined under § 6-104(e) of this article shall be applied to close the gap in revenues for that fiscal year.

~~¶~~(b-1) At the end of fiscal year 2020 only, if the amount of nonwithholding income tax revenues that exceeds the capped estimate determined under § 6-104(e) of this article exceeds the amount necessary to close the gap in revenues under subsection (b) of this section, the State Comptroller shall distribute the remainder to the Fiscal Responsibility Fund established under § 7-330 of this subtitle for the purpose of providing ~~a cost-of-living adjustment of up to 2%~~, beginning July 1, 2020, for permanent employees in the Executive Branch of State government who are in a bargaining unit that is represented by one of the following exclusive representatives, **A COST-OF-LIVING ADJUSTMENT AS FOLLOWS:**

(1) **UP TO ~~3%~~ 1% FOR** the American Federation of State, County and Municipal Employees, AFL-CIO, excluding a bargaining unit represented by the American Federation of State, County and Municipal Employees, AFL-CIO Local 1859; **AND**

(2) ANY REVENUES THAT EXCEED THE AMOUNT NEEDED FOR THE COST-OF-LIVING ADJUSTMENT IN ITEM (1) OF THIS SUBSECTION SHALL BE DISTRIBUTED PROPORTIONALLY TO PROVIDE UP TO 2% FOR THE FOLLOWING:

(I) THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO, EXCLUDING A BARGAINING UNIT REPRESENTED BY THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO LOCAL 1859;

~~(2)~~ **(II) UP TO ~~2%~~ FOR** AFT Healthcare-Maryland, AFT, AFL-CIO Local 5197; ~~AND~~

~~(3)~~ **(III) UP TO ~~2%~~ FOR** the Maryland Professional Employees Council/AFT/AFL-CIO Local 6197. ~~¶~~

(c) ~~¶~~Except as provided in subsection (b-1) of this section, if ~~¶~~ ~~IF~~ the amount of nonwithholding income tax revenues that exceeds the capped estimate determined under § 6-104(e) of this article exceeds the amount necessary to close the gap in revenues under subsection (b) of this section, and if the balance of the Revenue Stabilization Account under § 7-311 of this subtitle is less than 6% of the estimated General Fund revenues for that fiscal year, the State Comptroller shall distribute to the Revenue Stabilization Account the lesser of:

(1) the remaining balance of nonwithholding income tax revenues in excess of the capped estimate determined under § 6-104(e) of this article; or

(2) the amount required for the Revenue Stabilization Account balance to equal 6% of the estimated General Fund revenues for that fiscal year.

(d) ~~¶~~Except as provided in subsection (b-1) of this section, if ~~¶~~ ~~IF~~ the amount of nonwithholding income tax revenues that exceeds the capped estimate determined under §

6–104(e) of this article exceeds the amount the State Comptroller is required to distribute to the Revenue Stabilization Account under subsection (c) of this section, the State Comptroller shall distribute:

(1) subject to subsection (e) of this section, 50% of the remaining amount to the Revenue Stabilization Account; and

(2) the remainder to the Fiscal Responsibility Fund established under § 7–330 of this subtitle.

(e) The distribution to the Revenue Stabilization Account under subsection (d)(1) of this section does not apply if the amount in the Revenue Stabilization Account exceeds 10% of General Fund revenues.

7–330.

(b) There is a Fiscal Responsibility Fund.

(c) The purpose of the Fund is to retain the amount of nonwithholding income tax revenues deposited to the Fund in accordance with § 7–329(d)(2) of this subtitle until the revenues are appropriated in the State budget.

(d) The State Comptroller shall administer the Fund.

(e) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of this subtitle.

(2) The State Treasurer shall hold the Fund separately, and the State Comptroller shall account for the Fund.

(f) The Fund consists of nonwithholding income tax revenues that exceed the capped estimate determined under § 6–104(e) of this article deposited into the Fund by the State Comptroller under § 7–329(d)(2) of this subtitle.

(g) ~~¶(1)~~ Except as provided in paragraph (2) of this subsection, ~~the~~ ~~THE~~ Fund may be used only to provide pay–as–you–go capital funds for:

~~¶(i) ¶(1)~~ public school construction and public school capital improvement projects, in accordance with Title 5, Subtitle 3 of the Education Article;

~~¶(ii) ¶(2)~~ capital projects at public community colleges; and

~~¶(iii) ¶(3)~~ capital projects at four–year public institutions of higher education.

~~¶~~(2) For fiscal year 2021 only, money in the Fund shall be used to provide ~~a cost-of-living adjustment of up to 2%~~, beginning July 1, 2020, for permanent employees in the Executive Branch of State government who are in a bargaining unit that is represented by one of the following exclusive representatives, **A COST-OF-LIVING ADJUSTMENT AS FOLLOWS:**

(i) **UP TO ~~3%~~ 1% FOR** the American Federation of State, County and Municipal Employees, AFL-CIO, excluding a bargaining unit represented by the American Federation of State, County and Municipal Employees, AFL-CIO Local 1859; **AND**

(II) ANY REVENUES THAT EXCEED THE AMOUNT NEEDED FOR THE COST-OF-LIVING ADJUSTMENT IN ITEM (I) OF THIS PARAGRAPH SHALL BE DISTRIBUTED PROPORTIONALLY TO PROVIDE UP TO 2% FOR THE FOLLOWING:

1. THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO, EXCLUDING A BARGAINING UNIT REPRESENTED BY THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO LOCAL 1859;

~~(ii)~~ **2. UP TO ~~2%~~ FOR** AFT Healthcare-Maryland, AFT, AFL-CIO Local 5197; ~~AND~~

~~(iii)~~ **3. UP TO ~~2%~~ FOR** the Maryland Professional Employees Council/AFT/AFL-CIO Local 6197. ~~¶~~

(h) (1) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any interest earnings of the Fund shall be credited to the General Fund of the State.

(i) Expenditures from the Fund may be made only in accordance with the State budget.

(j) (1) ~~¶~~Except as provided in paragraph (3) of this subsection, ~~the~~ ~~THE~~ Governor shall include in the budget bill for the second following fiscal year an appropriation equal to the amount in the Fund for pay-as-you-go capital projects.

(2) Money expended from the Fund for pay-as-you-go capital projects is supplemental to and is not intended to take the place of funding that otherwise would be appropriated for capital projects, including those funded with pay-as-you-go funds and the proceeds from the sale of general obligation bonds.

~~¶~~(3) The Governor shall include in the budget bill submitted at the 2021 Session of the General Assembly an appropriation equal to the amount distributed to the Fund in accordance with § 7-329(b-1) of this subtitle to provide ~~a cost-of-living adjustment of up to 2%~~, beginning July 1, 2020, for permanent employees in the Executive Branch of State government who are in a bargaining unit that is represented by one of the following exclusive representatives, **A COST-OF-LIVING ADJUSTMENT AS FOLLOWS:**

(i) **UP TO ~~3%~~ 1% FOR** the American Federation of State, County and Municipal Employees, AFL-CIO, excluding a bargaining unit represented by the American Federation of State, County and Municipal Employees, AFL-CIO Local 1859; **AND**

(II) ANY REVENUES THAT EXCEED THE AMOUNT NEEDED FOR THE COST-OF-LIVING ADJUSTMENT IN ITEM (I) OF THIS PARAGRAPH SHALL BE DISTRIBUTED PROPORTIONALLY TO PROVIDE UP TO 2% FOR THE FOLLOWING:

1. THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO, EXCLUDING A BARGAINING UNIT REPRESENTED BY THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO LOCAL 1859;

~~(ii)~~ **2. UP TO ~~2%~~ FOR** AFT Healthcare-Maryland, AFT, AFL-CIO Local 5197; ~~AND~~

~~(iii)~~ **3. UP TO ~~2%~~ FOR** the Maryland Professional Employees Council/AFT/AFL-CIO Local 6197.‡

(k) At the end of a fiscal year, the unspent balance of each appropriation that was made for that fiscal year from the Fund reverts to the Fund.

Article – State Government

2-2A-01.

(A) The population count used after each decennial census for the purpose of creating the legislative districting plan for the General Assembly:

(1) may not include individuals who:

(i) were incarcerated in State or federal correctional facilities, as determined by the decennial census; and

(ii) were not residents of the State before their incarceration; and

(2) shall count individuals incarcerated in the State or federal correctional facilities, as determined by the decennial census, at their last known residence before incarceration if the individuals were residents of the State.

(B) BEGINNING WITH THE 2020 DECENNIAL CENSUS:

(1) ON OR BEFORE OCTOBER 31 IN THE YEAR OF EACH DECENNIAL CENSUS, THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL SUBMIT TO THE MARYLAND DEPARTMENT OF PLANNING AND THE DEPARTMENT OF LEGISLATIVE SERVICES THE FOLLOWING IDENTIFIABLE INFORMATION, IN ELECTRONIC FORM, FOR EACH INDIVIDUAL INCARCERATED IN A STATE CORRECTIONAL FACILITY ON APRIL 1 IN THE YEAR OF THE DECENNIAL CENSUS:

(I) THE NAME OF THE INDIVIDUAL;

(II) THE ADDRESS OF THE INDIVIDUAL'S LAST KNOWN RESIDENCE;

(III) THE INDIVIDUAL'S RACE OR ETHNICITY; AND

(IV) ANY OTHER INFORMATION NECESSARY TO FULFILL THE PURPOSES OF THIS SECTION; AND

(2) ON OR BEFORE AUGUST 1 IN THE YEAR OF EACH DECENNIAL CENSUS, THE MARYLAND DEPARTMENT OF PLANNING AND THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING, THE TERMS OF WHICH SHALL REQUIRE THE DEPARTMENT OF PLANNING AND THE DEPARTMENT OF LEGISLATIVE SERVICES TO WORK COLLABORATIVELY TO:

(I) SUMMARIZE THE RESULTS OF THE GEOCODED DATA CREATED BY THE DEPARTMENT OF PLANNING AS REQUIRED UNDER COMAR 35.05.01;

(II) USING THE GEOCODED DATA, IDENTIFY THE INDIVIDUALS INCARCERATED IN A STATE CORRECTIONAL FACILITY OR FEDERAL CORRECTIONAL FACILITY IN THE STATE THAT WILL BE INCLUDED IN THE ADJUSTED CENSUS DATA UNDER THIS SECTION;

(III) MAKE ANY NECESSARY CHANGES TO THE DEPARTMENT OF PLANNING'S GEOCODED DATABASE;

(IV) JOINTLY REVIEW FOR ACCURACY ANY CHANGES TO THE CENSUS DATA BY ANY SOFTWARE VENDOR OR OTHER ENTITY; AND

(V) JOINTLY CERTIFY, ON OR BEFORE MARCH 15 IN THE YEAR FOLLOWING EACH DECENNIAL CENSUS, THE ADJUSTED CENSUS DATA TO BE USED FOR REDISTRICTING UNDER THIS SECTION.

Article – Tax – General

2–202.

(b) (1) [From] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FROM the revenue from the State admissions and amusement tax on electronic bingo and electronic tip jars in Calvert County under § 4–102(e) of this article, the Comptroller shall distribute from:

[(1)] (I) the revenue attributable to a tax rate of 1.5%:

[(i)] 1. \$50,000 to the Boys and Girls Club of the Town of North Beach; and

[(ii)] 2. the remainder to the Town of North Beach;

[(2)] (II) the revenue attributable to a tax rate of 2.5% to the Town of Chesapeake Beach; and

[(3)] (III) the revenue attributable to a tax rate of 4% to the Calvert County Youth Recreational Opportunities Fund under Title 5, Subtitle 19 of the Natural Resources Article.

(2) FUNDS REQUIRED TO BE DISTRIBUTED TO THE ENTITIES IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE PROVIDED THROUGH AN APPROPRIATION IN THE ANNUAL STATE BUDGET UNDER BUDGET CODE A15000.03 PAYMENTS TO CIVIL DIVISIONS OF THE STATE.

2–606.

(a) After making the distributions required under §§ 2–604, 2–605, and 2–605.1 of this subtitle, from the remaining income tax revenue from individuals, the Comptroller shall distribute to an unallocated individual revenue account the income tax revenue:

(1) with respect to which an income tax return is not filed; and

(2) that is attributable to:

(i) income tax withheld from salary, wages, or other compensation for personal services under Title 10 of this article; or

(ii) estimated income tax payments by individuals.

(b) (1) In June of each year, from current collections, the Comptroller shall reserve an amount of unallocated revenue that the Comptroller estimates will be claimed on returns and refunded to taxpayers within 3 years of the date the income tax return was due to be filed, and distribute to each county, municipal corporation, and special taxing district a pro rata share of the balance of the unallocated individual income tax revenue.

(2) The Comptroller shall adjust the amount distributed under paragraph (1) of this subsection to a county, municipal corporation, or special taxing district to allow for the proportionate part of tax claim payments for a prior calendar year made after a distribution is made to the county, municipal corporation, or special taxing district for that year.

(c) (1) To compute the pro rata share for a county, the Comptroller shall:

(i) compute the amount equal to the product of multiplying the unallocated individual income tax revenue by a fraction:

1. the numerator of which is the income tax for the county collected for a calendar year; and

2. the denominator of which is the total income tax from individuals collected for that year; and

(ii) reduce the amount computed under item (i) of this paragraph by the pro rata share computed under paragraph (2) of this subsection for municipal corporations and special taxing districts that are located in the county.

(2) To compute the pro rata share for a municipal corporation or special taxing district, the Comptroller shall compute the amount equal to the product of multiplying the pro rata share for a calendar year for the county where the municipal corporation or district is located by a fraction:

(i) the numerator of which is the amount distributed under § 2–607 of this subtitle to that municipal corporation or special taxing district for that year; and

(ii) the denominator of which is the total income tax for that county collected for that year.

(d) On or before June 30, 2009, the Comptroller shall distribute \$366,778,631 from the Local Reserve Account established to comply with this section to the General Fund of the State.

(e) On or before June 30, 2010, the Comptroller shall distribute \$350,000,000 from the Local Reserve Account established to comply with this section to the Education Trust Fund established under § 9–1A–30 of the State Government Article.

(f) [(1)] On or before June 30, 2011, the Comptroller shall distribute \$200,000,000 from the Local Reserve Account established to comply with this section to the General Fund of the State for use in funding the Maryland Medicaid Program for fiscal year 2011.

[(2)] In each of fiscal years 2021 through 2026, the State shall pay to the Local Reserve Account \$33,333,333 to repay the \$200,000,000 transfer to the General Fund authorized under paragraph (1) of this subsection.]

(g) (1) On or before June 30, 2013, the Comptroller shall distribute \$15,379,979 from the Local Reserve Account established to comply with this section to a special fund established in the Department of Transportation for the purpose of providing transportation grants to municipalities.

(2) The grants authorized under this subsection shall be allocated to eligible municipalities as provided in § 8-405 of the Transportation Article.

(h) For fiscal year 2017 and each fiscal year thereafter, in addition to the amounts distributed under subsection (b) of this section, the Comptroller shall distribute \$10,000,000 of the remaining income tax revenue from individuals to the Local Reserve Account established to comply with this section.

(I) FOR FISCAL YEARS ~~2021 THROUGH 2040~~ 2024 THROUGH 2043, IN ADDITION TO THE AMOUNTS DISTRIBUTED UNDER SUBSECTIONS (B) AND (H) OF THIS SECTION, THE COMPTROLLER SHALL DISTRIBUTE \$10,000,000 OF THE REMAINING INCOME TAX REVENUE FROM INDIVIDUALS TO THE LOCAL RESERVE ACCOUNT ESTABLISHED TO COMPLY WITH THIS SECTION.

10-730.

(f) (1) Except as provided in paragraph (2) of this subsection, the Secretary may not issue tax credit certificates for credit amounts in the aggregate totaling more than:

(i) for fiscal year 2014, \$25,000,000;

(ii) for fiscal year 2015, \$7,500,000;

(iii) for fiscal year 2016, \$7,500,000;

(iv) for fiscal year 2019, \$8,000,000;

(v) for fiscal year 2020, \$11,000,000; **AND**

(vi) for fiscal year 2021 **AND EACH FISCAL YEAR THEREAFTER**,
 [\$14,000,000] ~~\$10,000,000~~ ~~\$12,000,000~~; ~~\$10,000,000~~ **\$12,000,000.**

~~(vii) for fiscal year 2022, \$17,000,000; and~~

~~(viii) for fiscal year 2023 and each fiscal year thereafter, \$20,000,000.~~

(2) If the aggregate credit amounts under the tax credit certificates issued by the Secretary total less than the maximum provided under paragraph (1) of this subsection in any fiscal year, any excess amount may be carried forward and issued under tax credit certificates in a subsequent fiscal year.

(3) The Secretary may not issue tax credit certificates for credit amounts totaling more than \$10,000,000 in the aggregate for a single film production activity.

(4) (i) For fiscal year 2019 and each fiscal year thereafter, the Secretary shall make 10% of the credit amount authorized under paragraph (1) of this subsection available for Maryland small or independent film entities.

(ii) If the total amount of credits applied for by Maryland small or independent film entities is less than the amount made available under subparagraph (i) of this paragraph, the Secretary shall make available the unused amount of credits for use by qualified film production entities.

10-825.

(A) IN THIS SECTION, “PARTICIPATING PAYEE”, “REPORTABLE PAYMENT TRANSACTION”, AND “THIRD-PARTY SETTLEMENT ORGANIZATION” HAVE THE MEANINGS STATED IN § 6050W OF THE INTERNAL REVENUE CODE.

(B) NOTWITHSTANDING THE FILING THRESHOLD UNDER § 6050W OF THE INTERNAL REVENUE CODE, A THIRD-PARTY SETTLEMENT ORGANIZATION SHALL REPORT TO THE COMPTROLLER AND A PARTICIPATING PAYEE REQUIRED TO FILE A RETURN OR DECLARATION UNDER PART II OF THIS SUBTITLE THE GROSS AMOUNT OF REPORTABLE PAYMENT TRANSACTIONS MADE TO THE PARTICIPATING PAYEE IF THE AMOUNT OF REPORTABLE PAYMENT TRANSACTIONS MEETS OR EXCEEDS THE FILING THRESHOLD UNDER § 6041(A) OF THE INTERNAL REVENUE CODE.

(C) THE THIRD-PARTY SETTLEMENT ORGANIZATION SHALL REPORT THE INFORMATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION TO THE COMPTROLLER AND THE PARTICIPATING PAYEE AT LEAST 30 DAYS BEFORE THE FEDERAL FILING DEADLINES FOR THE INFORMATION.

Article – Tax – Property

~~(a) Each county shall provide the supervisor of the county with an office in the county seat or in Baltimore City, for the supervisor of Baltimore City. The Department is responsible for providing each supervisor with clerical staff, equipment, and other facilities and assistance that the Department considers necessary and as provided in the State budget.~~

~~(b) (1) Except as provided in paragraph (2) of this subsection, each county and Baltimore City shall be responsible for reimbursing the State for the costs of administering the Department as follows:~~

~~(i) [50%] 60% of the costs of real property valuation;~~

~~(ii) [50%] 60% of the costs of business personal property valuation;~~

~~and~~

~~(iii) [50%] 60% of the costs of the Office of Information Technology within the Department, including any funding for departmental projects in the Major Information Technology Development Project Fund established under § 3A-309 of the State Finance and Procurement Article.~~

~~(2) For each of fiscal years 2012 and 2013, each county and Baltimore City shall be responsible for reimbursing the State 90% instead of 50% of the costs of administering the Department described in paragraph (1) of this subsection.~~

~~(c) Costs under subsection (b) of this section shall be allocated among the counties and Baltimore City as follows:~~

~~(1) costs under subsection (b)(1)(i) and (iii) of this section will be allocated based on the number of real property accounts of a county or Baltimore City as a percentage of the total number of real property accounts statewide as of July 1 of the preceding fiscal year; and~~

~~(2) costs under subsection (b)(1)(ii) of this section will be allocated based on the business personal property assessable base of a county or Baltimore City as a percentage of the total business personal property assessable bases statewide as of July 1 of the preceding fiscal year.~~

~~(d) Each county and Baltimore City shall remit a quarterly payment to the Comptroller for 25% of the jurisdiction's share of costs on the following dates:~~

~~(1) July 1;~~

~~(2) October 1;~~

~~(3) January 1; and~~

~~(4) April 1.~~

~~(e) The Comptroller may withhold a portion of a local income tax distribution of a county or Baltimore City that fails to make timely payment in accordance with this section.~~

8-213.

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

(2) [“agreement”] “AGREEMENT” means an agreement made under subsection (b) of this section.

(3) “ASSESSMENT RATE INDEX” MEANS THE PERCENTAGE, IF ANY, BY WHICH THE AMOUNT OF THE STATE ASSESSABLE BASE FOR THE TAXABLE YEAR EXCEEDS THE AVERAGE ANNUAL AMOUNT OF THE STATE ASSESSABLE BASE IN THE IMMEDIATELY PRECEDING ASSESSMENT CYCLE.

(4) “STATE ASSESSABLE BASE” MEANS THE TOTAL ASSESSABLE BASE, AS DETERMINED BY THE SUPERVISOR OF ASSESSMENTS, OF ALL REAL PROPERTY IN THE STATE SUBJECT TO TAXATION.

(b) The Department may make agreements with country clubs and golf courses that specify the manner of assessing the land of a country club or golf course. All agreements shall contain uniform provisions.

(c) (1) (I) Except as provided in paragraph (2) of this subsection AND SUBJECT TO SUBPARAGRAPHS (III) AND (IV) OF THIS PARAGRAPH, the land of a country club or golf course that is actively used as a country club or golf course that meets the requirements of § 8-212 of this subtitle shall be valued:

1. at rates equivalent to land assessed under § 8-219 of this subtitle, IF THE LAND IS SUBJECT TO AN AGREEMENT ENTERED INTO BEFORE JUNE 1, 2020, THAT HAS NOT BEEN EXTENDED FOR A TERM OF YEARS BEGINNING ON OR AFTER JUNE 1, 2020; OR

2. AT THE RATES SPECIFIED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF THE LAND IS SUBJECT TO AN AGREEMENT ENTERED INTO:

A. ON OR AFTER JUNE 1, 2020; OR

B. BEFORE JUNE 1, 2020, THAT IS EXTENDED FOR A TERM OF YEARS BEGINNING ON OR AFTER JUNE 1, 2020.

(II) THE LAND OF A COUNTRY CLUB OR GOLF COURSE SUBJECT TO AN AGREEMENT DESCRIBED UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH SHALL BE VALUED:

1. FOR THE FIRST TAXABLE YEAR AFTER THE AGREEMENT OR EXTENSION TAKES EFFECT, AT THE LESSER OF:

A. MARKET VALUE PER ACRE; OR

B. \$2,000 PER ACRE;

2. FOR THE SECOND TAXABLE YEAR AFTER THE AGREEMENT OR EXTENSION TAKES EFFECT, AT THE LESSER OF:

A. MARKET VALUE PER ACRE; OR

B. \$3,500 PER ACRE; OR

3. FOR THE THIRD TAXABLE YEAR AFTER THE AGREEMENT OR EXTENSION TAKES EFFECT, AT THE LESSER OF:

A. MARKET VALUE PER ACRE; OR

B. \$5,000 PER ACRE.

(III) THE RATE OF VALUATION REQUIRED FOR THE LAND OF A COUNTRY CLUB OR GOLF COURSE UNDER SUBPARAGRAPH (II)3A OF THIS PARAGRAPH SHALL BE INCREASED ANNUALLY BY AN AMOUNT EQUAL TO THE PRODUCT OF MULTIPLYING:

1. THE GREATER OF:

A. THE VALUATION RATE FOR THE LAST ASSESSMENT OF THE LAND; OR

B. MARKET VALUE PER ACRE; AND

2. THE ASSESSMENT RATE INDEX.

(IV) THE RATE OF VALUATION REQUIRED FOR THE LAND OF A COUNTRY CLUB OR GOLF COURSE UNDER SUBPARAGRAPH (II)3B OF THIS PARAGRAPH SHALL BE INCREASED ANNUALLY BY AN AMOUNT EQUAL TO THE PRODUCT OF MULTIPLYING:

1. THE GREATER OF:

A. THE VALUATION RATE FOR THE LAST ASSESSMENT OF THE LAND; OR

B. \$5,000 PER ACRE; AND

2. THE ASSESSMENT RATE INDEX.

(2) If the land of a country club or golf course that meets the requirements of § 8–212 of this subtitle has a greater market value than its value when used as a country club or golf course, the land shall also be assessed on the basis of the greater value.

(3) Except as provided under § 8–216 of this subtitle, the property tax payable by a country club or golf course under this section is based on the assessment of the land under paragraph (1) of this subsection.

(4) If an assessment is made on the greater value under paragraph (2) of this subsection, the assessment records for the country club or golf course shall record the assessment under paragraphs (1) and (2) of this subsection.

(5) Any assessment of the land of a country club or golf course under this section is effective on the date of finality next following the date of an agreement.

(d) (1) An agreement shall be for at least 10 consecutive years or for a longer period as determined by the country club or golf course and the Department.

(2) An agreement may be extended, but only in increments of at least 5 years.

13–209.

(g) (2) (i) 1. THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL FOR FISCAL YEAR 2021 A GENERAL FUND APPROPRIATION TO THE SPECIAL FUND IN THE AMOUNT OF \$5,690,501.

2. The Governor shall include in each of the annual budget bills for fiscal years [2020, 2021, and] ~~2021, 2022, and 2023~~ **2022 AND 2023** a General Fund appropriation to the special fund in the amount of \$12,500,000.

3. THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL FOR FISCAL YEAR 2024 A GENERAL FUND APPROPRIATION TO THE SPECIAL FUND IN THE AMOUNT OF \$6,809,499.

(ii) The appropriations required under subparagraph (i) of this paragraph:

1. cumulatively represent reimbursement for 50% of the cumulative amount of any appropriation or transfer from the special fund to the General Fund for fiscal year 2006;
2. are not subject to the provisions of subsections (a), (b), (c), and (f) of this section;
3. shall be allocated as provided in subsection (d) of this section and § 5–903 of the Natural Resources Article; and
4. shall be reduced by the amount of any appropriation from the General Fund to the special fund that:
 - A. exceeds the required appropriation under this paragraph; and
 - B. is identified as an appropriation for reimbursement under this paragraph.

(3) (i) The Governor shall include in each of the annual budget bills for fiscal year 2019 [through fiscal year 2024] **AND FISCAL YEARS ~~2021 THROUGH 2025~~ 2022 THROUGH 2026** a General Fund appropriation to the special fund in the amount of \$6,000,000 and for fiscal year [2025] ~~2026~~ **2027** a General Fund appropriation to the special fund in the amount of \$4,000,000 for park development and the critical maintenance of State projects located on lands managed by the Department of Natural Resources for public purposes.

- (ii) The appropriations required under subparagraph (i) of this paragraph:
1. represent reimbursement for 44.4% of the cumulative amount of any appropriation or transfer from the special fund to the General Fund for fiscal year 2006;
 2. are not subject to the provisions of subsections (a), (b), (c), and (f) of this section;
 3. shall be made until the cumulative total amount appropriated under subparagraph (i) of this paragraph is equal to \$40,000,000; and
 4. shall be reduced by the amount of any appropriation from the General Fund to the special fund that:
 - A. exceeds the required appropriation under this paragraph;
 - B. is identified as an appropriation for reimbursement under this paragraph; and

C. supplements rather than supplants the Department of Natural Resources funding for the critical maintenance of State projects on State lands, based on the average critical maintenance budget of the 10 years preceding the appropriation.

(4) (i) Subject to subparagraph (ii) of this paragraph, the Governor shall appropriate from the General Fund to the special fund [an amount equal to] **\$152,165,700, WHICH EQUALS** the cumulative amount of the appropriations or transfers from the special fund to the General Fund for fiscal years 2016, 2017, and 2018, less \$72,000,000.

(ii) The Governor shall appropriate at least:

1. [one-third of the amount required under subparagraph (i) of this paragraph] **\$25,360,950** on or before June 30, ~~2021~~ **2022**;

2. [two-thirds of the amount required under subparagraph (i) of this paragraph] **AN ADDITIONAL \$50,721,900** on or before June 30, ~~2025~~ **2026**; [and]

3. [the total amount required under subparagraph (i) of this paragraph] **AN ADDITIONAL \$50,721,900** on or before June 30, ~~2029~~ **2030**; **AND**

4. **AN ADDITIONAL \$25,360,950 ON OR BEFORE JUNE 30, ~~2030~~ 2031.**

(iii) The appropriations required under subparagraphs (i) and (ii) of this paragraph:

1. represent reimbursement for the cumulative amount of any appropriation or transfer from the special fund to the General Fund for fiscal years 2016, 2017, and 2018, less \$72,000,000;

2. are not subject to the provisions of subsections (a), (b), (c), and (f) of this section;

3. shall be allocated as provided in subsection (d) of this section and § 5–903 of the Natural Resources Article;

4. shall be made until the cumulative total appropriated under subparagraphs (i) and (ii) of this paragraph is equal to the cumulative amount of any appropriation or transfer from the special fund to the General Fund for fiscal years 2016, 2017, and 2018, less \$72,000,000; and

5. shall be reduced by the amount of any appropriation from the General Fund to the special fund that:

A. exceeds the required appropriation under this paragraph;
and

B. is identified as an appropriation for reimbursement under this paragraph.

Article – Transportation

13-812.

(a) [For collecting and remitting the tax, a licensed dealer who, on behalf of the Administration, collects the excise tax imposed by this part may keep the lesser of \$12 per vehicle or 0.6 percent of the gross excise tax the dealer collects.

(b) Each dealer who collects any tax or fee required for titling a vehicle shall:

(1) Keep complete and accurate records of each taxable sale, together with a record of the tax collected on the sale;

(2) Keep copies of every invoice, bill of sale, and other pertinent documents and records, in the form that the Administration requires; and

(3) Preserve these records in original form for at least 3 years, unless the Administration consents in writing to their earlier destruction or, by order, requires that they be kept for a longer period.

[(c) (B) Each dealer who collects any tax or fee required for titling a vehicle shall, during business hours, allow any representative of the Administration and any police officer full access to records required to be kept under subsection [(b)] (A) of this section.

[(d) (C) If the Administration finds that the records of a dealer are inadequate or incorrect and that the amount of excise tax collected for the Administration on these sales cannot be determined accurately from the records:

(1) The Administration shall determine the taxable sales of the dealer for the period involved and compute the tax from the best information available; and

(2) The determination and computation of the Administration are prima facie correct.

[(e) (D) (1) If, under subsection [(d)] (C) of this section, the Administration determines the sales of vehicles and computes the tax due, it shall:

(i) Levy an assessment against the dealer for the deficiency, interest, and penalties in the manner authorized in §§ 13-401, 13-601, and 13-701 of the Tax – General Article; and

(ii) Notify the dealer of the tax due and of the amount of the deficiency assessment.

(2) If the dealer fails to pay the tax and assessment within 10 days after receiving the notice from the Administration, the Administration may levy, in addition to the tax and assessment, a penalty equal to 25 percent of the tax due.

[(f)] (E) If a dealer fails to keep any records of sales of vehicles, the Administration may compute the tax due as provided in § 13-407 of the Tax – General Article.

[(g)] (F) All amounts received from any dealer under this section shall be credited:

(1) First, to any penalty and interest accrued under this section; and

(2) Then, to the tax due.

15-311.1.

(a) (1) In this section, “dealer processing charge” includes an amount charged by a dealer for:

(i) The preparation of written documentation of the transaction;

(ii) Obtaining the title and license plates for the vehicle;

(iii) Obtaining a release of lien;

(iv) Filing title documents with the Administration;

(v) Retaining documentation and records of the transaction;

(vi) Complying with federal or State privacy laws; or

(vii) Other administrative services concerning the sale of the vehicle.

(2) “Dealer processing charge” does not include a charge to purchase or install tangible personal property on or in the vehicle, or to perform mechanical service on the vehicle.

(b) (1) If a dealer charges a dealer processing charge, the charge:

(i) Shall be reasonable;

(ii) May not exceed:

1. \$200 for the period from July 1, 2011, through June 30, 2014; [and]

2. \$300 [on and after] FOR THE PERIOD FROM July 1, 2014, THROUGH JUNE 30, 2020; and

3. \$500 ON AND AFTER JULY 1, 2020; AND

(iii) Shall reflect dealer expenses generally incurred for the services identified in subsection (a)(1) of this section.

(2) A dealer shall provide a written disclosure of the services included in the dealer processing charge on request by the purchaser.

SECTION 7. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Economic Development

10-523.

(b) (1) THE FUNDS APPROPRIATED TO THE CORPORATION UNDER SUBSECTION (A)(3)(I)2 OF THIS SECTION SHALL BE USED AS FOLLOWS:

(I) \$2,300,000 TO SUPPORT THE CORPORATION’S RURAL BUSINESS LOAN PROGRAMS AND SMALL MATCHING GRANT PROGRAMS; AND

(II) \$435,000 TO MAKE GRANTS AND NEAR-EQUITY INVESTMENTS TO:

1. SUPPORT THE CREATION OR EXPANSION OF ~~FOOD~~ AGRICULTURAL PRODUCT AGGREGATION AND STORAGE SITES; AND

2. FACILITATE PARTICIPATION IN THE CERTIFIED LOCAL FARM ENTERPRISE PROGRAM.

SECTION 8. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Chapter 397 of the Acts of 2011, as amended by Chapter 425 of the Acts of 2013, Chapter 464 of the Acts of 2014, Chapter 489 of the Acts of 2015, Chapter 23 of

the Acts of 2017, Chapter 10 of the Acts of 2018, and Chapter 16 of the Acts of 2019

SECTION 16. AND BE IT FURTHER ENACTED, That, in addition to any other revenue generated under § 19–214 of the Health – General Article, as amended by this Act:

(c) (1) For fiscal year 2015 and 2016, the Commission and the Maryland Department of Health shall adopt policies that will provide up to \$389,825,000 in special fund revenues from hospital assessment and remittance revenue.

(2) For fiscal year 2017, the Governor shall reduce the budgeted Medicaid Deficit Assessment by \$25,000,000 over the assessment level for the prior year.

(3) For fiscal year 2018, the budgeted Medicaid Deficit Assessment shall be \$364,825,000.

(4) For fiscal year 2019, the budgeted Medicaid Deficit Assessment shall be \$334,825,000.

(5) For fiscal year 2020, the budgeted Medicaid Deficit Assessment shall be \$309,825,000.

(6) FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER, THE BUDGETED MEDICAID DEFICIT ASSESSMENT SHALL BE ~~\$294,825,000~~ \$304,825,000 \$294,825,000.

~~**(7) FOR FISCAL YEAR 2022, THE BUDGETED MEDICAID DEFICIT ASSESSMENT SHALL BE \$259,825,000.**~~

~~**[(6)] (8) Beginning with the state budget submission for fiscal year [2021] 2023, the Governor shall reduce the budgeted Medicaid Deficit Assessment annually by \$25,000,000 over the assessment level for the prior fiscal year.**~~

~~**[(7)] (9) (7)**~~ To the extent that the Commission takes other actions that reduce Medicaid costs, those savings shall also be used to reduce the budgeted Medicaid Deficit Assessment.

~~**[(8)] (10) (8)**~~ To the maximum extent possible, the Commission and the Maryland Department of Health shall adopt policies that preserve the State's Medicare waiver.

Chapter 565 of the Acts of 2019

STATE HIGHWAY ADMINISTRATION

Section 1.

J00B01.05 County and Municipality Funds

Special Fund Appropriation, provided that \$29,777 of this appropriation made for the purpose of providing transportation aid to Deer Park in Garrett County may not be expended until the town has submitted the audit reports and the Uniform Financial Reports as required under Sections 16-304 and 16-306 of the Local Government Article for fiscal 2015, 2016, 2017, and 2018. Funds restricted pending the receipt of these documents may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled.

Further provided that \$600,000 of this appropriation made for the purpose of providing transportation aid to Baltimore City may be used only to provide a grant [on a reimbursable basis] to Baltimore City for repairs and improvements to the 5300-5600 block of Frederick Avenue and North Bend Road from the intersection of Frederick Avenue to Wendly Road in Baltimore City to address damage caused by flooding. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled.

Further provided that \$1,750,000 of this appropriation made for the purpose of providing transportation aid to Baltimore City may be used only to provide a grant [on a reimbursable basis] to Baltimore City for improvements to Fort Smallwood Road **AND HAWKINS POINT ROAD, WHICH IS A CONTINUATION OF FORT SMALLWOOD ROAD**, in Baltimore City. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled.

Further provided that \$250,000 of this appropriation made for the purpose of providing transportation aid to Baltimore City may not be expended until the Baltimore City Department of Transportation (BCDOT):

(1) creates a webpage on the BCDOT website that provides project and scheduling information on street paving, streetlight replacement under the B'More Bright initiative, and traffic signal upgrade installations; and

(2) submits a report to the budget committees and the Baltimore City legislative delegation detailing how the webpage is accessed on the BCDOT website and how often the webpage will be updated.

The budget committees shall have 45 days to review and comment on the report. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled if the report is not submitted to the budget committees.

It is the intent of the General Assembly that BCDOT publish quarterly updates for the public on the items in item (1) until the webpage providing this information is created and available to the public.

Further provided that \$250,000 of this appropriation made for the purpose of providing transportation aid to Baltimore City may not be expended until:

(1) the Baltimore City Department of Transportation submits a report by July 1, 2019, to the budget committees and members of the Baltimore City legislative delegation on a plan to update truck route signage in Baltimore City and a plan and timeline for the creation of a Global Positioning System truck route map; and

(2) progress reports on the effort to update truck route signage are submitted by October 1, 2019; January 1, 2020; and March 1, 2020.

The budget committees shall have 45 days to review and comment on each report. One-fourth of the restricted funds shall be released upon completion of the review for each report. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled if the report is not submitted to the budget committees.....255,931,515

~~Chapter 364 of the Acts of 2017~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That for fiscal years 2018, 2019, AND 2020, [2021, and 2022,] in each year, \$1,500,000 shall be transferred from the Strategic Energy Investment Fund established under § 9-20B-05 of the State Government Article to the Maryland Energy Innovation Fund established under § 10-835 of the Economic Development Article, as enacted by Section 2 of this Act.~~

~~Chapter 365 of the Acts of 2017~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That for fiscal years 2018, 2019, AND 2020, [2021, and 2022,] in each year, \$1,500,000 shall be transferred from the Strategic Energy Investment Fund established under § 9-20B-05 of the State Government Article to the Maryland Energy Innovation Fund established under § 10-835 of the Economic Development Article, as enacted by Section 2 of this Act.~~

SECTION ~~5.~~ 7. 9. AND BE IT FURTHER ENACTED, That, for fiscal year 2021, payments to providers with rates set by the Interagency Rates Committee under § 8-417 of the Education Article may not increase by more than 2% over the rates in effect on June 30, 2020.

~~SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2021, the Governor may transfer to the Office of the Secretary in the Maryland Department of Health \$199,517 of the fund balance in the Board of Physicians Fund established under § 14-207 of the Health Occupations Article.~~

SECTION ~~7.~~ 8. 10. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal year 2021 only, \$400,000 from the balance in the Board of Physicians Fund under § 14-207 of the Health Occupations Article may be used for the

Loan Assistance Repayment Program for Physicians and Physician Assistants administered by the Maryland Higher Education Commission.

SECTION ~~8~~ 9. 11. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the fiscal year 2021 appropriation for the Revenue Stabilization Account established under § 7-311 of the State Finance and Procurement Article is reduced by \$284,439,149.

~~SECTION 9. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal years 2021 through 2024, \$5,000,000 of the distribution to Baltimore City under § 8-403 of the Transportation Article shall instead be distributed to the Maryland Department of Transportation to support capital improvements for the Howard Street Tunnel.~~

SECTION ~~10~~ 12. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2021, the Governor may transfer \$43,860,950 of the balance designated for Program Open Space Repayment in the Dedicated Purpose Account to the General Fund.

SECTION ~~11~~ 13. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2020, the Governor may ~~revert to the General Fund~~ transfer from the Dedicated Purpose Account to the Annuity Bond Fund established under § 8-132 of the State Finance and Procurement Article:

- (1) \$50,000,000 of funding for the State Retirement and Pension System reinvestment contributions; and
- (2) \$12,000,000 of funding for the Washington Metropolitan Area Transit Authority's capital program.

~~SECTION 12. 14. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2021, the Governor shall transfer \$54,000,000 of the fund balance in the Revenue Stabilization Fund established under § 7-311 of the State Finance and Procurement Article to the General Fund.~~

~~SECTION 13. 15. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, in each of fiscal years 2021 and 2022, the Governor may transfer to the Maryland Medical Assistance Program \$750,000 of the fund balance in the State Board of Pharmacy Fund established under § 12-206 of the Health Occupations Article.~~

~~SECTION 14. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, in each of fiscal years 2021 and 2022, the Governor may transfer \$800,000 of the fund balance in the Board of Physicians Fund established under § 14-207 of the Health Occupations Article to support the Maryland Primary Care Program.~~

~~SECTION 16. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2021, the Governor shall transfer \$1,000,000 \$900,000~~

of the fund balance in the Board of Physicians Fund established under § 14-207 of the Health Occupations Article to the General Fund.

SECTION 17. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal year 2021 only, the Board of Physicians shall set licensing fees at a level at least equal to the level in effect on March 1, 2020.

~~SECTION 18. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2021, the Governor may transfer \$12,500,000 of the fund balance in the Bay Restoration Fund established under § 9-1605.2 of the Environment Article to the Maryland Department of Transportation for projects that support the State's compliance with the Watershed Implementation Plan.~~

SECTION ~~15.~~ ~~19.~~ 18. AND BE IT FURTHER ENACTED, That the unexpended appropriation for the premium subsidy payments for the federal Dairy Margin Protection Program in Marketing and Agricultural Development (L00A12.10) within the Office of Marketing, Animal Industries, and Consumer Services in the Maryland Department of Agriculture, that was included in the fiscal year 2020 operating budget (Chapter 565 of the Acts of 2019) is reduced by \$216,253 in general funds, which shall revert to the General Fund.

SECTION ~~16.~~ ~~20.~~ 19. AND BE IT FURTHER ENACTED, That the unexpended appropriation for the Maryland Department of Health Behavioral Health Administration fiscal year 2020 contract with the Administrative Services Organization that was included in the fiscal year 2020 operating budget (Chapter 565 of the Acts of 2019) is reduced by \$287,500 in federal funds and \$287,500 in general funds, which shall revert to the General Fund.

SECTION ~~17.~~ ~~21.~~ 20. AND BE IT FURTHER ENACTED, That the unexpended appropriation for the Concentration of Poverty Grants from the Blueprint for Maryland's Future Fund established under § 5-219 of the Education Article and that was included in the fiscal year 2020 operating budget (Chapter 565 of the Acts of 2019) is reduced by \$5,971,992 in special funds, which shall revert to the Blueprint for Maryland's Future Fund.

SECTION ~~18.~~ ~~22.~~ 21. AND BE IT FURTHER ENACTED, That the unexpended appropriation for the Maryland Community College Promise Scholarship established under § 18-3602 of the Education Article and that was included in the fiscal year 2020 operating budget (Chapter 565 of the Acts of 2019) is reduced by \$3,000,000, which shall revert to the General Fund.

SECTION ~~19.~~ ~~23.~~ 22. AND BE IT FURTHER ENACTED, That the unexpended appropriation for personnel in the Department of Public Safety and Correctional Services that was included in the fiscal year 2020 operating budget (Chapter 565 of the Acts of 2019) is reduced by \$2,500,000 in general funds, which shall revert to the General Fund.

SECTION ~~20~~ ~~24~~ 23. AND BE IT FURTHER ENACTED, That the unexpended appropriation required under § 4-1006 of the Public Safety Article and that was included in the fiscal year 2020 operating budget (Chapter 565 of the Acts of 2019) that has not been awarded by the Governor's Office of Crime Prevention, Youth, and Victim Services to a grantee is reduced by \$156,500, which shall revert to the General Fund.

SECTION ~~25~~ 24. AND BE IT FURTHER ENACTED, That the unexpended appropriations for the Agency Election Management System that were included in the fiscal year 2020 operating budget (Chapter 565 of the Acts of 2019) shall be reduced by:

(1) for the State Board of Elections, \$234,388 in special funds; and

(2) for the Major Information Technology Development Project Fund within the Department of Information Technology, \$234,387 in general funds, which shall revert to the General Fund.

~~SECTION 26. AND BE IT FURTHER ENACTED, That the unexpended appropriation for the Maryland Office of the Inspector General for Education that was included in the fiscal year 2020 operating budget (Chapter 565 of the Acts of 2019) is reduced by \$100,000 in general funds, which shall revert to the General Fund.~~

SECTION 25. AND BE IT FURTHER ENACTED, That:

(a) (1) Notwithstanding § 7-311(i) of the State Finance and Procurement Article, and in addition to the amount authorized under Chapter 12 of the Acts of 2020, after providing the Legislative Policy Committee with at least 7 days to review and comment, any time during calendar year 2020 the Governor may transfer by budget amendment up to \$100,000,000 from the Revenue Stabilization Account established under § 7-311 of the State Finance and Procurement Article to the expenditure accounts of the appropriate units of State government to fund costs associated with the Coronavirus Disease 2019 (COVID-19).

(2) The funding provided in accordance with paragraph (1) of this subsection may be used for costs associated with COVID-19, including:

(i) costs associated with reopening closed medical facilities;

(ii) establishing new or temporary medical facilities;

(iii) assisting with the distribution of food and medical supplies;

(iv) providing temporary housing for people who have been quarantined to help prevent the spread of COVID-19; and

(v) providing assistance to small businesses impacted by the State's COVID-19 response, with priority given to the facilities that were required to close or curtail activities by order of the Governor.

(b) No later than 60 days after the release of funds in accordance with paragraph (1) of this subsection, the Department of Budget and Management shall submit a report to the Legislative Policy Committee, in accordance with § 2-1257 of the State Government Article, on the use of the funds, disaggregated by unit of State government.

SECTION ~~21, 27, 25, 26~~. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act. The publisher shall adequately describe any correction that is made in an editor's note following the section affected.

SECTION ~~22, 28, 26, 27~~. AND BE IT FURTHER ENACTED, That Section ~~6~~ 7 of this Act shall take effect October 1, 2020, contingent on the taking effect of Chapter _____ (S.B. 985/H.B. 1488) of the Acts of the General Assembly of 2020, and if Chapter _____ (S.B. 985/H.B. 1488) does not take effect, Section ~~6~~ 7 of this Act, with no further action required by the General Assembly, shall be null and void.

SECTION ~~23, 29, 27, 28~~. AND BE IT FURTHER ENACTED, That Sections 1 ~~and 3, 3, and 4~~ of this Act shall take effect July 1, 2021.

SECTION ~~12, 24, 30, 28, 29~~. AND BE IT FURTHER ENACTED, That, except as provided in Sections ~~22 and 23 28 and 29 26 and 27 27 and 28~~ of this Act, this Act shall take effect June 1, 2020.

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

Chapter 539

(Senate Bill 213)

AN ACT concerning

Criminal Procedure – Victims and Witnesses – Restrictions on Release of Personal Information

FOR the purpose of altering the circumstances under which a certain person may withhold the address or telephone number of a certain victim, victim's representative, or witness before a certain trial or adjudicatory hearing; and generally relating to protection of victims and witnesses.

BY repealing and reenacting, without amendments,

Article – Criminal Procedure

Section 6-233(a)

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
 Article – Criminal Procedure
 Section 11–205
 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

6–233.

(a) In this section, “domestically related crime” means a crime committed by a defendant against a victim who is a person eligible for relief, as defined in § 4–501 of the Family Law Article, or who had a sexual relationship with the defendant within 12 months before the commission of the crime.

11–205.

(A) IN THIS SECTION, “DOMESTICALLY RELATED CRIME” HAS THE MEANING STATED IN § 6–233 OF THIS ARTICLE.

(B) On request of the State, a victim of or witness to a ~~felony~~ **OR DOMESTICALLY RELATED CRIME** or delinquent act ~~that would be a felony~~ **OR DOMESTICALLY RELATED CRIME** if committed by an adult~~],~~ or a victim’s representative, a judge, State’s Attorney, District Court commissioner, intake officer, or law enforcement officer may withhold the address or telephone number of the victim, victim’s representative, or witness before the trial or adjudicatory hearing in a juvenile delinquency proceeding, unless a judge determines that good cause has been shown for the release of the information.

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 540

(Senate Bill 222)

AN ACT concerning

**Anne Arundel County Board of Education – Annual Meeting – ~~Date and Election~~
of Officers**

FOR the purpose of requiring the Anne Arundel County Board of Education to elect a president and vice president from among its elected members at its annual meeting; establishing the term of the president and vice president; providing that an individual who fills a certain vacancy may be elected to serve as president or vice president; altering the date on which the ~~Anne Arundel County Board of Education~~ county board is required to hold its annual meeting; and generally relating to the annual meeting and officers of the Anne Arundel County Board of Education.

BY adding to

Article – Education

Section 3–2A–06.1

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 4–107(a)

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,

Article – Education

Section 4–107(c)

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

3–2A–06.1.

(A) AT ITS ANNUAL MEETING, THE COUNTY BOARD SHALL ELECT A PRESIDENT AND VICE PRESIDENT FROM AMONG ITS ELECTED MEMBERS.

(B) THE PRESIDENT AND VICE PRESIDENT SHALL SERVE A TERM OF 1 YEAR.

(C) AN INDIVIDUAL WHO FILLS A VACANCY IN THE OFFICE OF AN ELECTED MEMBER OF THE COUNTY BOARD UNDER § 3–2A–04 OF THIS SUBTITLE MAY BE ELECTED TO SERVE AS PRESIDENT OR VICE PRESIDENT.

4–107.

(a) Each county board shall hold an annual meeting on or as near as possible to the second Tuesday in July, except that:

(1) In Allegany County, the annual meeting shall be held on the second Tuesday in January;

(2) IN ANNE ARUNDEL COUNTY, THE ANNUAL MEETING SHALL BE HELD ON OR AS NEAR AS POSSIBLE TO THE FIRST WEDNESDAY IN DECEMBER;

[(2)] **(3)** In Montgomery County, the annual meeting shall be held on or before January 10;

[(3)] **(4)** In Prince George’s County, the annual meeting shall be held on the first Monday in December;

[(4)] **(5)** In St. Mary’s County, the annual meeting shall be held following the first Monday in December; and

[(5)] **(6)** In Washington County, the annual meeting shall be held in December, on or before the 16th day.

(c) Except as provided in Title 3 of this article, each county board, at its annual meeting, shall elect a president and a vice president from among its members by means of an individually recorded vote.

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 541

(Senate Bill 240)

AN ACT concerning

Allegany County Board of Education – Elected Members – Filling a Vacancy

FOR the purpose of requiring the Board of County Commissioners of Allegany County, rather than the Governor, to fill a vacancy in an elected member’s position on the Allegany County Board of Education in a certain manner; and generally relating to filling a vacancy on the Allegany County Board of Education.

BY repealing and reenacting, without amendments,
Article – Education
Section 3–201(a) through (d)
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 3–201(e)
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

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

Article – Education

3–201.

(a) (1) In this subtitle, “elected member” means a voting member elected under subsection (d) or (e) of this section or a member appointed to an elected position on the county board under subsection (e)(3) of this section.

(2) “Elected member” does not include the nonvoting student member selected under subsection (f) of this section.

(b) The Allegany County Board consists of:

(1) Five elected members; and

(2) One nonvoting student member, who is to advise the other members of the county board on the viewpoint of students who attend Allegany County public schools.

(c) An individual nominated for membership as an elected member on the county board shall be a qualified voter and a resident of Allegany County for at least 1 year before the election.

(d) The elected members of the Allegany County Board shall be elected:

(1) At a general election as required by this subsection or as provided under subsection (e) of this section; and

(2) From Allegany County at large.

(e) (1) Each elected member serves for a term of 4 years beginning on January 2 after the member’s election and until a successor is elected and qualifies. If January 2 is

a legal holiday, the term begins on the first day after January 2 that is not a legal holiday.

(2) The terms of elected members are staggered as required by the terms of the members serving on the county board on July 1, 1978.

(3) Except as provided in paragraph (4) of this subsection, the [Governor] **ALLEGANY COUNTY COMMISSIONERS** shall appoint a [new member] **QUALIFIED INDIVIDUAL** to fill any vacancy [of] **IN** an elected member's position on the board for the remainder of that term and until a successor is elected and qualifies.

(4) If a vacancy occurs before the date that is 10 days prior to the filing deadline for candidates for the primary election that is held in the second year of the term, the individual appointed under paragraph (3) of this subsection shall serve only until a successor is elected by the voters at the time of the next general election.

(5) Candidates for the vacated office may be nominated at a primary election in the same manner as for any other position on the county board.

(6) When more than one member of the board is to be elected at an election and the terms of the offices to be filled at the election vary, the elected candidate receiving the greater number of votes shall fill the office with the longer term.

(7) The candidate receiving the vacated position shall take office as soon as possible after the election, and shall continue to serve for the remainder of the vacated term and until a successor is elected and qualifies.

(8) Except as provided in this subsection, an election to fill a vacancy on the Allegany County Board of Education shall be governed by §§ 8–801 through 8–806 of the Election Law Article.

(9) The Allegany County Board of Supervisors of Elections may 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 542

(Senate Bill 242)

AN ACT concerning

Natural Resources – Wild Waterfowl Policy – Repeal

FOR the purpose of repealing provisions of law authorizing the Department of Natural Resources to issue a license to feed waterfowl; repealing certain license application requirements; repealing provisions of law concerning the establishment, approval, and use of certain feeding zones; repealing a requirement that certain licensed areas be open to inspection by certain persons; repealing provisions of law authorizing the Secretary of Natural Resources to revoke a license to feed waterfowl under certain circumstances; repealing provisions of law authorizing a person to feed wild waterfowl without a certain license under certain circumstances; repealing a requirement that certain provisions of law apply in addition to certain federal laws or rules and regulations; repealing certain definitions; and generally relating to licenses to feed waterfowl.

BY repealing

Article – Natural Resources

Section 10–1001 through 10–1009 and the subtitle “Subtitle 10. Wild Waterfowl Policy”

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 – Natural Resources

[Subtitle 10. Wild Waterfowl Policy.]

[10–1001.

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

(b) “Feeding zone” means the immediate area, not to exceed approximately 600 square yards, in which feed for wild waterfowl is placed.

(c) (1) “Licensed area” means the property controlled by the applicant or applicants upon which the feeding of wild waterfowl is planned and licensed by the Department.

(2) “Licensed area” includes those adjoining waters:

(i) On which the licensee has the lawful right to hunt wild waterfowl; and

(ii) Where the licensee has obtained a licensed feeding zone or hunting blind or stand or both.

(d) “Shooting blind” or “shooting stand” means the area, not to exceed

approximately 80 square feet, from which the hunters are attempting to take wild waterfowl.]

[10–1002.

In order to aid the relief of crop depredations and to provide further protection to wild waterfowl, any person or group of persons, individually or collectively, may apply to the Department for a license to feed waterfowl upon land owned or operated by the person or group or in waters within 300 yards of a shoreline owned or operated by the person or group in accordance with the following policies and guidelines and the regulations and procedures the Secretary adopts under the authority granted. It is the purpose of this subtitle to encourage the placement of feed to supplement the dwindling supply of natural feed available to wild waterfowl in the State and to regulate feeding so that it is not a means of attracting wild waterfowl to, on, or over the area where the hunters are attempting to take the waterfowl.]

[10–1003.

(a) Each application for a license to feed waterfowl shall be submitted in the form and number of copies as the Secretary prescribes. The submitted application shall show the name and address of each applicant and each owner, or each lessor and lessee if the property is leased. The submitted application shall contain a sufficient description of the property and its location so that the property may readily be identified and located.

(b) Each copy shall be accompanied by a sketch map showing the exterior boundaries, access roads, principal ponds, creeks, and other bodies of water in sufficient detail to identify and clearly record the location of the proposed feeding zones and shooting blinds or stands.

(c) Each application shall be accompanied by a \$10 application fee. An annual fee of \$25 shall be imposed for each licensed shooting area.

(d) The application shall contain a statement outlining the general plan of feeding to be carried out.

(e) Applications shall be filed with the Department within 2 weeks after the Department has publicly released the waterfowl hunting regulations for the forthcoming season.]

[10–1004.

If, in the opinion of the Department, shooting blinds or stands, either on the applicant's property or the immediately adjacent property, are so placed in relation to the feeding zone or zones that wild waterfowl would have to pass within shooting range of the hunters in order to reach the feeding zone, the Department may refuse to issue the applicant a license, or if issued, may cancel a license where the intent of this section is not

being observed.]

[10–1005.

(a) A licensee may not establish a feeding zone within 400 yards of any building nor within 400 yards of an exterior boundary line of the property unless the licensee obtains notarized written permission to do so from the adjoining land owner and submits the written permission with the application. Where the property is bounded by a body of water, the licensee may establish a feeding zone up to the shoreline or in the adjoining waters within 300 yards of his shoreline, if the feeding zone does not come within 400 yards of another property owner, unless the licensee obtains notarized written permission to do so from the other property owner. These provisions do not permit hunting or shooting on or from any location which would be unlawful under other laws or regulations of the State.

(b) Within 10 days of receipt of notice of the approval by the Department of any licensed feeding zones, each zone shall be marked with a sign not less than 12 by 18 inches with printing no smaller than 12 lines (2 inches high) gothic type, stating “Waterfowl feeding zone — shooting within 400 yards prohibited”. The sign shall be visible above any vegetation or other obstruction. Prior to the opening of the wild waterfowl hunting season, each licensed shooting blind or stand also shall be posted with a similar sign, stating “Licensed Shooting Area For This Property”.

(c) Subsequent to the issuance of a license a person may not change the location of feeding zones or shooting blinds or stands without approval of the Department.

(d) Every club member, guest, agent, and permittee of the applicant is presumed to have knowledge of the location of any feeding zone and any area where shooting is prohibited.

(e) Feeding shall commence on and continue through the date the Secretary designates. Prior to the opening of the wild waterfowl season feeding may be done anywhere on the licensed area, if all food put out in places other than the designated feeding zone is consumed or removed at least 10 days prior to the opening date of the season. After that time, feed may not be placed anywhere except in the designated feeding zones. As used in the regulations, feeding does not include salt blocks, properly shucked corn, standing crops (including aquatics), flooded standing crops, flooded harvested croplands, or grains found scattered solely as a result of normal agricultural practices.

(f) A person may not shoot or hunt or attempt to do so within 400 yards of any licensed feeding zone. The hunter or the hunter’s agent may retrieve any dead or crippled bird within that area in any manner lawful under the appropriate federal and State regulations. A person may not shoot or hunt or attempt to do so from any site or location in the licensed area, except the licensed shooting blinds and stands. In addition to any other action by the Department, violation of this section by the licensee or the licensee’s agents, club members, guests, or permittees is grounds for immediate revocation of the feeding license.

(g) A blind located within 200 yards of any licensed feeding zone shall be rendered incapable of use.

(h) Within 15 days after the designated closing date for putting out feed, the licensee shall submit a written report to the Department giving the approximate amounts and types distributed and indicating the dates the feed was distributed.】

[10–1006.

(a) Licensed areas, not including any houses or other closed-in structures, shall be open to inspection at all times by an authorized representative of the Department or the U.S. Fish and Wildlife Service, or both.

(b) If upon inspection, any Department representative finds that the terms and conditions of the license are not being observed, the applicant shall be given written notice of the defect and 5 days to make the necessary change. If, upon a second inspection, the requirements have not been met the license may be revoked by the Secretary. Licensees shall be advised in writing of the findings and results of every inspection.】

[10–1007.

This subtitle is not applicable to any agency of the United States, the State, or any of its counties or cities. These agencies are authorized to feed at any time without the license issued under this subtitle.】

[10–1008.

Any person may feed wild waterfowl at any time under the authority of this subtitle without applying for or obtaining a license if:

(1) The area in which the feeding is done is an area where the hunting of waterfowl is not contemplated or done; or

(2) Where the hunting of waterfowl is contemplated or done the feeding shall cease and all food put out shall have been consumed or removed at least 10 days prior to the opening of the waterfowl season and the feeding may not be resumed until 1 day after the close of season.】

[10–1009.

The provisions of this subtitle shall apply in addition to any federal laws or rules and regulations governing the feeding of wild waterfowl.】

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 543

(Senate Bill 245)

AN ACT concerning

Health Occupations – Social Workers – Scope of Practice, Supervision, and Application Decision Appeal Process

FOR the purpose of altering the definition of “practice social work” for the purposes of the Maryland Social Workers Act to include counseling for alcohol and drug use and addictive behaviors and to clarify that it includes, for certain individuals, the treatment of biopsychosocial conditions under the supervision of a licensed social worker—clinical; providing that certain provisions of law may not be construed to prohibit certain licensees from applying or qualifying to obtain approval by the State Board of Social Work Examiners to engage in independent practice under certain circumstances; requiring the Board, under certain circumstances, to approve certain licensees approved to engage in independent practice to provide supervision; ~~authorizing an applicant for a certain license to appeal the Board’s rejection of an application to take a certain licensure examination by submitting certain documentation to the Board in a certain manner~~; making conforming changes; and generally relating to the licensure and practice of social workers.

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 19–101(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 19–101(p), and 19–302(f), ~~and 19–303~~
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

19–101.

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

(p) (1) “Practice social work” means to apply the theories, knowledge, procedures, methods, or ethics derived from receiving a baccalaureate or master’s degree from a program in social work that is accredited by or a candidate for accreditation by the Council on Social Work Education, or an equivalent organization approved by the Council on Social Work Education, to restore or enhance social functioning of individuals, couples, families, groups, organizations, or communities through:

- (i) Assessment;
- (ii) Planning;
- (iii) Intervention;
- (iv) Evaluation of intervention plans;
- (v) Case management;
- (vi) Information and referral;
- (vii) Counseling that does not include diagnosis or treatment of mental disorders;
- (viii) Advocacy;
- (ix) Consultation;
- (x) Education;
- (xi) Research;
- (xii) Community organization;
- (xiii) Development, implementation, and administration of policies, programs, and activities; or
- (xiv) Supervision of other social workers as set forth in regulations.

(2) “PRACTICE SOCIAL WORK” INCLUDES:

- (I) COUNSELING FOR ALCOHOL AND DRUG USE AND ADDICTIVE BEHAVIOR; AND**
- (II) USING TECHNOLOGY AS SET FORTH IN REGULATIONS.**

[(2)] (3) For an individual licensed as a graduate social worker on or before June 30, 2018, or as a master social worker, “practice social work” also includes:

(i) Supervision of other social workers if the graduate social worker meets the requirements set out in regulations;

(ii) Formulating a diagnosis, under the supervision of a licensed certified social worker–clinical;

(iii) Treatment of biopsychosocial conditions, UNDER THE SUPERVISION OF A LICENSED CERTIFIED SOCIAL WORKER–CLINICAL; and

(iv) Treatment of behavioral health disorders, including substance use disorders, addictive disorders, and mental disorders, and the provision of psychotherapy under the supervision of a licensed certified social worker–clinical.

[(3)] (4) For an individual licensed as a certified social worker, “practice social work” also includes:

(i) Supervision of other social workers;

(ii) Formulating a diagnosis, under the supervision of a licensed certified social worker–clinical;

(iii) Treatment of biopsychosocial conditions, UNDER THE SUPERVISION OF A LICENSED CERTIFIED SOCIAL WORKER–CLINICAL; and

(iv) Treatment of behavioral health disorders, including substance use disorders, addictive disorders, and mental disorders, and the provision of psychotherapy under the supervision of a licensed certified social worker–clinical.

[(4)] (5) For an individual licensed as a certified social worker–clinical, “practice social work” also includes:

(i) Supervision of other social workers;

(ii) Evaluation, diagnosis, and treatment of biopsychosocial conditions, mental and emotional conditions and impairments, and behavioral health disorders, including substance use disorders, addictive disorders, and mental disorders, as defined in § 10–101(i) of the Health – General Article;

(iii) Petitioning for emergency evaluation under Title 10, Subtitle 6 of the Health – General Article; and

(iv) The provision of psychotherapy.

[(5) “Practice social work” includes using technology as set forth in regulations.]

19–302.

(f) (1) (i) Except as provided in paragraph (2) of this subsection, to obtain approval by the Board to engage in independent practice, a licensed bachelor social worker or a licensed master social worker shall submit to the Board:

1. An application in the form prescribed by the Board;
2. All applicable fees specified by the Board; and
3. Documentation in a form prescribed by the Board of having completed at least 3 years as a licensee with supervised experience of at least 4,500 hours after receiving the baccalaureate or master’s degree with a minimum of 150 hours of periodic face-to-face supervision under the terms and conditions that the Board determines by regulation.

(ii) If the Board determines that a licensed bachelor social worker or a licensed master social worker who applies to the Board to engage in the practice of independent practice has not completed the supervised experience as required under paragraph (1)(i)3 of this subsection, the Board may:

1. Reject the application for independent practice; and
2. Require the licensed bachelor social worker or the licensed master social worker to continue to work under supervision as required by the Board for an additional 1,500 hours before reapplying.

(2) The Board shall approve an individual to engage in independent practice if the individual:

- (i) Submits to the Board:
 1. An application in the form prescribed by the Board; and
 2. All applicable fees specified by the Board;
- (ii) On or before January 1, 2008, was licensed by the Board as a licensed bachelor social worker or a licensed graduate social worker; and
- (iii) Has actively practiced bachelor social work, actively practiced graduate social work, or actively practiced master social work for at least 10 years.

(3) NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO PROHIBIT AN INDIVIDUAL LICENSED BY THE BOARD ON OR BEFORE JANUARY 1, 2008, AS A

LICENSED BACHELOR SOCIAL WORKER OR A LICENSED GRADUATE SOCIAL WORKER AND WHO DOES NOT MEET THE CONDITIONS LISTED UNDER PARAGRAPH (2) OF THIS SUBSECTION FROM APPLYING OR QUALIFYING TO OBTAIN APPROVAL BY THE BOARD TO ENGAGE IN INDEPENDENT PRACTICE UNDER PARAGRAPH (1) OF THIS SUBSECTION.

~~[(3)]~~ (4) Nothing in this subsection may be construed to prohibit an employer from requiring supervision of a licensed bachelor social worker or a licensed master social worker who is approved to engage in independent practice under this subsection.

(5) THE BOARD SHALL APPROVE A LICENSEE TO PROVIDE SUPERVISION IF THE LICENSEE:

(I) IS A LICENSED BACHELOR SOCIAL WORKER OR A LICENSED MASTER SOCIAL WORKER APPROVED TO ENGAGE IN INDEPENDENT PRACTICE UNDER THIS SUBSECTION;

(II) MEETS THE EDUCATION AND TRAINING REQUIREMENTS FOR SUPERVISION ESTABLISHED BY THE BOARD; AND

(III) HAS ACTIVELY PRACTICED SOCIAL WORK FOR AT LEAST 5 YEARS UNDER THE TYPE OF LICENSE THAT THE LICENSEE HOLDS, REGARDLESS OF WHETHER THE LICENSEE WAS APPROVED BY THE BOARD TO ENGAGE IN INDEPENDENT PRACTICE.

~~10-303.~~

~~(a) To apply for a license, an applicant shall:~~

~~(1) Submit an application to the Board on the form that the Board requires;~~
and

~~(2) Pay to the Board the application fee set by the Board.~~

~~(b) The Board shall:~~

~~(1) Review each application; and~~

~~(2) Notify each applicant whether the applicant has been approved to take the pertinent licensure examination within 60 days from the date the Board received a completed application from the applicant.~~

~~(C) AN APPLICANT MAY APPEAL A REJECTION OF AN APPLICATION TO TAKE THE PERTINENT LICENSURE EXAMINATION UNDER SUBSECTION (B) OF THIS SECTION BY SUBMITTING TO THE BOARD:~~

~~(1) A WRITTEN NOTICE OF APPEAL, SENT BY CERTIFIED MAIL, WITHIN 60 DAYS AFTER THE RECEIPT OF THE BOARD'S DECISION; AND~~

~~(2) (I) NEW OR ADDITIONAL EVIDENCE TO VERIFY OR CLARIFY THE APPLICANT'S QUALIFICATIONS; OR~~

~~(II) A REQUEST FOR AN INFORMAL HEARING BEFORE THE BOARD.~~

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 544

(Senate Bill 281)

AN ACT concerning

Renewable Energy Development and Siting (REDS) – Evaluations and Tax and Fee Exemptions

FOR the purpose of requiring the Department of the Environment to waive certain Voluntary Cleanup Program application fees for an applicant that certifies that the applicant intends to use eligible property to generate clean or renewable energy under certain circumstances; requiring the Department to adopt certain regulations; establishing that a property identified in the Superfund Enterprise Management System is presumed to have been initially contaminated on or before a certain date; requiring that the owner of a certain eligible property that wants to change the use of the eligible property be liable for certain fees waived under this Act if the eligible property is not in compliance with a certain certification; ~~authorizing the Public Service Commission to evaluate any material change to certain renewable energy generating stations;~~ exempting a public service company that is a public-private partnership formed for the generation of clean or renewable energy from a certain franchise tax under certain circumstances; authorizing the Department to adopt certain regulations; altering a certain definition; and generally relating to the Voluntary Cleanup Program, clean or renewable energy generating stations, and public-private partnership public service companies formed for the generation of clean or renewable energy.

BY repealing and reenacting, without amendments,
Article – Environment
Section 7–501(a), (c), and (m)
Annotated Code of Maryland
(2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 7–501(g) and 7–506(a), (b), (f), and (j)
Annotated Code of Maryland
(2013 Replacement Volume and 2019 Supplement)

~~BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 2–115
Annotated Code of Maryland
(2010 Replacement Volume and 2019 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 8–402
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 – Environment

7–501.

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

(c) “Applicant” means a person who applies to participate in the Voluntary Cleanup Program.

(g) (1) “Eligible property” means property that is contaminated or perceived to be contaminated.

(2) “Eligible property” does not include property that is:

(i) On the national priorities list under § 105 of the federal act;

(ii) Except as provided in paragraph (3)(i) of this subsection, under active enforcement; or

(iii) Subject to a controlled hazardous substances permit issued in accordance with this title.

(3) (i) “Eligible property” includes a site under active enforcement if:

1. All applications filed in connection with the property are filed by inculpable persons; and

2. Any response action plan and cleanup criteria approved by the Department under this subtitle is at least as protective of public health and the environment as the requirements of any outstanding active enforcement action.

(ii) “Eligible property” includes sites listed on the **SUPERFUND ENTERPRISE MANAGEMENT SYSTEM OR THE** Comprehensive Environmental Response, Compensation, and Liability Information System.

(m) “Program” means the Voluntary Cleanup Program established under this subtitle.

7–506.

(a) **(1)** To participate in the Program, an applicant shall:

[(1)] (I) Submit an application, on a form provided by the Department, that includes:

[(i)] 1. Information demonstrating to the satisfaction of the Department that the contamination did not result from the applicant knowingly or willfully violating any law or regulation concerning controlled hazardous substances;

[(ii)] 2. Information demonstrating the person’s status as a responsible person or an inculpable person;

[(iii)] 3. Information demonstrating that the property is an eligible property as defined in § 7–501 of this subtitle;

[(iv)] 4. A detailed report with all available relevant information on environmental conditions including contamination at the eligible property known to the applicant at the time of the application;

[(v)] 5. An environmental site assessment that includes:

[1.] A. Established Phase I site assessment standards and follows principles established by the American Society for Testing and Materials and that demonstrates to the satisfaction of the Department that the assessment has been conducted in accordance with those standards and principles; and

[2.] B. A Phase II site assessment unless the Department concludes, after review of the Phase I site assessment, that there is sufficient information to determine that there are no recognized environmental conditions, as defined by the American Society for Testing and Materials; and

[(vi)] 6. A description, in summary form, of a proposed voluntary cleanup project that includes the proposed cleanup criteria under § 7–508 of this subtitle and the proposed future use of the property, if appropriate; and

[(2)] (II) [Pay] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, PAY to the Department:

[(i)] 1. An initial application fee of \$6,000 which the Department may reduce on a demonstration of financial hardship in accordance with subsection (b) of this section;

[(ii)] 2. An application fee of \$2,000 for each application submitted subsequent to the initial application for the same property; and

[(iii)] 3. An application fee of \$2,000 for each application submitted subsequent to the initial application for contiguous or adjacent properties that are part of the same planned unit development or a similar development plan.

(2) IF AN APPLICANT CERTIFIES THAT THE APPLICANT INTENDS TO USE THE ELIGIBLE PROPERTY TO GENERATE CLEAN OR RENEWABLE ENERGY, THE DEPARTMENT SHALL WAIVE THE FEES REQUIRED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION.

(b) The Department shall adopt regulations to establish criteria for determining whether an applicant has **[demonstrated]**:

(1) DEMONSTRATED financial hardship; **OR**

(2) CERTIFIED THAT THE APPLICANT INTENDS TO USE THE ELIGIBLE PROPERTY TO GENERATE CLEAN OR RENEWABLE ENERGY.

(f) (1) The Department shall deny an application if:

(i) The applicant is not an eligible applicant;

(ii) The property is not an eligible property; or

(iii) The property was initially contaminated by a release of hazardous substances after October 1, 1997 unless:

1. The property is acquired by an inculpable person; or
2. The contamination was caused by an act of God.

(2) For the purposes of paragraph (1)(iii) of this subsection, any property identified in the **SUPERFUND ENTERPRISE MANAGEMENT SYSTEM OR THE Comprehensive Environmental Response, Compensation, and Liability Information System** in accordance with the federal act as of October 1, 1997 is presumed to have been initially contaminated on or before October 1, 1997.

(j) Subject to the provisions of § 7-516(a) of this subtitle and approval by the Department, if an owner of an eligible property that has limited permissible uses wants to change the use of the eligible property, the owner [is]:

(1) **IS** responsible for the cost of cleaning up the property to the appropriate standard; **AND**

(2) **SHALL BE LIABLE FOR ANY FEES WAIVED UNDER SUBSECTION (A)(2) OF THIS SECTION IF THE ELIGIBLE PROPERTY IS NOT IN COMPLIANCE WITH A CERTIFICATION THAT REQUIRES THE ELIGIBLE PROPERTY TO BE USED TO GENERATE CLEAN OR RENEWABLE ENERGY.**

~~Article — Public Utilities~~

~~2-115.~~

~~(a) The Commission shall initiate and conduct any investigation necessary to execute its powers or perform its duties under this division.~~

~~(b) The Commission may:~~

~~(1) examine the records of a public service company;~~

~~(2) compel production of the records by subpoena; [and]~~

~~(3) require verified copies of the records to be filed with the Commission;~~

~~**AND**~~

~~(4) **EVALUATE ANY MATERIAL CHANGE TO A CLEAN OR RENEWABLE ENERGY GENERATING STATION FOR WHICH A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY IS REQUIRED UNDER § 7-207 OF THIS ARTICLE, INCLUDING ANY CHANGE TO:**~~

~~(i) **THE CAPACITY OF THE GENERATING STATION;**~~

- ~~(II) THE ENGINEERING DESIGN OF THE GENERATING STATION;~~
- ~~(III) THE DESIGN OF THE GENERATING STATION'S FOUNDATION OR SUPPORT STRUCTURE;~~
- ~~(IV) THE GEOGRAPHIC COORDINATES OF THE GENERATING STATION, INCLUDING LONGITUDE AND LATITUDE;~~
- ~~(V) THE VERTICAL SPECIFICATIONS OF THE GENERATING STATION;~~
- ~~(VI) THE GENERATING STATION'S COMMERCIAL OPERATION DATE; AND~~
- ~~(VII) THE DECOMMISSIONING PLAN FOR THE GENERATING STATION.~~

Article – Tax – General

8–402.

(a) A franchise tax, measured by gross receipts, is imposed, for each calendar year, on each public service company:

- (1) engaged in a telephone business in the State; or
- (2) engaged in the transmission, distribution, or delivery of electricity or natural gas in the State.

(b) The tax imposed under subsection (a) of this section does not apply to a public service company that is:

- (1) a county;
- (2) a municipal corporation; [or]
- (3) a nonprofit electric cooperative; OR
- (4) A PUBLIC-PRIVATE PARTNERSHIP FORMED FOR THE GENERATION OF CLEAN OR RENEWABLE ENERGY IF:
 - (I) 30% OR MORE OF THE ELECTRICITY GENERATED THROUGH THE PUBLIC-PRIVATE PARTNERSHIP IS PURCHASED BY THE PUBLIC PARTNER; AND

(II) THE CLEAN OR RENEWABLE ENERGY GENERATING STATION IS SITED ON AN ELIGIBLE CLEAN AND RENEWABLE ENERGY GENERATION SITE AS DETERMINED BY THE DEPARTMENT OF THE ENVIRONMENT, INCLUDING:

1. ROOFTOPS;
2. PARKING LOTS;
3. LANDFILLS;
4. BROWNFIELDS SITES;
5. VOLUNTARY CLEANUP PROGRAM SITES;
6. RECLAIMED MINES;
7. SUPERFUND SITES; AND
8. SEDIMENT OR RETENTION PONDS.

(C) THE DEPARTMENT OF THE ENVIRONMENT MAY ADOPT REGULATIONS REGARDING THE DETERMINATION OF ELIGIBLE CLEAN OR RENEWABLE ENERGY GENERATION SITES UNDER SUBSECTION (B)(4) OF THIS SECTION.

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

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

Chapter 545

(Senate Bill 292)

AN ACT concerning

Tri-County Council for Western Maryland – Membership

FOR the purpose of altering how certain members of the Tri-County Council for Western Maryland are appointed; and generally relating to the membership of the Tri-County Council for Western Maryland.

BY repealing and reenacting, without amendments,
Article – Economic Development
Section 13-701 and 13-702(a)

Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 13–703
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

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

Article – Economic Development

13–701.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Commissioners” means the Board of County Commissioners of Allegany County, Garrett County, or Washington County, respectively.
- (c) “Council” means the Tri–County Council for Western Maryland.
- (d) “Executive Director” means the Executive Director of the Council.
- (e) “Member county” means each county in the region that pays annual dues that the Council sets.
- (f) “Plan” means a regional plan that the Council prepares for the region.
- (g) “Region” means Allegany, Garrett, and Washington counties.

13–702.

- (a) There is a Tri–County Council for Western Maryland.

13–703.

- (a) The Council consists of the following 26 members:
 - (1) two commissioners from each member county;
 - (2) the Director of Economic Development from each member county;
 - (3) two mayors from each member county or their representatives, appointed by [the respective chapters of the Maryland Municipal League for each member county] **THE COMMISSIONERS FROM THEIR RESPECTIVE MEMBER COUNTY;**

(4) the chair of each member county's legislative delegation to the House of Delegates, or the chair's designee;

(5) the two members of the Senate of Maryland representing the member counties in Districts 1 and 2;

(6) six private citizens, two from each member county, who are:

(i) appointed by their respective commissioners;

(ii) not listed under paragraph (1), (2), (3), (4), or (5) of this subsection; and

(iii) neither elected officials nor employees of a unit of local government.

(b) (1) A member who qualifies because of the member's elected or appointed position is a member of the Council only during the member's term of office in the elected or appointed position.

(2) A member appointed:

(i) under subsection (a)(3) of this section, serves at the pleasure of the commissioners for the county that the member represents;

(ii) under subsection (a)(4) of this section, shall reside in the member county that the member represents; and

(iii) under subsection (a)(6) of this section:

1. serves at the pleasure of the commissioners who appointed the member; and

2. has the same term as the commissioners who appointed the member.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) Except for an ex officio member, 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.

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 546

(Senate Bill 294)

AN ACT concerning

**Higher Education – Annual Revenues of For-Profit Institutions – Limitation on Enrollment
(Veterans’ Education Protection Act)**

FOR the purpose of prohibiting certain for-profit institutions of higher education and private career schools from enrolling certain students if, beginning in a certain fiscal year, certain revenue sources exceed a certain proportion of annual revenues; requiring the Maryland Higher Education Commission to adopt certain regulations; defining certain terms; and generally relating to institutions of postsecondary education.

BY repealing and reenacting, without amendments,
Article – Education
Section 10–101(a), (c), (d), (h), (i), and (j) and 11–202.2(a)
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY adding to
Article – Education
Section 11–210
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

Preamble

WHEREAS, 317,000 veterans live in Maryland; and

WHEREAS, The federal Servicemen’s Readjustment Act of 1944 (GI Bill) provided tuition and living expenses to veterans for a college or vocational school; and

WHEREAS, The Post–9/11 GI Bill included expanded benefits for college and living expenses for veterans who served on or after September 11, 2001; and

WHEREAS, The 90/10 Rule of the federal Higher Education Act of 1965 was established as a market viability test to protect taxpayers from artificially propping up failing institutions incapable of attracting at least 10% of their revenue from a private source; and

WHEREAS, The 90/10 Rule contains a loophole that excludes funds of the United States Department of Veterans Affairs and the United States Department of Defense in the cap on federal funds that institutions of postsecondary education otherwise collect; and

WHEREAS, Predatory for-profit institutions of higher education and private career schools aggressively recruit veterans by recruiting on bases and at Veterans Affairs hospitals to access GI benefits and exploit the 90/10 loophole; now, therefore,

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

Article – Education

10–101.

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

(c) “Commission” means the Maryland Higher Education Commission.

(d) “For-profit institution of higher education” means an institution of higher education that generally limits enrollment to graduates of secondary schools, awards degrees at the associate, baccalaureate, or graduate level, and is not a public or private nonprofit institution of higher education.

(h) (1) “Institution of higher education” means an institution of postsecondary education that generally limits enrollment to graduates of secondary schools, and awards degrees at either the associate, baccalaureate, or graduate level.

(2) “Institution of higher education” includes public, private nonprofit, and for-profit institutions of higher education.

(i) (1) “Institution of postsecondary education” means a school or other institution that offers an educational program in the State for individuals who are at least 16 years old and who have graduated from or left elementary or secondary school.

(2) “Institution of postsecondary education” does not include:

(i) Any adult education, evening high school, or high school equivalence program conducted by a public school system of the State; or

(ii) Any apprenticeship or on-the-job training program subject to approval by the Apprenticeship and Training Council.

(j) “Private career school” means a privately owned and privately operated institution of postsecondary education other than an institution of higher education that furnishes or offers to furnish programs, whether or not requiring a payment of tuition or

fee, for the purpose of training, retraining, or upgrading individuals for gainful employment as skilled or semiskilled workers or technicians in recognized occupations or in new and emerging occupations.

11-202.2.

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

(2) “Fully online distance education program in the State” means a program, originating outside the State, offered by an out-of-state institution in which:

(i) A student domiciled in Maryland enrolls;

(ii) 51% or more of the program is offered through electronic distribution; and

(iii) The Commission determines that the portion of the program offered at a location in the State, if any, does not require a certificate of approval under § 11-202 of this subtitle for the institution to operate in the State.

(3) “Out-of-state institution” means an institution of higher education whose primary campus exists outside Maryland and whose authority to grant degrees is conferred by another state.

11-210.

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

(2) “ANNUAL REVENUE” MEANS THE REVENUE GENERATED DURING AN INSTITUTION OF POSTSECONDARY EDUCATION’S FISCAL YEAR THAT CAN BE INCLUDED IN ITS CALCULATION RELATED TO COMPLIANCE WITH 20 U.S.C. § 1094(A)(24).

(3) (I) “FEDERAL FUNDS” MEANS ANY FEDERAL FINANCIAL ASSISTANCE PROVIDED TO AN INSTITUTION OF POSTSECONDARY EDUCATION THROUGH A GRANT, A CONTRACT, A SUBSIDY, A LOAN, A GUARANTEE, AN INSURANCE POLICY, OR ANY OTHER MEANS.

(II) “FEDERAL FUNDS” INCLUDES FEDERAL FINANCIAL ASSISTANCE THAT IS DISBURSED TO A FOR-PROFIT INSTITUTION OF HIGHER EDUCATION OR A PRIVATE CAREER SCHOOL UNDER ANY FEDERAL LAW ON BEHALF OF A STUDENT TO BE USED TO ATTEND THE INSTITUTION OR SCHOOL.

(III) "FEDERAL FUNDS" DOES NOT INCLUDE ANY MONTHLY HOUSING STIPEND PROVIDED UNDER THE FEDERAL POST-9/11 VETERANS EDUCATIONAL ASSISTANCE ACT OF 2008.

~~(4) "INSTITUTIONAL DEBT" MEANS:~~

~~(I) A STUDENT'S OBLIGATION TO PAY MONEY TO AN INSTITUTION OF POSTSECONDARY EDUCATION FOR COURSE CREDIT OR OTHER EDUCATIONAL SERVICES, INCLUDING OBLIGATIONS THAT HAVE BEEN REDUCED TO JUDGMENT; OR~~

~~(II) A STUDENT'S LOAN OR OTHER DEBT ARRANGEMENT FOR COURSE CREDIT OR OTHER EDUCATIONAL SERVICES AT AN INSTITUTION OF POSTSECONDARY EDUCATION THAT IS:~~

~~1. GUARANTEED BY THE INSTITUTION OF POSTSECONDARY EDUCATION; OR~~

~~2. MADE BY ANY ENTITY THAT IS AFFILIATED WITH THE INSTITUTION OF POSTSECONDARY EDUCATION.~~

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THIS SECTION APPLIES TO:

(1) A FOR-PROFIT INSTITUTION OF HIGHER EDUCATION APPROVED TO OPERATE IN THE STATE;

(2) A FOR-PROFIT INSTITUTION OF HIGHER EDUCATION THAT ENROLLS MARYLAND RESIDENTS IN A FULLY ONLINE DISTANCE EDUCATION PROGRAM IN THE STATE; AND

(3) A PRIVATE CAREER SCHOOL APPROVED TO OPERATE IN THE STATE THAT HAS NOT BEEN DETERMINED BY THE INTERNAL REVENUE SERVICE TO BE AN ORGANIZATION TO WHICH CONTRIBUTIONS ARE TAX DEDUCTIBLE IN ACCORDANCE WITH § 501(C)(3) OF THE INTERNAL REVENUE CODE.

(C) AN INSTITUTION OR A SCHOOL DESCRIBED IN SUBSECTION (B) OF THIS SECTION SHALL:

(1) BE APPROVED BY THE COMMISSION TO RECEIVE EDUCATION ASSISTANCE UNDER THE FEDERAL POST-9/11 VETERANS EDUCATIONAL ASSISTANCE ACT OF 2008; AND

(2) HAVE RECEIVED FUNDS TO PAY FOR STUDENTS' TUITION, FEES, OR OTHER INSTITUTIONAL CHARGES THROUGH TITLE IV OF THE FEDERAL HIGHER EDUCATION ACT OF 1965 DURING THE PRIOR ACADEMIC YEAR FOR WHICH THE TUITION, FEES, AND OTHER INSTITUTIONAL CHARGES COLLECTED PER FULL-TIME EQUIVALENT STUDENT ENROLLED WOULD NOT BE COVERED IN FULL BY THE AMOUNT OF THE MAXIMUM LEVEL OF FEDERAL PELL GRANT FUNDS.

(D) AT LEAST 10% OF THE INSTITUTION'S OR SCHOOL'S ANNUAL REVENUE SHALL BE FROM A SOURCE OTHER THAN FEDERAL FUNDS ~~OR INSTITUTIONAL DEBT~~.

(E) AN INSTITUTION OR A SCHOOL DESCRIBED UNDER SUBSECTION (B) OF THIS SECTION MAY NOT ENROLL NEW MARYLAND RESIDENTS IN A PROGRAM IF, BEGINNING IN FISCAL YEAR 2023:

(1) IN 2 OUT OF 3 OF THE IMMEDIATELY PRECEDING FISCAL YEARS THE INSTITUTION OR SCHOOL FAILS TO SATISFY THE PROVISIONS OF SUBSECTION (D) OF THIS SECTION; OR

(2) FOR 2 CONSECUTIVE YEARS THE INSTITUTION OR SCHOOL FAILS TO SATISFY THE PROVISIONS OF SUBSECTION (D) OF THIS SECTION.

(F) ON OR BEFORE DECEMBER 1, 2020, THE COMMISSION 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 547

(Senate Bill 305)

AN ACT concerning

Public Safety – Crisis Intervention Team Center of Excellence

FOR the purpose of establishing the Crisis Intervention Team Center of Excellence in the Governor's Office of Crime Control and Prevention; requiring the Governor's Office of Crime Control and Prevention to appoint certain individuals to the Center; requiring and authorizing the Center to take certain actions; establishing the Collaborative Planning and Implementation Committee for the Center; providing for the membership of the Collaborative Committee; providing for the appointment of

members of the Collaborative Committee; prohibiting a member of the Collaborative Committee from receiving certain compensation, but authorizing reimbursement of certain expenses; requiring the Collaborative Committee to review and make certain recommendations relating to crisis intervention and the Center; providing for an appropriation to the operation of the Center; requiring the Center to report to the General Assembly on or before a certain date each year; defining certain terms; and generally relating to the Crisis Intervention Team Center of Excellence.

BY adding to

Article – Public Safety

Section 3–522

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

3–522.

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

(2) “CENTER” MEANS THE CRISIS INTERVENTION TEAM CENTER OF EXCELLENCE.

(3) “COLLABORATIVE COMMITTEE” MEANS THE COLLABORATIVE PLANNING AND IMPLEMENTATION COMMITTEE FOR THE CRISIS INTERVENTION TEAM CENTER OF EXCELLENCE.

(4) “CRISIS INTERVENTION MODEL PROGRAM” MEANS A NATIONALLY RECOGNIZED CRISIS INTERVENTION TEAM PROGRAM DEVELOPED AND PUBLISHED BY THE UNIVERSITY OF MEMPHIS IN TENNESSEE OR A COMPARABLE NATIONALLY RECOGNIZED CRISIS INTERVENTION TEAM PROGRAM.

(5) “LOCAL BEHAVIORAL HEALTH AUTHORITY” MEANS THE DESIGNATED COUNTY OR MULTICOUNTY AUTHORITY THAT IS RESPONSIBLE FOR PLANNING, MANAGING, AND MONITORING PUBLICLY FUNDED MENTAL HEALTH, SUBSTANCE–RELATED DISORDER, AND ADDICTIVE DISORDER SERVICES.

(B) (1) THERE IS A CRISIS INTERVENTION TEAM CENTER OF EXCELLENCE IN THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.

(2) THE PURPOSE OF THE CENTER IS TO PROVIDE TECHNICAL SUPPORT TO LOCAL GOVERNMENTS, LAW ENFORCEMENT, PUBLIC SAFETY AGENCIES, BEHAVIORAL HEALTH AGENCIES, AND CRISIS SERVICE PROVIDERS AND TO DEVELOP AND IMPLEMENT A CRISIS INTERVENTION MODEL PROGRAM.

(3) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL APPOINT THE FOLLOWING INDIVIDUALS TO OVERSEE THE CENTER:

(I) A CRISIS INTERVENTION LAW ENFORCEMENT COORDINATOR;

(II) A MENTAL HEALTH COORDINATOR;

(III) AN ADVOCACY COORDINATOR; AND

(IV) ADDITIONAL COORDINATORS NECESSARY AS DETERMINED BY THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.

(4) THE CENTER SHALL BE GUIDED BY THE COLLABORATIVE COMMITTEE.

(5) THE CENTER MAY:

(I) ON REQUEST, ASSIST A LAW ENFORCEMENT AGENCY OR LOCAL GOVERNMENT IN IMPLEMENTING A CRISIS INTERVENTION MODEL PROGRAM;

(II) PROVIDE EDUCATIONAL RESOURCES TO LAW ENFORCEMENT TO PROMOTE CRISIS INTERVENTION TEAM PROGRAMS; AND

(III) MONITOR STATEWIDE PROGRESS FOR IMPLEMENTATION OF CRISIS INTERVENTION MODEL PROGRAMS.

(c) (1) THERE IS A COLLABORATIVE PLANNING AND IMPLEMENTATION COMMITTEE FOR THE CENTER.

(2) THE COLLABORATIVE COMMITTEE SHALL INCLUDE THE FOLLOWING MEMBERS:

(I) THE EXECUTIVE DIRECTOR OF THE POLICE AND CORRECTIONAL TRAINING COMMISSION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(II) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(III) THE DIRECTOR OF THE BEHAVIORAL HEALTH ADMINISTRATION, OR THE DIRECTOR'S DESIGNEE; AND

(IV) THE FOLLOWING INDIVIDUALS, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION:

1. AT LEAST ONE REPRESENTATIVE OF A LOCAL BEHAVIORAL HEALTH AUTHORITY;

2. AT LEAST ONE REPRESENTATIVE FROM FAMILY AND CONSUMER MENTAL HEALTH ORGANIZATIONS;

3. A REPRESENTATIVE FROM THE MARYLAND MUNICIPAL LEAGUE;

4. A REPRESENTATIVE FROM THE MARYLAND CHIEFS OF POLICE ASSOCIATION;

5. A REPRESENTATIVE FROM THE MARYLAND ASSOCIATION OF COUNTIES;

6. A REPRESENTATIVE OF A LOCAL CRISIS INTERVENTION TEAM;

7. OTHER MEMBERS DETERMINED TO BE NECESSARY TO CARRY OUT THE WORK OF THE COLLABORATIVE COMMITTEE; AND

8. A REPRESENTATIVE FROM THE MARYLAND SHERIFFS' ASSOCIATION.

(3) A MEMBER APPOINTED BY THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION:

(I) SERVES FOR A TERM OF 3 YEARS AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES; AND

(II) MAY BE REAPPOINTED.

(4) A MEMBER OF THE COLLABORATIVE COMMITTEE:

(I) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COLLABORATIVE COMMITTEE; BUT

(II) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(5) THE COLLABORATIVE COMMITTEE SHALL:

(I) REVIEW SERVICES AND TRAINING PROVIDED BY THE CENTER;

(II) DEVELOP OUTCOME MEASURES FOR AND EVALUATION OF THE CENTER;

(III) DEVELOP RECOMMENDATIONS FOR FULL IMPLEMENTATION OF THE CRISIS INTERVENTION MODEL PROGRAM AT THE MUNICIPAL, COUNTY, AND STATE LEVEL; AND

(IV) PROVIDE GENERAL OVERSIGHT OF THE CENTER.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE OPERATION OF THE CENTER AND COLLABORATIVE COMMITTEE SHALL BE SUPPORTED BY:

(I) APPROPRIATIONS PROVIDED IN THE STATE BUDGET;

(II) GRANTS OR OTHER ASSISTANCE FROM FEDERAL, STATE, OR LOCAL GOVERNMENT; AND

(III) ANY OTHER MONEY MADE AVAILABLE TO THE CENTER FROM ANY PUBLIC OR PRIVATE SOURCE.

(2) THE OPERATION OF THE CENTER IS SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET AND THEIR FUNDS RECEIVED UNDER THIS SUBSECTION.

(E) (1) ON OR BEFORE DECEMBER 1 EACH YEAR, THE CENTER SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON:

(I) THE ACTIVITIES OF THE CENTER; AND

(II) RELATED CRIMINAL JUSTICE EFFORTS OCCURRING AT THE STATE AND LOCAL LEVELS TO DIRECT INDIVIDUALS AWAY FROM THE CRIMINAL JUSTICE SYSTEM AND EMERGENCY MEDICAL SYSTEM BY PROVIDING ACCESS TO ALTERNATIVE SERVICES AT THE EARLIEST POSSIBLE POINT IN THE INDIVIDUAL'S ENCOUNTER WITH LAW ENFORCEMENT.

(2) THE REPORT SHALL INCLUDE AN ANALYSIS REGARDING ANY DEFICIENCIES AND RECOMMENDATIONS ON PRIORITIES FOR IMPROVING THE CRIMINAL JUSTICE SYSTEM RESPONSE TO AND TREATMENT OF INDIVIDUALS WITH MENTAL ILLNESS.

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 548

(Senate Bill 306)

AN ACT concerning

State Board of Dental Examiners – Sunset Extension and Report

FOR the purpose of continuing the State Board of Dental Examiners in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring the Board to submit a certain report to certain committees of the General Assembly on or before a certain date; and generally relating to the State Board of Dental Examiners.

BY repealing and reenacting, without amendments,
 Article – Health Occupations
 Section 4–201
 Annotated Code of Maryland
 (2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
 Article – Health Occupations
 Section 4–702
 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

4–201.

There is a State Board of Dental Examiners in the Department.

4–702.

Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, this title and all rules and regulations adopted under this title shall terminate and be of no effect after July 1, [2021] **2031**.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2020, the State Board of Dental Examiners shall submit a report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2–1257 of the State Government Article, on:

(1) the status of staff vacancies and the strategy and means used to fill those vacancies; and

(2) the Board’s complaint and enforcement process for the past 5 years, including the numbers and types of complaints filed, the resolution rate and reasons for the length of time to resolve a complaint, the Board’s process and timeline for handling complaints, and any other issues related to the Board’s complaint and enforcement process.

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 549

(Senate Bill 339)

AN ACT concerning

**State Employee and Retiree Health and Welfare Benefits
Program – Participation**

FOR the purpose of requiring certain employment with a certain community college to be included in the calculation of State service to determine eligibility to participate as a retiree in the State Employee and Retiree Health and Welfare Benefits Program;

~~requiring an individual to be considered an employee of the State on or before a certain date under certain circumstances~~ providing for the application of this Act; defining a certain term; and generally relating to retiree participation in the State Employee and Retiree Health and Welfare Benefits Program.

BY repealing and reenacting, ~~with~~ without amendments,
 Article – State Personnel and Pensions
 Section 2–509(a)
 Annotated Code of Maryland
 (2015 Replacement Volume and 2019 Supplement)

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

Article – State Personnel and Pensions

2–509.

(a) (1) This subsection applies to a retiree of an optional retirement program under Title 30 of this article who began service as an employee of the State in the Executive, Legislative, or Judicial Branch of government on or before June 30, 2011.

(2) (i) Subject to subparagraph (ii) of this paragraph, an individual may enroll and participate in the health insurance benefit options established under the Program if the individual retired under an optional program under Title 30 of this article and:

1. ended service with a State institution of higher education with at least 10 years of service and was at least age 57;
2. ended service with a State institution of higher education with at least 16 years of service; or
3. retired directly from and had at least 5 years of service with a State institution of higher education with a periodic distribution of benefits on or after July 1, 1984.

(ii) 1. For purposes of this subsection only, years of service shall be calculated as follows:

A. except as provided in subparagraph 2 of this subparagraph, a year of service means a period of 12 months during which an employee was a participant in an optional retirement program under Title 30 of this article and the participant's employer made contributions to the participant's account in the Program; or

B. if an employee's work year is an academic year of at least 9 but less than 12 months, a year of service means a period equal to the academic year

during which an employee was a participant in an optional retirement program under Title 30 of this article and the participant's employer made contributions to the participant's account in the Program.

2. To determine eligibility for health insurance benefits under this section, each year of service shall be multiplied by the participant's percentage of full-time employment for that year of service.

~~3. TO DETERMINE ELIGIBILITY FOR HEALTH INSURANCE BENEFITS UNDER THIS SECTION, THE CALCULATION OF YEARS OF SERVICE UNDER SUBSUBPARAGRAPHS 1 AND 2 OF THIS SUBPARAGRAPH SHALL INCLUDE AN INDIVIDUAL'S EMPLOYMENT BY ANNE ARUNDEL COMMUNITY COLLEGE FROM AUGUST 2002 THROUGH NOVEMBER 2013 IF:~~

~~A. THE INDIVIDUAL WAS A PARTICIPANT IN AN OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF THIS ARTICLE WHILE EMPLOYED BY ANNE ARUNDEL COMMUNITY COLLEGE; AND~~

~~B. THE INDIVIDUAL RETIRED UNDER AN OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF THIS ARTICLE FROM THE UNIVERSITY SYSTEM OF MARYLAND.~~

~~4. TO DETERMINE ELIGIBILITY FOR HEALTH INSURANCE BENEFITS UNDER THIS SECTION, AN INDIVIDUAL WHO HAS THE YEARS OF SERVICE INCLUDED UNDER SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH SHALL BE CONSIDERED AS HAVING BEGUN SERVICE AS AN EMPLOYEE OF THE STATE ON OR BEFORE JUNE 30, 2011, IF THE INDIVIDUAL WAS EMPLOYED BY ANNE ARUNDEL COMMUNITY COLLEGE ON OR BEFORE JUNE 30, 2011.~~

(iii) The surviving spouse or dependent child of a deceased individual who was eligible to enroll may enroll and participate in the health insurance benefit options established under the Program as long as the spouse or child is receiving a periodic distribution of benefits under an optional retirement program under Title 30 of this article.

(3) (i) An enrollee under this section who was in service with a State institution of higher education at the time of the retirement is entitled to the same State subsidy allowed a retiree under § 2-508(b)(4) of this subtitle. However, except as provided in subparagraph (ii) of this paragraph, the subsidy shall apply only to the costs of coverage for the enrollee and may not apply to any additional costs of coverage for the enrollee's spouse or children.

(ii) If the enrollee has 25 or more years of service as an employee of the State in the Executive, Legislative, or Judicial Branch of government, the enrollee or the enrollee's surviving spouse or dependent child is entitled to the same State subsidy

allowed a retiree with 16 or more years of creditable service under § 2–508(b)(4)(i) of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) (1) In this subsection, “Optional Retirement Program” means the Optional Retirement Program under Title 30 of the State Personnel and Pensions Article.

(2) This section applies to an individual who:

(i) was a member of the Optional Retirement Program;

(ii) participated in the Optional Retirement Program while employed by Anne Arundel Community College with employment beginning in August 2002 and ending in November 2013;

(iii) participated in the Optional Retirement Program while employed by the University of Maryland, Baltimore, with employment beginning in November 2013;

(iv) ends service with the University of Maryland, Baltimore with at least 16 years of service in the Optional Retirement Program; and

(v) is a retiree of the Optional Retirement Program.

(b) To determine eligibility for health insurance benefits under § 2–509 of the State Personnel and Pensions Article for an individual described under subsection (a) of this section:

(1) the calculation of years of service shall include the individual’s employment by Anne Arundel Community College; and

(2) the individual shall be considered as having begun service as an employee of the State on or before June 30, 2011.

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 550

(Senate Bill 344)

University System of Maryland – Academic Facilities Bonding Authority

FOR the purpose of approving certain projects for the acquisition, development, and improvement of certain academic facilities for the University System of Maryland; approving the issuance of bonds by the University System of Maryland in a certain total principal amount for financing the projects; providing that the bonds issued under the authority of this Act are not a debt or obligation of the State or any of its subdivisions; and generally relating to academic facilities bonding authority of the University System of Maryland and certain projects.

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

(1) In accordance with § 19–102(d) of the Education Article, each of the following projects is approved as a project for an academic facility, and the University System of Maryland may issue, sell, and deliver bonds in the total principal amount of \$20,000,000 for the purposes of financing and refinancing the costs of the following projects:

University of Maryland, College Park Campus (Prince George’s County):
Infrastructure Project

University of Maryland Eastern Shore (Somerset County):
Flood Mitigation Project

Frostburg State University (Allegany County):
Education and Health Sciences

(2) In accordance with § 19–102(d) of the Education Article, those systemwide capital facilities renewal projects for existing academic facilities of the constituent institutions and centers of the University System of Maryland as are authorized by the Board of Regents hereby approved as facility renewal projects for academic facilities, and the University System of Maryland may issue, sell, and deliver bonds in the total principal amount of \$12,000,000 for the purposes of financing and refinancing the costs of those academic facilities renewal projects.

(3) The bonds issued under the authority of this Act do not create or constitute any indebtedness or obligation of the State or of any political subdivision thereof except for the University System of Maryland, and the bonds shall so state on their face. The bonds do not constitute a debt or obligation contracted by the General Assembly of Maryland or pledge the faith and credit of the State within the meaning of Article III, § 34 of the Maryland Constitution.

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

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

Chapter 551**(Senate Bill 361)**

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Barbershop and Beauty Salon License

FOR the purpose of establishing a barbershop and beauty salon beer and wine license in Anne Arundel County; specifying the individuals who are qualified to hold the license; authorizing a license holder to serve a certain amount of beer or wine by the glass to a customer for on-premises consumption under certain circumstances; specifying the hours during which a license holder is authorized to serve beer and wine; stating that a license holder need not obtain a certain Sunday license; establishing an annual license fee; and generally relating to alcoholic beverages in Anne Arundel County.

BY renumbering

Article – Alcoholic Beverages
Section 11–1002
to be Section 11–1002.1
Annotated Code of Maryland
(2016 Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages
Section 11–102
Annotated Code of Maryland
(2016 Volume and 2019 Supplement)

BY adding to

Article – Alcoholic Beverages
Section 11–1002
Annotated Code of Maryland
(2016 Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 11–1002 of Article – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 11–1002.1.

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

Article – Alcoholic Beverages

11–102.

This title applies only in Anne Arundel County.

11–1002.

(A) THERE IS A BARBERSHOP AND BEAUTY SALON BEER AND WINE LICENSE.

(B) THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF:

(1) A BARBERSHOP PERMIT ISSUED UNDER § 4–501 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE; OR

(2) A BEAUTY SALON PERMIT ISSUED UNDER § 5–501 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.

(C) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO PROVIDE NOT MORE THAN 12 OUNCES OF BEER OR 5 OUNCES OF BEER OR ~~BEER OR~~ WINE BY THE GLASS FOR ON–PREMISES CONSUMPTION BY A BARBERSHOP OR BEAUTY SALON CUSTOMER:

(1) WHEN THE CUSTOMER IS BEING PROVIDED:

(I) A BARBERING SERVICE UNDER TITLE 4 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE; OR

(II) A COSMETOLOGY SERVICE UNDER TITLE 5 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE; OR

(2) WHILE THE CUSTOMER IS ATTENDING A FUND–RAISING EVENT AT THE BARBERSHOP OR BEAUTY SALON.

(D) A LICENSE HOLDER MAY SERVE BEER AND WINE FOR ON–PREMISES CONSUMPTION DURING NORMAL BUSINESS HOURS BUT NOT LATER THAN 9 P.M.

(E) A LICENSE HOLDER NEED NOT OBTAIN A SUNDAY LICENSE UNDER § 11–2004 OF THIS TITLE TO PROVIDE BEER AND WINE ON SUNDAY.

(F) THE ANNUAL LICENSE FEE IS \$100.

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 552**(Senate Bill 390)**

AN ACT concerning

Election Law – Candidate Defeated in Primary Election – Write-In Candidacy in General Election Prohibited

FOR the purpose of prohibiting a candidate who is defeated for the nomination for a public office from filing a certificate of candidacy as a write-in candidate at the next succeeding general election as a candidate for any office; providing for a delayed effective date; and generally relating to candidates defeated in primary elections.

BY repealing and reenacting, without amendments,
Article – Election Law
Section 5–303(c) and 10–313
Annotated Code of Maryland
(2017 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 5–706
Annotated Code of Maryland
(2017 Replacement Volume and 2019 Supplement)

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

Article – Election Law

5–303.

(c) The certificate of candidacy for the election of a write-in candidate shall be filed by the earlier of:

(1) 7 days after a total expenditure of at least \$51 is made to promote the candidacy by a campaign finance entity of the candidate; or

(2) 5 p.m. on the 7th day preceding the start of early voting for which the certificate is filed.

5–706.

(a) This section does not apply to:

(1) a candidate selected by a political party to fill a vacancy in nomination under Subtitle 9 or Subtitle 10 of this title; or

(2) a candidate defeated in a presidential preference primary.

(b) (1) Except as provided in subsection (c) of this section, the name of a candidate who is defeated for the nomination for a public office may not appear on the ballot at the next succeeding general election as a candidate for any office.

(2) **A CANDIDATE WHO IS DEFEATED FOR THE NOMINATION FOR A PUBLIC OFFICE MAY NOT FILE A CERTIFICATE OF CANDIDACY AS A WRITE-IN CANDIDATE AT THE NEXT SUCCEEDING GENERAL ELECTION AS A CANDIDATE FOR ANY OFFICE.**

(c) The name of a candidate for the office of judge of the circuit court who is defeated in the primary election in each contest for the office of circuit court judge in which the candidate appears on the ballot may not appear on the ballot at the succeeding general election as a candidate for any office.

10–313.

(a) In any general election or special general election, a voter may write in a name for any office.

(b) (1) When requested by a voter, an election judge shall provide information on write-in voting.

(2) (i) If a voter requests information on write-in voting, an election judge shall assure that the voter is fully informed of the procedure before voting.

(ii) If a voter is unable to write, the voter may have assistance as provided in § 10–310(c) of this subtitle.

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 553

(Senate Bill 442)

AN ACT concerning

~~Public-Private Partnership Agreements – Minority Business Enterprise
Program~~

Minority Business Enterprise Program – Public-Private Partnerships, Offshore
Wind Projects, and Video Lottery Terminals

FOR the purpose of providing, under certain circumstances, that the provisions of the Minority Business Enterprise Program apply to public-private partnerships; prohibiting the Board of Public Works from approving a public-private partnership agreement until the reporting agency, in consultation with certain entities, establishes certain minority business enterprise goals and procedures; requiring that certain goals and procedures be based on the requirements of certain provisions of law; *incorporating certain findings and evidence associated with a certain Minority Business Enterprise Program; requiring that approved applicants for certain wind projects comply with the Minority Business Enterprise Program to a certain extent; requiring the Governor's Office of Small, Minority, and Women Business Affairs, in consultation with the Office of the Attorney General and a certain approved applicant, to establish a certain plan; requiring a certain approved applicant to submit a certain progress report to the Public Service Commission under certain circumstances; altering the date by which certain provisions of law relating to minority business participation goals for certain applicants or licensees are of no effect and may not be enforced; 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; providing for the termination of certain provisions of this Act; and generally relating to public-private partnerships, offshore wind projects, video lottery terminals, and minority business enterprises.*

BY adding to

Article – State Finance and Procurement
Section 10A-404
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement
Section 11-203(h)
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY adding to

*Article – Public Utilities
Section 7-704.1(i)
Annotated Code of Maryland
(2010 Replacement Volume and 2019 Supplement)*

BY repealing and reenacting, with amendments,

Article – State Government
Section 9–1A–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 – State Finance and Procurement

10A–404.

(A) THE FINDINGS AND EVIDENCE RELIED ON BY THE GENERAL ASSEMBLY FOR THE CONTINUATION OF THE MINORITY BUSINESS ENTERPRISE PROGRAM UNDER TITLE 14, SUBTITLE 3 OF THIS ARTICLE ARE HEREBY INCORPORATED.

(B) TO THE EXTENT PRACTICABLE AND PERMITTED BY THE UNITED STATES CONSTITUTION, THE PROVISIONS OF THE MINORITY BUSINESS ENTERPRISE PROGRAM UNDER TITLE 14, SUBTITLE 3 OF THIS ARTICLE SHALL APPLY TO PUBLIC–PRIVATE PARTNERSHIPS ESTABLISHED UNDER THIS TITLE.

(C) (1) THE BOARD OF PUBLIC WORKS MAY NOT APPROVE A PUBLIC–PRIVATE PARTNERSHIP AGREEMENT UNDER § 10A–203 OF THIS TITLE UNTIL THE REPORTING AGENCY, IN CONSULTATION WITH THE GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS, THE OFFICE OF THE ATTORNEY GENERAL, AND THE PRIVATE ENTITY, IF PERMISSIBLE, ESTABLISHES REASONABLE AND APPROPRIATE MINORITY BUSINESS ENTERPRISE PARTICIPATION GOALS AND PROCEDURES FOR THE PROJECT.

(2) TO THE EXTENT PRACTICABLE, GOALS AND PROCEDURES ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE BASED ON THE REQUIREMENTS OF:

~~(I) TITLE 14, SUBTITLE 3 OF THIS ARTICLE, INCLUDING THE IMPLEMENTATION OF REGULATIONS ADOPTED UNDER §§ 14–302 AND 14–303 OF THIS ARTICLE; AND~~

~~(II) REGULATIONS ADOPTED SPECIFICALLY TO IMPLEMENT THIS SECTION.~~

11–203.

(h) (1) Except as provided in paragraph (2) of this subsection, this division does not apply to a public–private partnership under Title 10A of this article.

(2) To the extent otherwise required by law, the following provisions of this division apply to a public-private partnership under Title 10A of this article:

- (i) § 11-205 of this subtitle (“Collusion”);
- (ii) § 11-205.1 of this subtitle (“Falsification, concealment, etc. of material facts”);
- (iii) Title 12, Subtitle 4 of this article (“Policies and Procedures for Exempt Units”);
- (iv) § 13-219 of this article (“Required clauses – Nondiscrimination clause”);

(V) TITLE 14, SUBTITLE 3 OF THIS ARTICLE (“MINORITY BUSINESS PARTICIPATION”);

[(v)] **(VI)** Title 17, Subtitle 1 of this article (“Security for Construction Contracts”);

[(vi)] **(VII)** Title 17, Subtitle 2 of this article (“Prevailing Wage Rates – Public Work Contracts”); and

[(vii)] **(VIII)** Title 18 of this article (“Living Wage”).

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

Article – Public Utilities

7-704.1.

(1) (1) THE FINDINGS AND EVIDENCE RELIED ON BY THE GENERAL ASSEMBLY FOR THE CONTINUATION OF THE MINORITY BUSINESS ENTERPRISE PROGRAM UNDER TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE ARE INCORPORATED IN THIS SUBSECTION.

(2) TO THE EXTENT PRACTICABLE AND AUTHORIZED BY THE UNITED STATES CONSTITUTION, APPROVED APPLICANTS FOR A PROPOSED OFFSHORE WIND PROJECT SHALL COMPLY WITH THE STATE’S MINORITY BUSINESS ENTERPRISE PROGRAM.

(3) (1) ON OR BEFORE 6 MONTHS AFTER THE ISSUANCE OF AN ORDER APPROVING AN OREC APPLICATION, THE GOVERNOR’S OFFICE OF SMALL, MINORITY, AND WOMEN BUSINESS AFFAIRS, IN CONSULTATION WITH THE OFFICE

OF THE ATTORNEY GENERAL AND AN APPROVED APPLICANT, SHALL ESTABLISH A CLEAR PLAN FOR SETTING REASONABLE AND APPROPRIATE MINORITY BUSINESS ENTERPRISE PARTICIPATION GOALS AND PROCEDURES FOR EACH PHASE OF THE QUALIFIED OFFSHORE WIND PROJECT.

(II) TO THE EXTENT PRACTICABLE, THE GOALS AND PROCEDURES SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE BASED ON THE REQUIREMENTS OF TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE AND THE REGULATIONS IMPLEMENTING THAT SUBTITLE.

(III) EVERY 6 MONTHS FOLLOWING THE ISSUANCE OF AN ORDER APPROVING AN OREC APPLICATION, AN APPROVED APPLICANT SHALL SUBMIT A REPORT ON ITS PROGRESS ESTABLISHING AND IMPLEMENTING MINORITY BUSINESS ENTERPRISE GOALS AND PROCEDURES TO THE COMMISSION.

(4) ON AND AFTER JULY 1, 2023, THE PROVISIONS OF THIS SUBSECTION AND ANY REGULATIONS ADOPTED IN ACCORDANCE WITH THIS SUBSECTION SHALL BE OF NO EFFECT AND MAY NOT BE ENFORCED.

Article – State Government

9–1A–10.

(a) (1) (i) An applicant or a licensee is subject to:

1. 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

2. any other corresponding provisions of law under Title 14, Subtitle 3 of the State Finance and Procurement Article.

(ii) The minority business participation goal shall apply to:

1. construction related to video lottery terminals; and

2. procurement related to the operation of video lottery terminals, including procurement of equipment and ongoing services.

(2) If the county in which a video lottery facility will be located has higher minority business participation requirements than the State as described in paragraph (1) of this subsection, the applicant shall meet the county’s minority business participation requirements to the extent possible.

(3) A county in which a video lottery facility will be located may impose local business, local minority business participation, and local hiring requirements to the extent authorized by local law and permitted by the United States Constitution.

(4) Any collective bargaining agreement or agreements, including a project labor agreement or a neutrality agreement, entered into by an applicant or licensee may not negate the requirements of this subsection.

(5) If an applicant for employment at a video lottery facility believes that the applicant has been discriminated against in the employment process, the applicant may appeal the employment decision to the local human relations board in the county where the facility is located.

(6) Notwithstanding any collective bargaining agreement or agreements, a licensee shall:

(i) provide health insurance coverage for its employees; and

(ii) give a preference to hiring qualified employees from the communities within 10 miles of the video lottery facility.

(7) A licensee shall:

(i) provide retirement benefits for its employees; and

(ii) if the licensee is a racetrack licensee, provide retirement benefits to its video lottery operation employees that are equivalent to the level of benefits provided to the racetrack employees who are eligible under the Maryland Racetrack Employees Pension Fund.

(8) Notwithstanding any collective bargaining agreement or agreements, if the licensee is a racetrack location, the licensee shall provide health insurance coverage to all employees of the racetrack, including the employees of the racetrack on the backstretch of the racetrack.

(b) (1) The Commission shall ensure that a video lottery operation licensee complies with the requirements of subsection (a)(1) and (2) of this section as a condition of holding the video lottery operation license.

(2) The Governor's Office of Small, Minority, and Women Business Affairs shall monitor a licensee's compliance with subsection (a)(1) and (2) of this section.

(3) The Governor's Office of Small, Minority, and Women Business Affairs shall report to the Commission at least every 6 months on the compliance of licensees with subsection (a)(1) and (2) of this section.

(4) If the Governor’s Office of Small, Minority, and Women Business Affairs reports that a licensee is not in compliance with subsection (a)(1) and (2) of this section, the Commission may take immediate action to ensure the compliance of the licensee.

(c) On or after July 1, [2020] 2023, the provisions of subsections (a)(1) and (2) and (b) of this section and any regulations adopted under subsections (a)(1) and (2) and (b) of this section shall be of no effect and may not be enforced.

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

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 in accordance with 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 5. 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 disparity study submitted in accordance with Chapter 340 of the Acts of the General Assembly of 2017 to determine if it applies to the type of work that will be likely to be performed by an approved applicant with respect to an offshore wind project under § 7–704.1(i) of the Public Utilities Article as enacted by Section 2 of this Act 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 ~~5~~ 6. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020. Section 1 of this Act shall remain effective for a period of 3 years and, at the end of June 30, 2023, Section 1 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

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

Chapter 554

(Senate Bill 446)

AN ACT concerning

Institutions of Postsecondary Education – Disorderly School Closures

FOR the purpose of authorizing the Secretary of Higher Education to require certain institutions of postsecondary education to refund all tuition and fees to certain students under certain circumstances; authorizing the Secretary to file an injunction under certain circumstances; establishing that an institution that closes programs in a certain manner is in violation of a certain agreement; requiring certain students to be reimbursed for certain tuition and fees under certain circumstances; requiring certain institutions to provide the Commission with a certain school closure ~~plan~~ agreement; requiring a certain agreement to contain certain provisions; establishing that certain actions be considered as unfair, abusive, or deceptive trade practices; requiring certain institutions to file certain records with the Commission before discontinuing academic or administrative operation; authorizing the Commission to approve a certain plan for the filing of certain records of former students with a certain successor institution under certain circumstances; prohibiting a certain obligation from being discharged in bankruptcy; requiring that certain records filed with the Commission present certain financial information; requiring certain records to be accompanied by an affidavit on behalf of certain individuals; authorizing the Commission to issue a replacement transcript to a certain student under certain circumstances; requiring a certain replacement transcript to be signed by a certain individual and contain certain information; requiring that a certain institution accept a certain replacement transcript as an official transcript; authorizing a certain institution or a certain program to accept a certain transcript; requiring the Commission to adopt certain regulations; specifying the contents of the Education Trust Fund; defining certain terms; making the provisions of this Act severable; and generally relating to disorderly closures of institutions of postsecondary education.

BY renumbering

Article – Education

Section 11–203(e)

to be Section 11–203(f)

Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 13–301(14)(xxxii)
Annotated Code of Maryland
(2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 13–301(14)(xxxiii)
Annotated Code of Maryland
(2013 Replacement Volume and 2019 Supplement)

BY adding to
Article – Commercial Law
Section 13–301(14)(xxxiv)
Annotated Code of Maryland
(2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 11–107 and 11–401
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY adding to
Article – Education
Section 11–203(e) and 11–210
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1A–30
Annotated Code of Maryland
(2014 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That Section(s) 11–203(e) of Article – Education of the Annotated Code of Maryland be
renumbered to be Section(s) 11–203(f).

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

Article – Commercial Law

13–301.

Unfair, abusive, or deceptive trade practices include any:

- (14) Violation of a provision of:
 - (xxxii) The federal Military Lending Act; [or]
 - (xxxiii) The federal Servicemembers Civil Relief Act; or
 - (XXXIV) § 11–210 OF THE EDUCATION ARTICLE; OR**
- Article – Education**

11–107.

(a) The Commission may authorize the Secretary, acting through the Attorney General, to seek an injunction or other judicial remedy for any violation of this title or of the rules and regulations adopted under this title.

(b) (1) If an institution of postsecondary education is required to have a certificate of approval from the Commission and is operating without a certificate of approval, the Secretary may:

- (i) Issue an order to cease and desist;
 - (ii) Issue a notice of violation and impose a penalty of up to \$5,000;
- and
- (iii) Acting through the Attorney General, seek an injunction or other

judicial remedy.

(2) In imposing a penalty under this subsection, the Secretary shall consider:

- (i) The seriousness of the violation;
- (ii) The harm caused by the violation;
- (iii) The good faith of the institution and any corrective actions taken;
- (iv) Any history of previous violations; and
- (v) Other pertinent circumstances.

(c) For any institution of postsecondary education required to have Commission approval before offering a program, if the institution offers an unapproved program, the Secretary may require the institution to refund all tuition and fees paid by students who enrolled in the program, and may revoke the certificate of approval of any institution that fails to make a required refund within the time specified by the Secretary.

(D) IF AN INSTITUTION OF POSTSECONDARY EDUCATION DOES NOT FILE ALL ESSENTIAL RECORDS OF THE ACADEMIC ACHIEVEMENT OF A FORMER STUDENT WITH THE COMMISSION IN ACCORDANCE WITH § 11-401 OF THIS TITLE, THE SECRETARY MAY:

(1) REQUIRE THE INSTITUTION TO REFUND ALL TUITION AND FEES PAID BY THE FORMER STUDENT WHOSE RECORDS WERE NOT FILED IN ACCORDANCE WITH § 11-401 OF THIS TITLE; OR

(2) SEEK AN INJUNCTION IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.

[(d)] (E) The remedies provided in this section are in addition to any other remedies provided by law.

11-203.

(E) (1) AN INSTITUTION THAT CLOSES ONE OR MORE PROGRAMS IN A MANNER THAT IS A DISORDERLY CLOSURE AS DEFINED IN § 11-210 OF THIS SUBTITLE IS IN VIOLATION OF THE ENROLLMENT AGREEMENT OR OTHER CONTRACT WITH A STUDENT ENROLLED AT THE TIME OF THE CLOSURE.

(2) (I) A MARYLAND STUDENT ENROLLED IN AN INSTITUTION WITHIN 120 DAYS BEFORE THE DATE OF THE DISORDERLY CLOSURE SHALL BE ENTITLED TO REIMBURSEMENT FROM THE PERFORMANCE BOND OR IRREVOCABLE LETTER OF CREDIT OF ALL NON-TITLE IV TUITION AND FEES PAID TO THE INSTITUTION.

(II) REIMBURSEMENT MADE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE ISSUED TO ALL MARYLAND STUDENTS, INCLUDING THOSE WHO TRANSFER TO ANOTHER INSTITUTION.

(3) THE COMMISSION SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBSECTION.

11-210.

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

(2) “CLOSING INSTITUTION” MEANS A PRIVATE CAREER SCHOOL OR AN INSTITUTION OF POSTSECONDARY EDUCATION THAT CLOSES AT LEAST ONE PROGRAM IN A MANNER THAT IS A DISORDERLY CLOSURE.

(3) “DISORDERLY CLOSURE” MEANS THE CESSATION OF EDUCATIONAL INSTRUCTION, AS DETERMINED BY THE COMMISSION, OF A PROGRAM IN WHICH:

(I) ~~A MARYLAND STUDENT IS UNABLE TO COMPLETE THE PROGRAM PRIOR TO THE CESSATION OF EDUCATIONAL INSTRUCTION~~ THE INSTITUTION DID NOT PROVIDE A SATISFACTORY AMOUNT OF TIME, AS DETERMINED BY THE COMMISSION, FOR ALL MARYLAND STUDENTS TO COMPLETE THE PROGRAM;

(II) THE INSTITUTION DID NOT TRANSITION ALL MARYLAND STUDENTS INTO ANOTHER PROGRAM AT THE INSTITUTION; AND OR

~~(H)~~ (III) THE INSTITUTION DID NOT ENTER INTO AT LEAST ONE SCHOOL-TO-SCHOOL TEACH-OUT AGREEMENT.

(4) “ELIGIBLE TRANSFER INSTITUTION” MEANS A PRIVATE CAREER SCHOOL OR AN INSTITUTION OF POSTSECONDARY EDUCATION THAT:

(I) 1. HAS A CERTIFICATE OF APPROVAL FROM THE COMMISSION IN ACCORDANCE WITH § 11-202 OF THIS SUBTITLE;

2. IS REGISTERED WITH THE COMMISSION IN ACCORDANCE WITH § 11-202.2 OF THIS SUBTITLE; OR

3. IS EXEMPT FROM REGISTERING WITH THE COMMISSION IN ACCORDANCE WITH § 11-202.2 OF THIS SUBTITLE;

(II) IS IN GOOD STANDING WITH ITS ACCREDITOR AND, IF APPLICABLE, ITS LICENSING BODY;

(III) IF APPLICABLE, HAS COHORT LOAN DEFAULT RATES, AS MOST RECENTLY REPORTED BY THE U.S. DEPARTMENT OF EDUCATION, THAT ARE LESS THAN OR EQUAL TO ~~THE~~:

1. THE COHORT LOAN DEFAULT RATES OF THE CLOSING INSTITUTION; OR

2. THE NATIONAL AVERAGE COHORT LOAN DEFAULT RATES FOR ALL INSTITUTIONS;

(IV) IS NOT CURRENTLY UNDER FINANCIAL AID RESTRICTIONS BY THE U.S. DEPARTMENT OF EDUCATION; AND

(V) WITHIN THE PREVIOUS 5 YEARS:

1. HAS NOT ENTERED INTO ANY SETTLEMENT AGREEMENTS RELATED TO A CONSUMER PROTECTION LAW WITH A LAW ENFORCEMENT AGENCY; AND

2. HAS NOT HAD ANY JUDGMENTS RELATED TO A CONSUMER PROTECTION LAW ENTERED AGAINST IT IN FAVOR OF A LAW ENFORCEMENT AGENCY.

(5) “FULLY ONLINE DISTANCE EDUCATION PROGRAM IN THE STATE” HAS THE MEANING STATED IN § 11–202.2 OF THIS SUBTITLE.

(6) “INSTITUTIONAL DEBT” MEANS:

(I) THE AMOUNT OUTSTANDING ON ANY CREDIT, INCLUDING UNPAID CHARGES, EXTENDED BY OR ON BEHALF OF THE INSTITUTION THAT A STUDENT IS OBLIGATED TO REPAY, WHETHER THE AMOUNT HAS BEEN REDUCED TO JUDGMENT OR THE INSTITUTION CLASSIFIES IT AS A LOAN; OR

(II) A NONFEDERAL LOAN OR DEBT AGREEMENT THAT IS ISSUED EXPRESSLY FOR POSTSECONDARY EDUCATION EXPENSES AND THAT IS GUARANTEED BY:

1. A PRIVATE CAREER SCHOOL;

2. AN INSTITUTION OF POSTSECONDARY EDUCATION;

OR

3. A PRIVATE EDUCATIONAL LENDER THAT IS AFFILIATED WITH A PRIVATE CAREER SCHOOL OR AN INSTITUTION OF POSTSECONDARY EDUCATION.

(7) “INSTITUTIONAL FINANCIAL AID AGREEMENT” MEANS ANY CONTRACT, PROMISSORY NOTE, PART OF AN ENROLLMENT AGREEMENT, OR OTHER AGREEMENT IN WHICH A STUDENT AGREES TO PAY AN INSTITUTIONAL DEBT.

(B) THIS SECTION APPLIES TO A PRIVATE CAREER SCHOOL OR AN INSTITUTION OF POSTSECONDARY EDUCATION, AS DEFINED IN § 10–101 OF THIS ARTICLE, THAT:

(1) OPERATES IN THE STATE; OR

(2) ENROLLS AT LEAST 25 STUDENTS IN A FULLY ONLINE DISTANCE EDUCATION PROGRAM IN THE STATE AND THAT HAS TOTAL TUITION REVENUE FROM MARYLAND STUDENTS GREATER THAN \$100,000 IN THE IMMEDIATELY PRECEDING ACADEMIC YEAR.

(c) (1) (i) IN ADDITION TO ANY OTHER REQUIREMENT OF THIS TITLE, AN INSTITUTION IDENTIFIED IN SUBSECTION (B) OF THIS SECTION SHALL PROVIDE TO THE COMMISSION A CLOSE-OUT ~~PLAN~~ AGREEMENT.

(ii) A CLOSE-OUT ~~PLAN~~ AGREEMENT PROVIDED UNDER THIS PARAGRAPH SHALL BE UPDATED AS REQUIRED BY THE COMMISSION.

(2) A CLOSE-OUT ~~PLAN~~ AGREEMENT UNDER THIS SUBSECTION ~~SHALL INCLUDE ANY INFORMATION REQUIRED BY THE COMMISSION AND SHALL STATE THAT:~~

(i) THE INSTITUTION WILL MAKE ALL REASONABLE EFFORTS TO ENSURE THAT ANY CLOSURE OF A PROGRAM THAT ENROLLS MARYLAND STUDENTS IS NOT A DISORDERLY CLOSURE;

(ii) UNLESS EXEMPTED BY THE COMMISSION, THE CHIEF EXECUTIVE OFFICER AND THE MEMBERS OF THE GOVERNING BODY OF THE INSTITUTION WERE NEVER IN AN EXECUTIVE POSITION OR A MEMBER OF A GOVERNING BODY OF AN INSTITUTION IN WHICH A DISORDERLY CLOSURE OCCURRED;

~~(iii) IF THE INSTITUTION IS A FOR PROFIT INSTITUTION OF HIGHER EDUCATION AS DEFINED IN § 10-101 OF THIS ARTICLE, THE CHIEF EXECUTIVE OFFICER AND THE MEMBERS OF THE GOVERNING BODY AGREE TO BE JOINTLY AND SEVERALLY PERSONALLY LIABLE FOR AN AMOUNT DETERMINED BY THE COMMISSION, BASED ON THE INDIVIDUAL'S GOOD FAITH, ADVANCE KNOWLEDGE OF THE DISORDERLY CLOSURE, ABILITY TO PREVENT THE CLOSURE, AND SEVERITY OF THE CLOSURE, PAYABLE TO THE EDUCATION TRUST FUND ESTABLISHED UNDER § 9-1A-30 OF THE STATE GOVERNMENT ARTICLE, NOT TO EXCEED WHICH IS THE LESSER OF:~~

~~1. \$1,000 FOR EACH MARYLAND STUDENT WHO WAS ENROLLED AT THE TIME OF THE DISORDERLY CLOSURE; OR~~

~~2. THE COST, BASED ON THE INSTITUTION'S PREVIOUS YEAR'S FINANCIAL STATEMENTS, OF COMPLETING THE TERM FOR EACH MARYLAND STUDENT WHO WAS ENROLLED AT THE TIME OF THE DISORDERLY CLOSURE; AND~~

~~(IV) ANY INSTITUTIONAL FINANCIAL AID AGREEMENT OFFERED TO A MARYLAND STUDENT SHALL CONTAIN LANGUAGE STATING THAT, IN THE EVENT OF A DISORDERLY CLOSURE, THE INSTITUTIONAL DEBT IS VOID AND MAY NOT BE RECOVERED, COLLECTED, OR ENFORCED.~~

(3) A SCHOOL-TO-SCHOOL TEACH-OUT AGREEMENT SHALL:

(I) BE ARRANGED BY THE CLOSING INSTITUTION;

(II) BE BETWEEN AN ELIGIBLE TRANSFER INSTITUTION, THE CLOSING INSTITUTION, AND THE COMMISSION; AND

(III) UNLESS WAIVED FOR GOOD CAUSE BY THE COMMISSION, SPECIFY THAT THE ELIGIBLE TRANSFER INSTITUTION:

1. IF THE CLOSING INSTITUTION HAS A PHYSICAL PRESENCE IN THE STATE, IS LOCATED WITHIN A REASONABLE DISTANCE OF THE CLOSING INSTITUTION;

2. SHALL ACCEPT THE TRANSFER OF ~~ALL~~ 75% OF COMPLETED CREDITS FROM STUDENTS AFFECTED BY THE DISORDERLY CLOSURE;

3. SHALL ALLOW A MARYLAND STUDENT AFFECTED BY THE DISORDERLY CLOSURE TO COMPLETE THE STUDENT'S PROGRAM WITH SUBSTANTIALLY THE SAME NUMBER OF CREDIT HOURS AS WAS REQUIRED BY THE INSTITUTION OPERATING THE CLOSING PROGRAM; AND

4. MAY NOT CHARGE A MARYLAND STUDENT TUITION OR FEES IN EXCESS OF THE LESSER OF:

A. THE REMAINING AMOUNT THAT A MARYLAND STUDENT AFFECTED BY THE DISORDERLY CLOSURE WOULD HAVE PAID TO THE CLOSING INSTITUTION TO COMPLETE THE PROGRAM; OR

B. THE TRANSFER INSTITUTION'S APPLICABLE TUITION AND FEES; AND

(IV) SPECIFY THAT, ON REQUEST BY A MARYLAND STUDENT AFFECTED BY THE DISORDERLY CLOSURE, THE CLOSING INSTITUTION SHALL

PROVIDE A COMPLETE ACADEMIC RECORD AND AN OFFICIAL TRANSCRIPT TO THE MARYLAND STUDENT AT NO COST TO THE MARYLAND STUDENT OR THE STATE.

(D) IT SHALL BE AN UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICE AS DEFINED IN § 13-301 OF THE COMMERCIAL LAW ARTICLE FOR ANY INSTITUTION, PERSON, OR ENTITY TO COLLECT ON A MARYLAND STUDENT'S INSTITUTIONAL DEBT IF:

(1) THE INSTITUTIONAL FINANCIAL AID AGREEMENT DOES NOT CONTAIN THE LANGUAGE REQUIRED UNDER SUBSECTION (C)(2)(IV) OF THIS SECTION; OR

(2) ~~AN INSTITUTION COLLECTS ON AN INSTITUTIONAL DEBT OF THE~~ INSTITUTIONAL DEBT IS OWED BY A MARYLAND STUDENT WHO ATTENDED A PROGRAM IN WHICH A DISORDERLY CLOSURE OCCURRED.

(E) THE COMMISSION SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

11-401.

(a) (1) Before any institution of postsecondary education operating in this State discontinues ACADEMIC OR ADMINISTRATIVE operation, [its chief administrative officer] THE INSTITUTION shall file with the Commission the original or legible copies of all essential records of the academic achievements of all former students of the institution.

(2) IN THE CASE OF AN INSTITUTIONAL CLOSURE THAT RESULTS IN A MERGER, THE COMMISSION MAY APPROVE A PLAN TO FILE THE ESSENTIAL RECORDS OF ALL FORMER STUDENTS OF THE INSTITUTION WITH THE SUCCESSOR INSTITUTION.

~~(2)~~ (3) THE OBLIGATION OF AN INSTITUTION UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE DISCHARGED IN BANKRUPTCY.

(b) (1) The records shall present, as separate documents:

[(1)] (I) The OFFICIAL academic [record] TRANSCRIPT of each former student; [and

(2)] (II) Any other academic information usually required by institutions of postsecondary education when considering students for transfer or advanced study; AND

(III) IF REQUESTED BY THE COMMISSION, THE FINANCIAL AID AND FINANCIAL ACCOUNT INFORMATION OF EACH FORMER STUDENT.

(2) THE RECORDS SHALL BE ACCOMPANIED BY AN AFFIDAVIT AS TO THE ACCURACY AND COMPLETENESS OF THE RECORDS ON BEHALF OF THE INSTITUTION'S:

- (I) BOARD OF TRUSTEES;**
- (II) BURSAR;**
- (III) CHIEF ADMINISTRATIVE OFFICER;**
- (IV) CHIEF EXECUTIVE OFFICER;**
- (V) CHIEF FINANCIAL OFFICER; OR**
- (VI) REGISTRAR.**

(c) The Commission shall maintain a permanent file of all records filed with it under this section.

(D) (1) IF A STUDENT WHO ATTENDED AN INSTITUTION THAT CLOSED IN ACCORDANCE WITH THIS TITLE REQUESTS A COPY OF THE STUDENT'S OFFICIAL ACADEMIC TRANSCRIPT FROM THE COMMISSION AND THE COMMISSION DETERMINES THAT THE REQUESTED TRANSCRIPT IS MISSING, INCOMPLETE, OR IN A FORMAT INACCESSIBLE TO THE STUDENT, THE COMMISSION MAY ISSUE A REPLACEMENT TRANSCRIPT FOR THE STUDENT BASED SOLELY ON THE MOST RECENT INFORMATION PROVIDED BY THE INSTITUTION THAT THE STUDENT ATTENDED.

(2) A REPLACEMENT TRANSCRIPT ISSUED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) BE SIGNED BY A DESIGNEE OF THE SECRETARY OF HIGHER EDUCATION;

(II) CONTAIN AN EXPLANATION OF THE CLOSURE OF THE INSTITUTION; AND

(III) CONTAIN AN EXPLANATION OF THE SOURCE OF ALL INFORMATION CONTAINED IN THE REPLACEMENT TRANSCRIPT.

(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A REPLACEMENT TRANSCRIPT ISSUED IN ACCORDANCE WITH THIS SECTION SHALL BE ACCEPTED AS AN OFFICIAL TRANSCRIPT BY:

(I) ANY INSTITUTION OF POSTSECONDARY EDUCATION OPERATING IN THE STATE; AND

(II) ANY INSTITUTION REGISTERED TO PROVIDE A FULLY ONLINE DISTANCE EDUCATION PROGRAM IN THE STATE.

(2) FOR PURPOSES OF STUDENT TRANSFER, AN INSTITUTION OF POSTSECONDARY EDUCATION OR A FULLY ONLINE DISTANCE EDUCATION PROGRAM IN THE STATE MAY CONSIDER, INSTEAD OF OR IN ADDITION TO A REPLACEMENT TRANSCRIPT, AN UNOFFICIAL TRANSCRIPT OR OTHER TRANSCRIPT INFORMATION PROVIDED BY THE STUDENT THAT THE RECEIVING INSTITUTION OR PROGRAM DEEMS RELEVANT.

(F) (1) THE COMMISSION SHALL ADOPT REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION.

(2) THE REGULATIONS ADOPTED IN ACCORDANCE WITH THIS SUBSECTION SHALL INCLUDE:

(I) A SPECIFICATION OF THE MANNER AND FORMAT IN WHICH STUDENT RECORDS ARE TO BE FILED WITH THE COMMISSION; AND

(II) A DESCRIPTION OF THE CIRCUMSTANCES UNDER WHICH AN INSTITUTION OF POSTSECONDARY EDUCATION OR A FULLY ONLINE DISTANCE EDUCATION PROGRAM IN THE STATE MAY DISCONTINUE ACADEMIC OR ADMINISTRATIVE OPERATION.

Article – State Government

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 ALL JUDGMENTS PAID TO THE FUND UNDER § 11–210 OF THE EDUCATION ARTICLE.**

(2) Money in the Education Trust Fund shall be invested and reinvested by the Treasurer, and interest and earnings shall accrue to the Fund.

(c) Money in the Education Trust Fund shall be used to:

(1) provide funding for public elementary and secondary education, through continuation of the funding and formulas established under the programs

commonly known as the Bridge to Excellence in Public Schools Act, first enacted by Chapter 288 of the Acts of the General Assembly of 2002, including the funding for regional differences in the cost of education under § 5–202(f) of the Education Article;

(2) provide funds to construct public school buildings and provide public school capital improvements in accordance with Title 5, Subtitle 3 of the Education Article;

(3) provide funds for capital projects at community colleges and public senior higher education institutions; and

(4) provide funds to expand public early childhood education programs in the State.

(d) Expenditures from the Education Trust Fund shall be made each fiscal year in accordance with the State budget.

SECTION 3. AND BE IT FURTHER ENACTED, That, if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act that can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

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 555

(Senate Bill 447)

AN ACT concerning

Public Health – Products Containing a Flame–Retardant Chemical

FOR the purpose of prohibiting a person from importing, selling, or offering for sale any juvenile product, mattress, upholstered furniture, or reupholstered furniture that contains more than a certain amount of certain chemicals; repealing certain provisions of law regarding the importing, sale, or offering for sale of any child care product containing certain chemicals; establishing certain civil penalties; requiring the Secretary of Health to consider certain factors in determining the amount of a certain penalty; authorizing a court to enjoin a certain action; requiring the Maryland Department of Health to adopt certain regulations on or before a certain date; providing for the application of certain provisions of this Act; making

conforming changes; defining certain terms; providing for a delayed effective date; and generally relating to products containing flame-retardant chemicals.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 24–306

Annotated Code of Maryland

(2019 Replacement Volume)

BY adding to

Article – Health – General

Section 24–306.1

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

24–306.

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

(2) **(I)** “Child care product” means a consumer product intended for use by a child under the age of 3 years[, including].

(II) “CHILD CARE PRODUCT” INCLUDES a baby product, toy, AND car seat[, nursing pillow, crib mattress, and stroller].

(III) “CHILD CARE PRODUCT” DOES NOT INCLUDE A PRODUCT REGULATED UNDER § 24–306.1 OF THIS SUBTITLE.

(3) “TCEP” means (tris (2–chloroethyl) phosphate).

(4) “TDCPP” means (tris (1, 3–dichloro–2–propyl) phosphate).

(b) This section does not apply to the sale or distribution of a child care product that is resold, offered for resale, or distributed by a consumer for consumer use.

(c) A person may not import, sell, or offer for sale any child care product that:

(1) Contains more than one–tenth of 1% of TCEP or TDCPP by mass; and

(2) Is intended for use by a child under the age of 3 years.

(d) (1) A person that violates this section is subject to:

(i) For a first violation, a civil penalty not exceeding \$1,000; and

(ii) For any subsequent violation, a civil penalty not exceeding \$2,500 for each violation.

(2) In addition to the civil penalties provided in paragraph (1) of this subsection, a court may enjoin an action prohibited by this section.

(e) The Secretary may suspend implementation of subsection (c) of this section if the Secretary determines that the fire safety benefits of TCEP or TDCPP are greater than the health risks associated with TCEP or TDCPP.

(f) On or before ~~January~~ **JUNE 1, [2015] 2021**, the Department shall adopt regulations to carry out this section.

24-306.1.

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

(2) “ADULT MATTRESS” MEANS ANY MATTRESS OTHER THAN A TODDLER MATTRESS, A CRIB MATTRESS, OR ANY OTHER INFANT SLEEP PRODUCT.

(3) “FLAME-RETARDANT CHEMICAL” MEANS A CHEMICAL THAT:

(I) IS USED TO RESIST OR INHIBIT THE SPREAD OF FIRE OR ACT AS A SYNERGIST TO CHEMICALS THAT RESIST OR INHIBIT THE SPREAD OF FIRE, INCLUDING ANY CHEMICAL FOR WHICH THE TERM “FLAME RETARDANT” APPEARS ON A SAFETY DATA SHEET DEVELOPED IN ACCORDANCE WITH 29 C.F.R. 1910.1200(G); AND

(II) 1. CONTAINS ONE OR MORE HALOGEN ELEMENTS, INCLUDING FLUORINE, CHLORINE, BROMINE, OR IODINE;

2. CONTAINS ONE OR MORE CARBON ELEMENTS AND ONE OR MORE PHOSPHORUS ELEMENTS;

3. CONTAINS ONE OR MORE CARBON ELEMENTS AND ONE OR MORE NITROGEN ELEMENTS; OR

4. IS A NANOSCALE CHEMICAL.

(4) (I) “JUVENILE PRODUCT” MEANS A CONSUMER PRODUCT INTENDED FOR USE BY A CHILD UNDER THE AGE OF 12 YEARS.

(II) “JUVENILE PRODUCT” INCLUDES A BASSINET, A BOOSTER SEAT, A CHANGING PAD, A CHILDREN’S NAP MAT, A FLOOR PLAYMAT, A HIGH CHAIR, A HIGH CHAIR PAD, AN INFANT BOUNCER, AN INFANT CARRIER, AN INFANT SEAT, AN INFANT SWING, AN INFANT WALKER, A NURSING PAD, A NURSING PILLOW, A PLAYPEN SIDE PAD, A PLAY YARD, A PORTABLE HOOK-ON CHAIR, AND A STROLLER.

(III) “JUVENILE PRODUCT” DOES NOT INCLUDE:

1. A PRODUCT THAT IS NOT PRIMARILY INTENDED FOR USE IN THE HOME, INCLUDING A PRODUCT THAT IS, OR IS A COMPONENT PART OF, A MOTOR VEHICLE, A WATERCRAFT, AN AIRCRAFT, OR ANY OTHER VEHICLE;

2. A PRODUCT REGULATED UNDER 49 C.F.R. PART 571;

3. A CONSUMER ELECTRONIC PRODUCT; OR

4. A PRODUCT REGULATED UNDER § 24-306 OF THIS SUBTITLE.

(5) “MATTRESS” HAS THE MEANING STATED IN 16 C.F.R. § 1632.1.

(6) “REUPHOLSTERED FURNITURE” MEANS FURNITURE FOR WHICH THE ORIGINAL FABRIC, PADDING, DECKING, BARRIER MATERIAL, FOAM, OR OTHER RESILIENT FILLING HAS BEEN REPLACED AND THAT HAS NOT BEEN SOLD SINCE THE TIME OF REPLACEMENT.

(7) “UPHOLSTERED FURNITURE” MEANS FURNITURE THAT INCLUDES FILLING MATERIALS, BARRIER MATERIALS, DECKING MATERIALS, OR COVER FABRICS.

(B) THIS SECTION DOES NOT APPLY TO THE SALE OR DISTRIBUTION OF A JUVENILE PRODUCT, MATTRESS, UPHOLSTERED FURNITURE, OR REUPHOLSTERED FURNITURE THAT IS RESOLD, OFFERED FOR RESALE, OR DISTRIBUTED BY A CONSUMER FOR CONSUMER USE.

(C) (1) THIS SUBSECTION DOES NOT APPLY TO:

(I) AN ELECTRONIC COMPONENT, OR THE CASING FOR AN ELECTRONIC COMPONENT, OF A JUVENILE PRODUCT, MATTRESS, UPHOLSTERED FURNITURE, OR REUPHOLSTERED FURNITURE;

(II) A COMPONENT OF UPHOLSTERED OR REUPHOLSTERED FURNITURE OTHER THAN COVER FABRIC, BARRIER MATERIAL, RESILIENT FILLING MATERIAL, AND DECKING MATERIAL;

(III) THREAD OR FIBER WHEN USED FOR STITCHING MATTRESS COMPONENTS TOGETHER; OR

(IV) EXCEPT FOR FOAM, A COMPONENT OF AN ADULT MATTRESS.

(2) A PERSON MAY NOT IMPORT, SELL, OR OFFER FOR SALE ANY JUVENILE PRODUCT, MATTRESS, UPHOLSTERED FURNITURE, OR REUPHOLSTERED FURNITURE THAT CONTAINS MORE THAN 0.1% OF A FLAME-RETARDANT ~~CHEMICAL~~ CHEMICALS BY MASS.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF A PERSON THAT WILLFULLY VIOLATES THIS SECTION IS SUBJECT TO, THE SECRETARY MAY ASSESS A CIVIL PENALTY:

(I) FOR A FIRST VIOLATION, NOT EXCEEDING \$2,500;

(II) FOR A SECOND VIOLATION, NOT EXCEEDING \$5,000;

(III) FOR A THIRD VIOLATION, NOT EXCEEDING \$7,500; AND

(IV) FOR ANY SUBSEQUENT VIOLATION, NOT EXCEEDING \$10,000 FOR EACH VIOLATION.

~~(2) EVERY 5 YEARS, THE SECRETARY SHALL ADJUST THE CIVIL PENALTIES PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION FOR INFLATION, IN ACCORDANCE WITH THE CONSUMER PRICE INDEX.~~

~~(3) IN ADDITION TO THE CIVIL PENALTIES PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, A COURT MAY ENJOIN AN ACTION PROHIBITED BY THIS SECTION IN DETERMINING THE AMOUNT OF A PENALTY UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE SECRETARY SHALL CONSIDER:~~

(I) THE NATURE AND SEVERITY OF THE VIOLATION;

(II) THE GOOD FAITH OF THE PERSON;

(III) THE HISTORY OF VIOLATIONS BY THE PERSON; AND

(IV) THE EXTENT TO WHICH THE PERSON COOPERATED WITH ANY INVESTIGATION BY THE DEPARTMENT.

(E) ON OR BEFORE ~~JANUARY~~ JUNE 1, 2021, 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~~ January 1, 2021.

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

Chapter 556

(Senate Bill 462)

AN ACT concerning

State Retirement and Pension System – Death Benefits for Children – ~~Age~~

FOR the purpose of altering certain provisions of law related to the ~~age~~ time until which certain survivor benefits for surviving children of certain members of the State Retirement and Pension System are available; making corrective and technical changes; and generally relating to death benefits in the State Retirement and Pension System.

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 21–401(a), 24–401.1(i), 26–401.1(i), 27–403(a)(2)(i), 27–404, 27–405, and 29–301(d)

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

21–401.

(a) (1) Subject to paragraph (2) of this subsection, instead of the basic allowance provided under the State system of a member, the member may elect a reduced allowance to be paid as one of the options under § 21–403 of this subtitle.

(2) Paragraph (1) of this subsection applies to a member of:

(i) the Law Enforcement Officers' Pension System or State Police Retirement System only if, at retirement, the member does not have a spouse; and

(ii) the Judges' Retirement System only if, at retirement, the member does not have a spouse or A child WHO IS under the age of [18] **26** years OR IS DISABLED.

24-401.1.

(i) (1) Subject to paragraphs (2), (3), and (4) of this subsection, on termination of a DROP member's participation in the DROP, the Board of Trustees shall pay to the DROP member or, if the DROP member has died, the designated beneficiary of the DROP member, the amount accrued in the DROP for the DROP member under subsection (h)(2) of this section, reduced by any withholding taxes remitted to the Internal Revenue Service or other taxing authority, in a lump sum.

(2) The designated beneficiary of a DROP member is:

(i) the DROP member's surviving spouse;

(ii) if there is not a surviving spouse or if the surviving spouse dies [before the youngest child is 18 years old], each child of the deceased DROP member who is under [18] **26** years old OR IS DISABLED; or

(iii) if there is not a surviving spouse or a child who is under [18] **26** years old OR IS DISABLED, the DROP member's designated beneficiary.

26-401.1.

(i) (1) Subject to paragraphs (2), (3), and (4) of this subsection, on termination of a DROP member's participation in the DROP, the Board of Trustees shall pay to the DROP member or, if the DROP member has died, the designated beneficiary of the DROP member, the amount accrued in the DROP for the DROP member under subsection (h)(2) of this section, reduced by any withholding taxes remitted to the Internal Revenue Service or other taxing authority, in a lump sum.

(2) The designated beneficiary of a DROP member is:

(i) the DROP member's surviving spouse;

(ii) if there is not a surviving spouse or if the surviving spouse dies [before the youngest child is 18 years old], each child of the deceased DROP member who is under [18] **26** years old OR IS DISABLED; or

(iii) if there is not a surviving spouse or a child who is under [18] 26 years old OR IS DISABLED, the DROP member's designated beneficiary.

27-403.

(a) (2) (i) If at the time of death the member does not have a surviving spouse OR A CHILD WHO IS UNDER THE AGE OF 26 YEARS OR IS DISABLED, the Board of Trustees shall pay to the member's designated beneficiary or beneficiaries a lump-sum death benefit consisting of the sum of:

1. the member's accumulated contributions; and
2. an amount equal to the member's annual salary at the time of death.

27-404.

Except for a retiree who elects an optional form of an allowance under §§ 21-401 and 21-402 of this article, payment of an allowance ends and further rights may not arise from service as a member if:

- (1) a member, former member, or retiree dies; and
- (2) (i) the member, former member, or retiree leaves no surviving spouse or children WHO ARE under the age of [18] 26 years OR ARE DISABLED;
- (ii) the surviving spouse dies and there are no children of the member, former member, or retiree, who are under the age of [18] 26 years OR ARE DISABLED; or
- (iii) the last of any children under the age of [18] 26 years AND ARE NOT DISABLED becomes [18] 26 years old or dies before becoming [18] 26 years old.

27-405.

If a member's service is terminated by death and the member leaves no spouse, child WHO IS under the age of [18] 26 years OR IS DISABLED, or designated beneficiary or beneficiaries, the member's accumulated contributions shall be paid to the member's estate.

29-301.

(d) A vested allowance:

- (1) is computed as a retirement allowance under § 27-402 of this article on the basis of the former member's creditable service at the time of separation from employment; and

(2) may be paid in one of the optional forms of allowances under § 21–403 of this article, if at retirement, the member does not have a spouse or child WHO IS under the age of [18] **26 OR IS DISABLED**.

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 557

(Senate Bill 463)

AN ACT concerning

State Retirement Agency – Monitoring and Recording of Automated Outgoing Telephone Calls – Authorization

FOR the purpose of altering the authority of the Board of Trustees of the State Retirement and Pension System to adopt regulations to manage, for certain purposes, the monitoring and recording of certain telephone conversations to include certain telephone conversations initiated by a certain automated telephone system in the Member Services division of the State Retirement Agency; requiring the Board of Trustees to adopt certain regulations regarding the retention of certain calls, subject to a certain prohibition; making a technical change; and generally relating to the monitoring and recording of telephone conversations by the State Retirement Agency.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–110(a)
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

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

Article – State Personnel and Pensions

21–110.

- (a) The Board of Trustees shall adopt regulations providing for:
- (1) the administration of the several systems;

(2) the management of the assets of the several systems;

(3) the transaction of its business;

(4) the imposition of an administrative fee on any participating employer that fails to provide the information required by the State Retirement Agency to properly enroll eligible employees in the several systems; ~~and~~

(5) notwithstanding the provisions of § 9–602 of the Criminal Law Article, the management of monitoring and recording, **FOR TRAINING AND QUALITY CONTROL PURPOSES:**

(I) incoming telephone conversations to employees of the Member Services division of the State Retirement Agency, to telephones within the offices of the State Retirement Agency[, for training and quality control purposes]; **AND**

(II) **OUTGOING TELEPHONE CONVERSATIONS INITIATED BY THE MEMBER SERVICES DIVISION’S VIRTUAL HOLD CALLBACK FEATURE OF THE AUTOMATED CALL DISTRIBUTION SYSTEM; AND**

(6) RULES REGARDING THE RETENTION OF RECORDINGS MADE IN ACCORDANCE WITH PARAGRAPH (5) OF THIS SUBSECTION, INCLUDING A PROHIBITION ON THE RETENTION OF RECORDINGS FOR LONGER THAN 10 YEARS.

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 558

(Senate Bill 470)

AN ACT concerning

Motor Vehicle and Homeowner’s Insurance – Use of Claim History in Rating Policies

FOR the purpose of prohibiting an insurer, with respect to private passenger motor vehicle insurance, from increasing the premium for an insured based on a homeowner’s insurance claim under certain circumstances; prohibiting an insurer, with respect to homeowner’s insurance, from increasing the premium for an insured based on a private passenger motor vehicle insurance claim under certain circumstances;

authorizing certain insurers to consider certain information when rating certain insurance policies under certain circumstances; providing for a delayed effective date; and generally relating to rating policies of homeowner's insurance and private passenger motor vehicle insurance.

BY adding to

Article – Insurance

Section 27–501(e–2)(8) and (9)

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

27–501.

~~(e–2) (8) WITH RESPECT TO PRIVATE PASSENGER MOTOR VEHICLE INSURANCE, AN INSURER MAY NOT INCREASE THE PREMIUM FOR AN INSURED~~

(I) AT THE TIME A POLICY OF PRIVATE PASSENGER MOTOR VEHICLE INSURANCE IS INITIALLY ISSUED, AN INSURER MAY CONSIDER THE APPLICANT'S HOMEOWNER'S INSURANCE CLAIM HISTORY WHEN RATING THE POLICY.

(II) AT RENEWAL, AN INSURER MAY NOT INCREASE THE PREMIUM FOR A POLICY OF PRIVATE PASSENGER MOTOR VEHICLE INSURANCE BASED ON A HOMEOWNER'S INSURANCE CLAIM.

~~(9) WITH RESPECT TO HOMEOWNER'S INSURANCE, AN INSURER MAY NOT INCREASE THE PREMIUM FOR AN INSURED~~

(I) AT THE TIME A POLICY OF HOMEOWNER'S INSURANCE IS INITIALLY ISSUED, AN INSURER MAY CONSIDER THE APPLICANT'S MOTOR VEHICLE CLAIM HISTORY WHEN RATING THE POLICY.

(II) AT RENEWAL, AN INSURER MAY NOT INCREASE THE PREMIUM FOR A POLICY OF HOMEOWNER'S INSURANCE BASED ON A PRIVATE PASSENGER MOTOR VEHICLE INSURANCE CLAIM.

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

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

Chapter 559**(Senate Bill 472)**

AN ACT concerning

Condominium Associations and Homeowners Associations – Adopted Annual Budget – Submission to Unit Owners and Lot Owners

FOR the purpose of requiring the council of unit owners or other governing body of a condominium association to submit the adopted annual budget to the unit owners by a certain day; authorizing the adopted annual budget to be submitted to each unit owner by certain methods; requiring the board of directors or other governing body of a homeowners association to submit the adopted annual budget to the lot owners by a certain day; authorizing the adopted annual budget to be ~~sent~~ submitted to each lot owner by certain methods; making a stylistic change; and generally relating to the adopted annual budget of a homeowners association.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11–109.2 and 11B–112.2
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 – Real Property**11–109.2.**

(a) The council of unit owners shall cause to be prepared and submitted to the unit owners an annual proposed budget at least 30 days before its adoption.

(b) The annual budget shall provide for at least the following items:

- (1) Income;
- (2) Administration;
- (3) Maintenance;
- (4) Utilities;
- (5) General expenses;

(6) Reserves; and

(7) Capital items.

(c) **(1)** The budget shall be adopted at an open meeting of the council of unit owners or any other body to which the council of unit owners delegates responsibilities for preparing and adopting the budget.

(2) (I) THE COUNCIL OF UNIT OWNERS OR OTHER GOVERNING BODY OF UNIT OWNERS SHALL SUBMIT THE ADOPTED ANNUAL BUDGET TO THE UNIT OWNERS NOT MORE THAN 30 DAYS AFTER THE MEETING AT WHICH THE BUDGET WAS ADOPTED.

(II) THE ADOPTED ANNUAL BUDGET MAY BE SUBMITTED TO EACH UNIT OWNER BY ELECTRONIC TRANSMISSION, BY POSTING ON THE CONDOMINIUM ASSOCIATION'S HOME PAGE, OR BY INCLUSION IN THE HOMEOWNERS ASSOCIATION'S NEWSLETTER.

(d) Any expenditure made other than those made because of conditions which, if not corrected, could reasonably result in a threat to the health or safety of the unit owners or a significant risk of damage to the condominium, that would result in an increase in an amount of assessments for the current fiscal year of the condominium in excess of 15 percent of the budgeted amount previously adopted, shall be approved by an amendment to the budget adopted at a special meeting, upon not less than 10 days written notice to the council of unit owners.

(e) The adoption of a budget shall not impair the authority of the council of unit owners to obligate the council of unit owners for expenditures for any purpose consistent with any provision of this title.

(f) The provisions of this section do not apply to a condominium that is occupied and used solely for nonresidential purposes.

11B-112.2.

(a) This section applies only to a homeowners association that has responsibility under its declaration for maintaining and repairing common areas.

(b) (1) The board of directors or other governing body of a homeowners association shall cause to be prepared and submitted to the lot owners an annual proposed budget at least 30 days before its adoption.

(2) The annual proposed budget may be sent to each lot owner by electronic transmission, by posting on the homeowners association's home page, or by including the annual proposed budget in the homeowners association's newsletter.

(c) The annual budget shall provide information on or expenditures for at least the following items:

- (1) Income;
- (2) Administration;
- (3) Maintenance;
- (4) Utilities;
- (5) General expenses;
- (6) Reserves; and
- (7) Capital expenses.

(d) (1) The budget shall be adopted at an open meeting of the homeowners association or any other body to which the homeowners association delegates responsibilities for preparing and adopting the budget.

(2) (I) THE BOARD OF DIRECTORS OR OTHER GOVERNING BODY OF A HOMEOWNERS ASSOCIATION SHALL SUBMIT THE ADOPTED ANNUAL BUDGET TO THE LOT OWNERS NOT MORE THAN 30 DAYS AFTER THE MEETING AT WHICH THE BUDGET WAS ADOPTED.

(II) THE ADOPTED ANNUAL BUDGET MAY BE ~~SENT~~ SUBMITTED TO EACH LOT OWNER BY ELECTRONIC TRANSMISSION, BY POSTING ON THE HOMEOWNERS ASSOCIATION'S HOME PAGE, OR BY INCLUSION IN THE HOMEOWNERS ASSOCIATION'S NEWSLETTER.

[(2)] (3) (i) Notice of the meeting at which the proposed budget will be considered shall be sent to each lot owner.

(ii) Notice under subparagraph (i) of this paragraph may be sent by electronic transmission, by posting on the homeowners association's home page, or by including the notice in the homeowners association's newsletter.

(e) Except for an expenditure made by the homeowners association because of a condition that, if not corrected, could reasonably result in a threat to the health or safety of the lot owners or a significant risk of damage to the development, any expenditure that would result in an increase in an amount of assessments for the current fiscal year of the homeowners association in excess of 15% of the budgeted amount previously adopted shall be approved by an amendment to the budget adopted at a special meeting for which not less than 10 days' written notice shall be provided to the lot owners.

(f) The adoption of a budget does not impair the authority of the homeowners association to obligate the homeowners association for expenditures for any purpose consistent with any provision of this title.

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 560

(Senate Bill 475)

AN ACT concerning

Health Insurance – Pediatric Autoimmune Neuropsychiatric Disorders – Coverage

FOR the purpose of requiring the Maryland Medical Assistance Program, beginning on a certain date, to provide services for pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute onset neuropsychiatric syndrome under certain circumstances and subject to a certain provision of this Act; requiring insurers, nonprofit health service plans, and health maintenance organizations that provide certain health insurance benefits under certain insurance policies or contracts to provide coverage for certain diagnosis, evaluation, and treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute onset neuropsychiatric syndrome; providing that a certain provision of this Act does not require coverage for a certain drug except under certain circumstances; providing that the required coverage may be subject to certain deductibles, copayments, and coinsurance; requiring that pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute onset neuropsychiatric syndrome be coded for billing and diagnosis purposes in a certain manner under certain circumstances; providing for the application of this Act; providing for a delayed effective date; and generally relating to coverage for pediatric autoimmune neuropsychiatric disorder and pediatric acute onset neuropsychiatric syndrome diagnosis, evaluation, and treatment under health insurance.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 15–103(a)(1)
Annotated Code of Maryland
(2019 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Health – General
 Section 15–103(a)(2)(xiii) and (xiv)
 Annotated Code of Maryland
 (2019 Replacement Volume)

BY adding to
 Article – Health – General
 Section 15–103(a)(2)(xv)
 Annotated Code of Maryland
 (2019 Replacement Volume)

BY adding to
 Article – Insurance
 Section 15–855
 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

15–103.

(a) (1) The Secretary shall administer the Maryland Medical Assistance Program.

(2) The Program:

(xiii) Beginning on January 1, 2019, may provide, subject to the limitations of the State budget, and as permitted by federal law, dental services for adults whose annual household income is at or below 133 percent of the poverty level; [and]

(xiv) Shall provide, subject to the limitations of the State budget, medically appropriate drugs that are approved by the United States Food and Drug Administration for the treatment of hepatitis C, regardless of the fibrosis score, and that are determined to be medically necessary; **AND**

(XV) BEGINNING ON JANUARY 1, 2021, SHALL PROVIDE, SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET AND § 15–855(B)(2) OF THE INSURANCE ARTICLE, AND AS PERMITTED BY FEDERAL LAW, SERVICES FOR PEDIATRIC AUTOIMMUNE NEUROPSYCHIATRIC DISORDERS ASSOCIATED WITH STREPTOCOCCAL INFECTIONS AND PEDIATRIC ACUTE ONSET NEUROPSYCHIATRIC SYNDROME, INCLUDING THE USE OF INTRAVENOUS IMMUNOGLOBULIN THERAPY, FOR ELIGIBLE PROGRAM RECIPIENTS, IF PEDIATRIC AUTOIMMUNE NEUROPSYCHIATRIC DISORDERS ASSOCIATED WITH STREPTOCOCCAL INFECTIONS

AND PEDIATRIC ACUTE ONSET NEUROPSYCHIATRIC SYNDROME ARE CODED FOR BILLING AND DIAGNOSIS PURPOSES IN ACCORDANCE WITH § 15-855(D) OF THE INSURANCE ARTICLE.

Article – Insurance

15-855.

(A) THIS SECTION APPLIES TO:

(1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS ON AN EXPENSE-INCURRED BASIS UNDER HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

(2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

(B) (1) ~~AN~~ EXCEPT AS PROVIDED FOR IN PARAGRAPH (2) OF THIS SUBSECTION, AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE COVERAGE FOR MEDICALLY NECESSARY DIAGNOSIS, EVALUATION, AND TREATMENT OF PEDIATRIC AUTOIMMUNE NEUROPSYCHIATRIC DISORDERS ASSOCIATED WITH STREPTOCOCCAL INFECTIONS AND PEDIATRIC ACUTE ONSET NEUROPSYCHIATRIC SYNDROME, INCLUDING THE USE OF INTRAVENOUS IMMUNOGLOBULIN THERAPY.

(2) THIS SUBSECTION DOES NOT REQUIRE COVERAGE FOR RITUXIMAB UNLESS THE FEDERAL FOOD AND DRUG ADMINISTRATION APPROVES THE USE OF RITUXIMAB FOR THE TREATMENT OF PEDIATRIC AUTOIMMUNE NEUROPSYCHIATRIC DISORDERS ASSOCIATED WITH STREPTOCOCCAL INFECTIONS AND PEDIATRIC ACUTE ONSET NEUROPSYCHIATRIC SYNDROME.

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COVERAGE REQUIRED UNDER THIS SECTION MAY BE SUBJECT TO THE ANNUAL DEDUCTIBLES, COPAYMENTS, OR COINSURANCE REQUIREMENTS IMPOSED BY AN ENTITY SUBJECT TO THIS SECTION FOR SIMILAR COVERAGES UNDER THE SAME HEALTH INSURANCE POLICY OR CONTRACT.

(2) THE ANNUAL DEDUCTIBLES, COPAYMENTS, OR COINSURANCE REQUIREMENTS IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR THE COVERAGE REQUIRED UNDER THIS SECTION MAY NOT BE GREATER THAN THE ANNUAL DEDUCTIBLES, COPAYMENTS, OR COINSURANCE REQUIREMENTS IMPOSED BY THE ENTITY FOR SIMILAR COVERAGES.

(D) (1) EXCEPT AS PROVIDED FOR IN PARAGRAPH (2) OF THIS SUBSECTION, PEDIATRIC AUTOIMMUNE NEUROPSYCHIATRIC DISORDERS ASSOCIATED WITH STREPTOCOCCAL INFECTIONS AND PEDIATRIC ACUTE ONSET NEUROPSYCHIATRIC SYNDROME SHALL BE CODED AS AUTOIMMUNE ENCEPHALITIS FOR BILLING AND DIAGNOSIS PURPOSES.

(2) IF THE AMERICAN MEDICAL ASSOCIATION AND THE CENTERS FOR MEDICARE AND MEDICAID SERVICES CREATE AND ASSIGN A SPECIFIC CODE FOR PEDIATRIC AUTOIMMUNE NEUROPSYCHIATRIC DISORDERS ASSOCIATED WITH STREPTOCOCCAL INFECTIONS OR PEDIATRIC ACUTE ONSET NEUROPSYCHIATRIC SYNDROME FOR BILLING AND DIAGNOSIS PURPOSES, PEDIATRIC AUTOIMMUNE NEUROPSYCHIATRIC DISORDERS ASSOCIATED WITH STREPTOCOCCAL INFECTIONS AND PEDIATRIC ACUTE ONSET NEUROPSYCHIATRIC SYNDROME MAY BE CODED AS:

(I) AUTOIMMUNE ENCEPHALITIS;

(II) PEDIATRIC AUTOIMMUNE NEUROPSYCHIATRIC DISORDERS ASSOCIATED WITH STREPTOCOCCAL INFECTIONS; OR

(III) PEDIATRIC ACUTE ONSET NEUROPSYCHIATRIC SYNDROME.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after January 1, 2021.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2021.

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

Chapter 561

(Senate Bill 489)

AN ACT concerning

Employees' and Teachers' Retirement and Pension Systems – Reemployment – Clarification

FOR the purpose of clarifying that a reemployed retiree of the Employees' and Teachers' Retirement System or the Employees' and Teachers' Pension System is subject to a certain reduction in their retirement allowance if the retiree's compensation is derived from certain State funds; requiring the funding for a reemployed retiree's

position to be funded in a certain manner to qualify for a certain exemption from a reduction in a retirement allowance; specifying the manner in which an employer shall establish that a reemployed retiree's compensation does not include any State funds; and generally relating to the reemployment of retirees of the *Employees' and Teachers' Retirement and Pension Systems*.

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 22–406(c)(1), (4)(xii), and (11) and 23–407(c)(1), (4)(x), and (11)

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) (1) Except as provided in § 22–407 of this subtitle, the Board of Trustees shall reduce the allowance of an individual who accepts employment as provided under subsection (b) of this section if:

(i) the individual's current employer is a participating employer other than the State and is the same participating employer that employed the individual at the time of the individual's last separation from employment with a participating employer before the individual commenced receiving a service retirement allowance or vested allowance;

(ii) 1. the individual's current employer is any unit of State government;

2. the individual's employer at the time of the individual's last separation from employment with the State before the individual commenced receiving a service retirement allowance or vested allowance was also a unit of State government; and

3. any portion of the individual's compensation for the individual's current employment [comes] **IS DERIVED** from State funds, **INCLUDING ANY FEES OR PENALTIES COLLECTED OR RECEIVED BY A UNIT OF STATE GOVERNMENT;**
or

(iii) the individual becomes reemployed within 12 months of receiving an early service retirement allowance under § 22–402 of this subtitle.

(4) Except for an individual whose allowance is subject to a reduction as provided under paragraphs (1)(iii) and (3) of this subsection, the reduction of an allowance under this subsection does not apply to:

(xii) a retiree whose:

1. current employer is any unit of State government; [and]
2. compensation from the retiree's current employer does not include any State funds; AND

3. POSITION IS FULLY FUNDED BY A GRANT FROM A NON-STATE SOURCE THAT SPECIFICALLY REQUIRES THE USE OF THE GRANT FUNDS TO PAY THE FULL AMOUNT OF THE COMPENSATION FOR THE POSITION.

(11) (i) Within 30 days after rehiring an individual under paragraph (4)(xii) of this subsection, and on or before January 31 each year for the 5 calendar years immediately following the individual's date of retirement, the appointing authority of the unit of State government employing the individual shall complete and file with the Board of Trustees a form provided by the Board of Trustees that certifies that the individual rehired by the individual's current employer under paragraph (4)(xii) of this subsection satisfied the criteria provided in paragraph (4)(xii) of this subsection.

(II) TO ESTABLISH THAT AN INDIVIDUAL'S COMPENSATION FROM THE CURRENT EMPLOYER DOES NOT INCLUDE ANY STATE FUNDS, THE CURRENT EMPLOYER SHALL PROVIDE THE STATE RETIREMENT AGENCY WITH THE FOLLOWING:

- 1. EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, A COPY OF THE GRANT AGREEMENT THAT PROVIDES FULL FUNDING FOR THE INDIVIDUAL'S POSITION, AND SPECIFIES THAT THE GRANT FUNDS MUST BE USED TO PAY THE FULL COST OF THE POSITION'S COMPENSATION;**

- 2. PAYROLL RECORDS OF THE CURRENT EMPLOYER THAT DEMONSTRATE THAT THE GRANT FUNDS WERE USED TO PAY THE INDIVIDUAL'S COMPENSATION; AND**

- 3. ANY ADDITIONAL INFORMATION REQUIRED BY THE STATE RETIREMENT AGENCY.**

(III) A BLOCK GRANT OR MATCHING GRANT MAY NOT BE USED TO SATISFY THE REQUIREMENT UNDER SUBPARAGRAPH (II)1 OF THIS PARAGRAPH.

[(ii)] (IV) If the Board of Trustees finds that an appointing authority has rehired an individual that does not satisfy the criteria provided in paragraph (4)(xii) of this subsection:

1. on or before July 1 of the year of the finding, the Board of Trustees shall notify the appointing authority for the unit of State government employing this individual; and

2. the unit of State government employing the individual under paragraph (4)(xii) of this subsection shall reimburse the Board of Trustees the amount equal to the reduction to the individual's retirement allowance that would have been made in paragraph (2) of this subsection.

23–407.

(c) (1) Except as provided in § 23–408 of this subtitle, the Board of Trustees shall reduce the allowance of an individual who accepts employment as provided under subsection (b) of this section if:

(i) the individual's current employer is a participating employer other than the State and is the same participating employer that employed the individual at the time of the individual's last separation from employment with a participating employer before the individual commenced receiving a service retirement allowance or vested allowance;

(ii) 1. the individual's current employer is any unit of State government;

2. the individual's employer at the time of the individual's last separation from employment with the State before the individual commenced receiving a service retirement allowance or vested allowance was also a unit of State government; and

3. any portion of the individual's compensation for the individual's current employment [comes] **IS DERIVED FROM STATE FUNDS, INCLUDING ANY FEES OR PENALTIES COLLECTED OR RECEIVED BY A UNIT OF STATE GOVERNMENT;** or

(iii) the individual becomes reemployed within 12 months of receiving an early service retirement allowance or an early vested allowance computed under § 23–402 of this subtitle.

(4) Except for an individual whose allowance is subject to a reduction as provided under paragraphs (1)(iii) and (3) of this subsection, the reduction of an allowance under this subsection does not apply to:

(x) a retiree whose:

1. current employer is any unit of State government; [and]

2. compensation from the retiree's current employer does not include any State funds; AND

3. POSITION IS FULLY FUNDED BY A GRANT FROM A NON-STATE SOURCE THAT SPECIFICALLY REQUIRES THE USE OF THE GRANT FUNDS TO PAY THE FULL AMOUNT OF THE COMPENSATION FOR THE POSITION.

(11) (i) Within 30 days after rehiring an individual under paragraph (4)(x) of this subsection, and on or before January 31 each year for the 5 calendar years immediately following the individual's date of retirement, the appointing authority of the unit of State government employing the individual shall complete and file with the Board of Trustees a form provided by the Board of Trustees that certifies that the individual rehired by the individual's current employer under paragraph (4)(x) of this subsection satisfied the criteria provided in paragraph (4)(x) of this subsection.

(II) TO ESTABLISH THAT AN INDIVIDUAL'S COMPENSATION FROM THE CURRENT EMPLOYER DOES NOT INCLUDE ANY STATE FUNDS, THE CURRENT EMPLOYER SHALL PROVIDE THE STATE RETIREMENT AGENCY WITH THE FOLLOWING:

1. EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, A COPY OF THE GRANT AGREEMENT THAT PROVIDES FULL FUNDING FOR THE INDIVIDUAL'S POSITION, AND SPECIFIES THAT THE GRANT FUNDS MUST BE USED TO PAY THE FULL COST OF THE POSITION'S COMPENSATION;

2. PAYROLL RECORDS OF THE CURRENT EMPLOYER THAT DEMONSTRATE THAT THE GRANT FUNDS WERE USED TO PAY THE INDIVIDUAL'S COMPENSATION; AND

3. ANY ADDITIONAL INFORMATION REQUIRED BY THE STATE RETIREMENT AGENCY.

(III) A BLOCK GRANT OR MATCHING GRANT MAY NOT BE USED TO SATISFY THE REQUIREMENT UNDER SUBPARAGRAPH (II)1 OF THIS PARAGRAPH.

[(ii)] (IV) If the Board of Trustees finds that an appointing authority has rehired an individual that does not satisfy the criteria provided in paragraph (4)(x) of this subsection:

1. on or before July 1 of the year of the finding, the Board of Trustees shall notify the appointing authority for the unit of State government employing this individual; and

2. the unit of State government employing the individual under paragraph (4)(x) of this subsection shall reimburse the Board of Trustees the amount equal to the reduction to the individual's retirement allowance that would have been made in paragraph (2) of this subsection.

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

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

Chapter 562

(Senate Bill 504)

AN ACT concerning

Office of the Attorney General – Special Education Ombudsman

FOR the purpose of establishing the Special Education Ombudsman in the Office of the Attorney General; providing for the purpose, appointment, and expenses of the Ombudsman; requiring the Attorney General, in cooperation with the Secretary of Budget and Management, to set minimum salary, qualifications, and experience standards for the Ombudsman and certain staff; providing for the duties of the Ombudsman; requiring the Ombudsman to treat communications as confidential and to reveal the details of certain communications only under certain circumstances; requiring the Ombudsman to arrange for a certain toll-free telephone number to provide certain assistance; requiring the Ombudsman, each year beginning on a certain date, to submit a certain report to certain committees of the General Assembly; requiring certain school personnel to provide the parents of a child with a disability with certain information about the Ombudsman and the toll-free telephone number; requiring that certain information be provided in the parent's native language under certain circumstances; providing that a failure to provide certain information does not constitute grounds for a certain due process complaint; defining a certain term; and generally relating to the Special Education Ombudsman.

BY repealing and reenacting, without amendments,

Article – Education

Section 8-405(b)(1)

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 8-405(b)(2) and (3)
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY adding to

Article – State Government
 Section 6-501 through 6-506 to be under the new subtitle “Subtitle 5. Special
 Education Ombudsman”
 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 – Education

8-405.

(b) (1) When a team of qualified professionals and the parents meet for the purpose of discussing the identification, evaluation, educational program, or the provision of a free appropriate public education of a child with a disability:

(i) The parents of the child shall be afforded the opportunity to participate and shall be provided reasonable notice in advance of the meeting; and

(ii) Reasonable notice shall be at least 10 calendar days in advance of the meeting, unless an expedited meeting is being conducted to:

1. Address disciplinary issues;

2. Determine the placement of the child with a disability not currently receiving educational services; or

3. Meet other urgent needs of a child with a disability to ensure the provision of a free appropriate public education.

(2) (i) 1. At the initial evaluation meeting, the parents of the child shall be provided:

A. In plain language, an oral and written explanation of the parents’ rights and responsibilities in the individualized education program process and a program procedural safeguards notice; [and]

B. Written information that the parents may use to contact early intervention and special education family support services staff members within the local school system and a brief description of the services provided by the staff members;

AND

C. WRITTEN INFORMATION ON THE SPECIAL EDUCATION OMBUDSMAN AND TOLL-FREE TELEPHONE NUMBER ESTABLISHED UNDER TITLE 6, SUBTITLE 5 OF THE STATE GOVERNMENT ARTICLE.

2. If a parent's native language is not English, the information in subparagraph 1B AND C of this subparagraph shall be provided to the parent in the parent's native language.

(ii) The parents may request the information provided under subparagraph (i) of this paragraph at any subsequent meeting.

(iii) If a child who has an individualized education program developed in another school system moves into a different local school system, that local school system shall provide the information required under subparagraph (i) 1B AND C of this paragraph at the time of the first written communication with the parents regarding the child's individualized education program or special education services.

(iv) A local school system shall publish information that a parent may use to contact early intervention and special education family support services staff members within the local school system and a brief description of the services provided by the staff members in a prominent place on the section of its website relating to special education services.

(3) Failure to provide the information required under paragraph (2)(i) 1B AND C of this subsection does not constitute grounds for a due process complaint under § 8-413 of this subtitle.

Article – State Government

SUBTITLE 5. SPECIAL EDUCATION OMBUDSMAN.

6-501.

IN THIS SUBTITLE, “OMBUDSMAN” MEANS THE SPECIAL EDUCATION OMBUDSMAN.

6-502.

(A) THERE IS A SPECIAL EDUCATION OMBUDSMAN IN THE OFFICE OF THE ATTORNEY GENERAL.

(B) THE PURPOSE OF THE OMBUDSMAN IS TO SERVE AS A RESOURCE TO PROVIDE INFORMATION AND SUPPORT TO PARENTS, STUDENTS, AND EDUCATORS REGARDING SPECIAL EDUCATION RIGHTS AND SERVICES.

6-503.

(A) THE ATTORNEY GENERAL SHALL APPOINT THE OMBUDSMAN.

(B) SALARIES OF THE OMBUDSMAN AND STAFF UNDER THE OMBUDSMAN AND EXPENSES RELATED TO THE OPERATION OF THE TOLL-FREE TELEPHONE NUMBER ESTABLISHED UNDER § 6-505 OF THIS SUBTITLE, RENT, EQUIPMENT, SUPPLIES, AND GENERAL OPERATIONS SHALL BE AS PROVIDED IN THE STATE BUDGET.

(C) IN COOPERATION WITH THE SECRETARY OF BUDGET AND MANAGEMENT, THE ATTORNEY GENERAL SHALL SET MINIMUM SALARY, QUALIFICATIONS, AND EXPERIENCE STANDARDS FOR THE OMBUDSMAN AND ANY STAFF UNDER THE OMBUDSMAN.

6-504.

(A) THE OMBUDSMAN SHALL:

(1) SERVE AS A SOURCE OF KNOWLEDGE AND INFORMATION ON THE STATE AND FEDERAL LAWS, RULES, AND REGULATIONS GOVERNING THE EDUCATION OF STUDENTS WITH DISABILITIES FOR PARENTS, STUDENTS, EDUCATORS, AND INTERESTED MEMBERS OF THE PUBLIC;

(2) PROVIDE IMPARTIAL INFORMATION TO THE PARENTS OF STUDENTS WITH DISABILITIES ON HOW TO NAVIGATE THE PROCESS OF OBTAINING SPECIAL EDUCATION EVALUATIONS AND SERVICES;

(3) PROVIDE IMPARTIAL INFORMATION TO PARENTS, PUBLIC SCHOOLS, AND EDUCATORS ON THE PROCEDURES FOR RESOLVING DISAGREEMENTS AND DISPUTES REGARDING THE PROVISION OF SPECIAL EDUCATION OR DISCIPLINARY ACTION TAKEN AGAINST STUDENTS WITH DISABILITIES;

(4) EXPLAIN TO PARENTS OF CHILDREN WITH DISABILITIES THE RIGHTS OF PARENTS AND STUDENTS AND HOW THE PARENTS MAY AVAIL THEMSELVES OF THOSE RIGHTS;

(5) WORK NEUTRALLY AND OBJECTIVELY WITH ALL PERSONS TO ENSURE THAT THE SPECIAL EDUCATION SYSTEM FUNCTIONS AS INTENDED;

(6) IDENTIFY ANY PATTERNS OF COMPLAINTS MADE BY PARENTS OF STUDENTS WITH DISABILITIES AND INFORM THE STATE DEPARTMENT OF EDUCATION ABOUT ANY SUCH PATTERN; AND

(7) SERVE AS A GENERAL RESOURCE FOR DISABILITY-RELATED INFORMATION AND MAKE REFERRALS TO AVAILABLE STATE AND FEDERAL SERVICES AND PROGRAMS FOR INDIVIDUALS WITH DISABILITIES.

(B) IN PERFORMING THE DUTIES ASSIGNED UNDER THIS SECTION, THE OMBUDSMAN SHALL TREAT ALL COMMUNICATIONS AS CONFIDENTIAL AND MAY REVEAL THE DETAILS OF ANY COMMUNICATION ONLY IF:

- (1) NECESSARY TO ACHIEVE THE OMBUDSMAN'S DUTIES; AND
- (2) DONE IN ACCORDANCE WITH APPLICABLE STATE AND FEDERAL LAW.

6-505.

THE OMBUDSMAN SHALL ARRANGE FOR A TOLL-FREE TELEPHONE NUMBER, AVAILABLE IN ENGLISH AS WELL AS OTHER APPROPRIATE LANGUAGES, TO ASSIST AN INDIVIDUAL SEEKING INFORMATION OR ADVICE ABOUT SPECIAL EDUCATION.

6-506.

ON OR BEFORE JULY 1, 2022, AND EACH JULY 1 THEREAFTER, THE OMBUDSMAN SHALL, CONSISTENT WITH FEDERAL AND STATE PRIVACY LAWS AND IN ACCORDANCE WITH § 2-1257 OF THIS ARTICLE, SUBMIT A REPORT TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE COMMITTEE ON WAYS AND MEANS THAT INCLUDES:

- (1) THE NUMBER AND TYPE OF CALLS RECEIVED ON THE TOLL-FREE TELEPHONE NUMBER DURING THE PREVIOUS YEAR;
- (2) ANY PATTERNS OF COMPLAINTS FILED BY PARENTS IDENTIFIED UNDER § 6-504(A)(7) OF THIS SUBTITLE;
- (3) A SUMMARY OF THE SERVICES PROVIDED BY THE OMBUDSMAN DURING THE PREVIOUS YEAR; AND
- (4) ANY RECOMMENDATIONS THE OMBUDSMAN DETERMINES ARE APPROPRIATE AND NECESSARY CONCERNING THE STATE'S IMPLEMENTATION OF SPECIAL EDUCATION SERVICES AND PROCEDURES.

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 563**(Senate Bill 537)**

AN ACT concerning

**General Assembly – Legislative Newsletters – Publication Expenses and Links
to Social Media Accounts**

FOR the purpose of providing that publication expenses related to unofficial legislative newsletters may be paid by an authorized candidate campaign committee, rather than a campaign account of a campaign finance entity, of an incumbent under certain circumstances; repealing the authority for publication expenses related to legislative newsletters to be paid from the personal funds of the incumbent or the spouse of the incumbent under certain circumstances; prohibiting publication expenses related to unofficial legislative newsletters from being paid from the personal funds of any individual; repealing the late filing fee that is assessed for each day or part of a day that a certain campaign finance report related to legislative newsletters is overdue; providing that an official electronic legislative newsletter may include a link to a social media account only under certain circumstances; defining certain terms; repealing a certain definition; altering a certain definition; making conforming changes; and generally relating to legislative newsletters used by members of the General Assembly.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–406 and 13–408
Annotated Code of Maryland
(2017 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
Article – Election Law
Section 13–407
Annotated Code of Maryland
(2017 Replacement Volume and 2019 Supplement)

BY repealing
Article – Election Law
Section 13–409
Annotated Code of Maryland
(2017 Replacement Volume and 2019 Supplement)

BY adding to
Article – General Provisions
Section 5–514.1
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 – Election Law

13–406.

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

(b) “Incumbent” means a member of the General Assembly.

(c) [“Legislative newsletter” means an unsolicited document used by an incumbent, without supervision by, or coordination with, the General Assembly, to disseminate information to a constituent, voter, or potential voter about:

(1) the incumbent’s performance in legislative office; or

(2) one or more issues of public interest chosen by the incumbent.

(d) [“Publication expense” means an expenditure relating to writing, publishing, printing, issuing, mailing, or distributing [a] AN UNOFFICIAL legislative newsletter.

(D) “UNOFFICIAL LEGISLATIVE NEWSLETTER” MEANS AN UNSOLICITED DOCUMENT USED BY AN INCUMBENT, WITHOUT SUPERVISION BY OR COORDINATION WITH THE GENERAL ASSEMBLY, TO DISSEMINATE INFORMATION TO A CONSTITUENT, VOTER, OR POTENTIAL VOTER ABOUT:

(1) THE INCUMBENT’S PERFORMANCE IN LEGISLATIVE OFFICE; OR

(2) ONE OR MORE ISSUES OF PUBLIC INTEREST CHOSEN BY THE INCUMBENT.

13–407.

Part II of this subtitle does not restrict the use by the General Assembly of any funds appropriated in the State budget.

13–408.

(a) Publication expenses may not be paid from public funds.

(b) Publication expenses [may be paid from]:

(1) [a campaign account of a campaign finance entity] **MAY BE PAID BY AN AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE** of the incumbent if the [campaign finance entity] **AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE** complies with all other requirements of this title regarding expenditures and campaign material; [or] **AND**

(2) [the personal funds of the incumbent or the spouse of the incumbent if, as to each issue:

(i) the incumbent has not filed a certificate of candidacy;

(ii) the legislative newsletter contains a notice that it is disseminated at the personal expense of the incumbent; and

(iii) within 10 days after the first mailing or distribution of the issue, the incumbent files a campaign finance report with the State Board that contains:

1. a detailed list of publication expenses; and

2. an affidavit that no funds for the legislative newsletter have been solicited or received from any source to supplement the personal funds] **MAY NOT BE PAID FROM THE PERSONAL FUNDS OF ANY INDIVIDUAL.**

[13–409.

(a) There is a \$10 late filing fee for each day or part of a day, excluding a Saturday, Sunday, or holiday, that a campaign finance report required by § 13–408 of this subtitle is overdue.

(b) The maximum fee payable is \$250.

(c) A late fee assessed under this section shall be:

(1) paid from the personal funds of the incumbent; and

(2) distributed to the Fair Campaign Financing Fund established under § 15–103 of this article.]

Article – General Provisions

5–514.1.

(A) IN THIS SECTION, “OFFICIAL ELECTRONIC LEGISLATIVE NEWSLETTER” MEANS A DOCUMENT THAT:

(1) IS ELECTRONICALLY DISTRIBUTED; AND

(2) IS USED BY AN INCUMBENT, WITH SUPERVISION BY OR COORDINATION WITH THE GENERAL ASSEMBLY, TO DISSEMINATE INFORMATION ABOUT ONE OR MORE ISSUES OF PUBLIC INTEREST CHOSEN BY THE INCUMBENT.

(B) AN OFFICIAL ELECTRONIC LEGISLATIVE NEWSLETTER MAY INCLUDE A LINK TO A SOCIAL MEDIA ACCOUNT OF THE INCUMBENT ONLY IF THE SOCIAL MEDIA ACCOUNT:

(1) IS USED TO COMMUNICATE LEGISLATIVE AND CONSTITUENT INFORMATION;

(2) IS NOT PRIMARILY USED FOR ELECTORAL PURPOSES, AS DEFINED IN COMAR 33.13.01.01;

(3) IS NOT USED FOR THE PERSONAL ECONOMIC GAIN OF THE INCUMBENT; AND

(4) EXCEPT FOR A USUAL AND CUSTOMARY CONSTITUENT SERVICE, IS NOT USED FOR THE ECONOMIC GAIN OF ANOTHER PERSON.

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

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

Chapter 564

(Senate Bill 561)

AN ACT concerning

Department of General Services – Jurisdiction and Maryland Capitol Police

FOR the purpose of altering the jurisdiction of the Department of General Services to include State-owned or State-leased buildings and grounds and certain surrounding areas of those buildings and grounds, *subject to a certain limitation*; altering the jurisdiction of the Maryland Capitol Police of the Department; requiring the Secretary of General Services to appoint the Chief of the Maryland Capitol Police; providing that the Chief serves at the pleasure of the Secretary; requiring the Chief to supervise and direct the affairs and operations of the Maryland Capitol Police; repealing a certain provision of law providing that a member of the Maryland Capitol Police has the same powers as a sheriff or police officer only under certain circumstances; providing that a Maryland Capitol Police officer has all the powers granted to a peace officer and a police officer of the State; authorizing a Maryland

Capitol Police officer to exercise certain powers provided the police officer meets certain legal requirements and is designated by the Department as a police officer; requiring the Secretary to appoint certain police employees; requiring the Secretary to make certain appointments from a list of eligible candidates in accordance with certain provisions of law; requiring that each police employee remains in a probationary status for a certain period of time; authorizing the Secretary to terminate the employment of a police employee in probationary status for any reason that the Secretary considers sufficient; repealing a certain provision of law providing that the Secretary has concurrent authority with certain chiefs of police to enforce certain laws in certain areas; and generally relating to the Department of General Services.

BY repealing and reenacting, with amendments,
 Article – State Finance and Procurement
 Section 4–601 and 4–605
 Annotated Code of Maryland
 (2015 Replacement Volume and 2019 Supplement)

BY adding to
 Article – State Finance and Procurement
 Section 4–605.1
 Annotated Code of Maryland
 (2015 Replacement Volume and 2019 Supplement)

BY repealing
 Article – State Finance and Procurement
 Section 4–606
 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

4–601.

(A) ~~The~~ **SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE** Department has jurisdiction over and full police authority for the enforcement of the criminal laws and the parking and motor vehicle laws as to the operation, maintenance, and protection of:

(1) buildings and grounds that, on June 30, 1984, were administered by the Office of Annapolis Public Buildings and Grounds, and extending to the surrounding area that encompasses 1,000 feet in any direction from the boundary of those buildings and grounds;

(2) buildings and grounds that, on June 30, 1984, were administered by the Office of Baltimore Public Buildings and Grounds, and extending to the surrounding area that encompasses 1,000 feet in any direction from the boundary of those buildings and grounds;

(3) multiservice centers designated by law or by the Board of Public Works and extending to the surrounding area that encompasses 1,000 feet in any direction from the boundary of those multiservice centers;

(4) buildings and grounds that, on June 30, 2019, were administered by the Maryland Department of Labor, and extending to the surrounding area that encompasses 1,000 feet in any direction from the boundary of those buildings; [and]

(5) STATE-OWNED OR STATE-LEASED BUILDINGS AND GROUNDS AND EXTENDING TO THE SURROUNDING AREA THAT ENCOMPASSES 1,000 FEET IN ANY DIRECTION FROM THE BOUNDARY OF THOSE BUILDINGS AND GROUNDS; AND

[(5)] (6) other public improvements or grounds designated by law or by the Board of Public Works.

(B) CONSISTENT WITH ARTICLE 8 OF THE MARYLAND DECLARATION OF RIGHTS, WITH RESPECT TO STATE LEGISLATIVE BUILDINGS IN THE CITY OF ANNAPOLIS, THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY SHALL HAVE FINAL AUTHORITY OVER THE USE OF AND ACCESS TO THE BUILDINGS BY THE MEMBERS OF THE GENERAL ASSEMBLY, THEIR STAFF, AND DEPARTMENT OF LEGISLATIVE SERVICES PERSONNEL.

4-605.

(a) (1) In accordance with the provisions of the State Personnel and Pensions Article, the Secretary may establish a police and security force, known as the Maryland Capitol Police of the Department of General Services, to protect people and property on or about improvements, grounds, and multiservice centers under the jurisdiction of the Department, and in the surrounding areas of the buildings and grounds in the State as described in [§ 4-601(1), (2), (3), and (4)] § 4-601 of this subtitle.

(2) (I) THE SECRETARY SHALL APPOINT THE CHIEF OF THE MARYLAND CAPITOL POLICE OF THE DEPARTMENT OF GENERAL SERVICES.

(II) THE CHIEF OF THE MARYLAND CAPITOL POLICE OF THE DEPARTMENT OF GENERAL SERVICES SERVES AT THE PLEASURE OF THE SECRETARY.

(III) THE CHIEF OF THE MARYLAND CAPITOL POLICE OF THE DEPARTMENT OF GENERAL SERVICES SHALL SUPERVISE AND DIRECT THE AFFAIRS AND OPERATIONS OF THE MARYLAND CAPITOL POLICE.

[(2)] (3) The Maryland Capitol Police of the Department of General Services may include sworn police officers.

(b) A member of the Maryland Capitol Police of the Department of General Services may not be involuntarily transferred from a site to another site.

[(c) A member of the Maryland Capitol Police of the Department of General Services has the same powers as a sheriff or police officer under § 2-101 of the Criminal Procedure Article only if the member:

(1) meets the legal requirements set forth by the Maryland Police Training and Standards Commission; and

(2) is designated by the Department as a police officer.]

(C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, A MARYLAND CAPITOL POLICE OFFICER HAS ALL THE POWERS GRANTED TO A PEACE OFFICER AND A POLICE OFFICER OF THE STATE.

(D) A MARYLAND CAPITOL POLICE OFFICER MAY EXERCISE THE POWERS DESCRIBED IN SUBSECTION (C) OF THIS SECTION WITHIN THE DEPARTMENT'S JURISDICTION AS SPECIFIED IN § 4-601 OF THIS SUBTITLE PROVIDED THE POLICE OFFICER:

(1) MEETS THE LEGAL REQUIREMENTS SET FORTH BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION; AND

(2) IS DESIGNATED BY THE DEPARTMENT AS A POLICE OFFICER.

4-605.1.

(A) (1) WITHIN THE LIMITS OF ANY APPROPRIATION MADE FOR THIS PURPOSE AND AS THE SECRETARY DETERMINES NECESSARY, THE SECRETARY SHALL APPOINT POLICE EMPLOYEES FOR THE EFFICIENT ADMINISTRATION OF THE MARYLAND CAPITOL POLICE OF THE DEPARTMENT OF GENERAL SERVICES.

(2) THE SECRETARY SHALL MAKE EACH APPOINTMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION FROM A LIST OF ELIGIBLE CANDIDATES IN ACCORDANCE WITH THE PROVISIONS OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

(B) (1) EACH POLICE EMPLOYEE, INCLUDING AN INDIVIDUAL WHO IS APPOINTED TO THE MARYLAND CAPITOL POLICE FOR TRAINING BEFORE REGULAR ASSIGNMENT AS A POLICE EMPLOYEE, SHALL REMAIN IN A PROBATIONARY STATUS FOR A PERIOD OF 1 YEAR AFTER THE DATE OF APPOINTMENT TO THE MARYLAND CAPITOL POLICE OF THE DEPARTMENT OF GENERAL SERVICES.

(2) THE SECRETARY MAY TERMINATE THE EMPLOYMENT OF A POLICE EMPLOYEE IN PROBATIONARY STATUS FOR ANY REASON THAT THE SECRETARY CONSIDERS SUFFICIENT.

[4–606.

(a) In this section, “Chief of Police” means:

(1) as to improvements, grounds, and multiservice centers in the City of Annapolis, the Chief of Police of the City of Annapolis;

(2) as to improvements, grounds, and multiservice centers in Baltimore City, the Police Commissioner of Baltimore City; and

(3) as to improvements, grounds, and multiservice centers not located in the City of Annapolis or Baltimore City, the head of the local police force of the county in which the improvements, grounds, or multiservice centers are located.

(b) The Secretary has concurrent authority with the Chief of Police to enforce the criminal laws and parking and motor vehicle laws on streets adjacent to all improvements, grounds, and multiservice centers under the jurisdiction of the Department, and in the surrounding areas of the buildings and grounds in Annapolis and Baltimore City as described in § 4–601(1) and (2) of 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 565

(Senate Bill 564)

AN ACT concerning

Education – High School Graduation Requirements – Students in Foster Care or Homeless Youth

FOR the purpose of requiring a county board of education to waive high school graduation requirements established by the county board that are in addition to high school graduation requirements established by the State Board of Education for a student in foster care or who is a homeless youth under certain circumstances; prohibiting a county board from waiving certain requirements if the county board makes a finding that a certain student is reasonably able to complete certain requirements in time to graduate from high school; defining a certain term; and generally relating to graduation requirements for students in foster care or homeless youth.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–205
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

Preamble

WHEREAS, The State of Maryland has a duty to care for and protect the children the State places in foster care, and as a matter of public policy, the State assumes an obligation to ensure the health, safety, and education of children in foster care; and

WHEREAS, According to the Department of Human Services, children in Maryland’s foster care system are regularly moved through multiple placements and schools, including across county lines; and

WHEREAS, According to the National Foster Care Institute, a child who has frequent transitions often has education–related problems, including a loss of school credits, academic problems, and a delay in earning a high school diploma; and

WHEREAS, According to the American Bar Association’s Legal Center for Foster Care and Education, youth in out–of–home care lost approximately 4 to 6 months of academic progress with each change in school placement; and

WHEREAS, A high school student in foster care who has taken the courses required for graduation in one county school system who is required to relocate to another county school system in their junior or senior year may be faced with additional graduation requirements at their new school with little time to complete those requirements in order to graduate with the rest of their class or cohort; now, therefore,

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

Article – Education

7–205.

(a) **IN THIS SECTION, “HOMELESS YOUTH” HAS THE MEANING STATED IN THE MCKINNEY–VENTO HOMELESS ASSISTANCE ACT.**

(B) The promotion of students in a public school and graduation from a public high school shall be in accordance with:

(1) **[Policies] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, POLICIES** established by the county board; and

(2) The rules and regulations of the State Board.

[(b)] (C) (1) Each student who graduates from a public high school shall receive the same type of diploma or certificate, regardless of the high school attended or the course taken.

(2) The diploma or certificate shall state that the student has completed a program of studies satisfactorily in accordance with the requirements of the State Board.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A COUNTY BOARD SHALL WAIVE ALL HIGH SCHOOL GRADUATION REQUIREMENTS, INCLUDING REQUIRED COURSEWORK, ESTABLISHED BY THE COUNTY BOARD THAT ARE IN ADDITION TO THE HIGH SCHOOL GRADUATION REQUIREMENTS ESTABLISHED BY THE STATE BOARD FOR A STUDENT IN FOSTER CARE OR WHO IS A HOMELESS YOUTH, IF THE STUDENT WHILE IN GRADE 11 OR 12:

~~(I) TRANSFERS~~ TRANSFERS INTO THE LOCAL SCHOOL SYSTEM FROM A DIFFERENT LOCAL SCHOOL SYSTEM IN THE STATE; ~~OR~~

~~(II) TRANSFERS BETWEEN HIGH SCHOOLS IN THE LOCAL SCHOOL SYSTEM.~~

(2) A COUNTY BOARD MAY NOT WAIVE THE REQUIREMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE COUNTY BOARD MAKES A FINDING THAT THE STUDENT IS REASONABLY ABLE TO COMPLETE THE COUNTY HIGH SCHOOL GRADUATION REQUIREMENTS IN TIME TO GRADUATE FROM HIGH SCHOOL WHILE THE STUDENT REMAINS ELIGIBLE FOR FOSTER CARE BENEFITS.

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 566

(Senate Bill 570)

AN ACT concerning

Real Property – Notice of Easements, Covenants, Restrictions, and Conditions – Recordation

FOR the purpose of authorizing notice of certain easements, covenants, restrictions, and conditions to be recorded in the land records of the county in which the property interest is located; specifying the information required to be provided in the notice; requiring that the notice be indexed for recording in a certain manner; providing that failure to record a notice in accordance with this Act does not impair the rights or interests of the holder of ~~an~~ a certain easement, ~~a~~ covenant, ~~a~~ restriction, or ~~a~~ condition or waive, release, or otherwise affect certain obligations; and generally relating to easements, covenants, restrictions, and conditions.

BY adding to

Article – Real Property

Section 3–102.1

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

3–102.1.

(A) IF A RECORDED EASEMENT, ~~A COVENANT, A RESTRICTION, OR A COVENANT, RESTRICTION, OR~~ CONDITION HAS BEEN GRANTED, DEVISED, DEDICATED, RESERVED, OR DONATED TO, OR OTHERWISE AFFECTS AN INTEREST IN, REAL PROPERTY, A NOTICE OF THE EASEMENT, COVENANT, RESTRICTION, OR CONDITION MAY BE RECORDED IN THE LAND RECORDS OF THE COUNTY IN WHICH THE PROPERTY INTEREST IS LOCATED.

(B) A NOTICE RECORDED UNDER SUBSECTION (A) OF THIS SECTION SHALL:

(1) STATE, IF KNOWN, THE NAME AND CURRENT ADDRESS OF ~~THE~~:

(I) THE CURRENT HOLDER OF THE EASEMENT, COVENANT, RESTRICTION, OR CONDITION; AND

(II) ANY NEIGHBORHOOD ASSOCIATION RELEVANT TO THE EASEMENT, COVENANT, RESTRICTION, OR CONDITION;

(2) CONTAIN A STATEMENT THAT THE EASEMENT, COVENANT, RESTRICTION, OR CONDITION IS STILL IN EFFECT AS OF THE DATE OF THE NOTICE;

(3) CONTAIN THE RECORDING INFORMATION FOR THE ~~ORIGINAL~~ EASEMENT, COVENANT, RESTRICTION, OR CONDITION AND THE RECORDING INFORMATION FOR ANY ASSOCIATED AMENDMENT OR CORRECTIVE DOCUMENT; AND

(4) STATE, AS OF THE DATE OF THE NOTICE, THE NAME OF THE FEE SIMPLE OWNER ~~AND, IF APPLICABLE, A LEASEHOLD OWNER~~ OF THE LAND ENCUMBERED BY THE ~~ORIGINAL~~ EASEMENT, COVENANT, RESTRICTION, OR CONDITION ~~AS OF THE DATE OF THE NOTICE~~ AND, IF APPLICABLE AND KNOWN:

(I) THE OWNER OF ANY RECORDED LEASEHOLD ESTATE OR HOLDER OF ANY OTHER REAL PROPERTY INTEREST IN LAND ENCUMBERED BY THE EASEMENT, COVENANT, RESTRICTION, OR CONDITION; AND

(II) ANY NEIGHBORHOOD ASSOCIATION RELEVANT TO THE LAND ENCUMBERED BY THE EASEMENT, COVENANT, RESTRICTION, OR CONDITION.

(C) A NOTICE RECORDED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE INDEXED AMONG THE LAND RECORDS UNDER THE NAME OF:

(1) THE HOLDER OF THE EASEMENT, COVENANT, RESTRICTION, OR CONDITION; AND

(2) THE FEE SIMPLE OWNER ~~AND, IF APPLICABLE, A LEASEHOLD OWNER~~ OF THE LAND ENCUMBERED BY THE ~~ORIGINAL~~ EASEMENT, COVENANT, RESTRICTION, OR CONDITION, AS SPECIFIED IN THE NOTICE AND, IF APPLICABLE AND KNOWN:

(I) THE OWNER OF ANY RECORDED LEASEHOLD ESTATE OR HOLDER OF ANY OTHER REAL PROPERTY INTEREST IN LAND ENCUMBERED BY THE EASEMENT, COVENANT, RESTRICTION, OR CONDITION; AND

(II) ANY NEIGHBORHOOD ASSOCIATION RELEVANT TO LAND ENCUMBERED BY THE EASEMENT, COVENANT, RESTRICTION, OR CONDITION.

(D) FAILURE TO RECORD A NOTICE IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION DOES NOT ~~IMPAIR:~~

(1) IMPAIR THE RIGHTS OR INTERESTS OF THE HOLDER OF AN EASEMENT, A COVENANT, A RESTRICTION, OR A CONDITION; OR

(2) WAIVE, RELEASE, OR OTHERWISE AFFECT THE OBLIGATIONS OF ANY PERSON HOLDING A REAL PROPERTY INTEREST BURDENED BY THE EASEMENT, COVENANT, RESTRICTION, OR CONDITION.

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 567

(Senate Bill 573)

AN ACT concerning

~~Sales and Use Tax— Short Term Rental Vehicles and Peer-to-Peer Car Sharing~~
~~– Rate Alteration and Sunset Repeal~~ Sales Tax Sunset Extension and Study

FOR the purpose of ~~repealing~~ *extending* the termination of certain provisions of law making sales and charges related to peer-to-peer car sharing subject to a certain sales and use tax rate; ~~requiring the Comptroller to distribute revenue from the sales and use tax imposed on peer-to-peer car sharing in a certain manner; requiring the Comptroller, on or before a certain date, to calculate a certain percentage; altering, under certain circumstances, the sales and use tax rate imposed on certain short term vehicle rentals and shared motor vehicles used for peer-to-peer car sharing; repealing a certain obsolete provision providing that a certain calculation may not result in the reduction of a certain tax rate; providing for the effective dates of this Act; requiring the Department of Legislative Services to report to the General Assembly on or before a certain date; defining a certain term;~~ and generally relating to ~~the sales and use tax on short term rental vehicles and peer-to-peer car sharing.~~

BY repealing and reenacting, with amendments,
 Chapter 852 of the Acts of the General Assembly of 2018
 Section 7

~~BY repealing and reenacting, with amendments,~~
~~Article—Tax—General~~
~~Section 2-1302.1 and 11-104(e) and (e-1) 11-104(e-1)~~
~~Annotated Code of Maryland~~
~~(2016 Replacement Volume and 2019 Supplement)~~

~~BY repealing and reenacting, without amendments,
Article Tax General
Section 11-101(l)(4) and 11-104(e)
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:

Chapter 852 of the Acts of 2018

SECTION 7. AND BE IT FURTHER ENACTED, That, except as provided in Section 6 of this Act, this Act shall take effect July 1, 2018. ~~¶~~Section 3 of this Act shall remain effective for a period of ~~2~~ 3 years and, at the end of June 30, ~~2020~~ 2021, Section 3 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, on or before December 31, 2020, the Department of Legislative Services shall report to the General Assembly, in accordance with § 2-1257 of the State Government Article, on:

(1) a comparison of excise titling taxes and other motor vehicle fees in the State relating to short-term vehicle rentals and peer-to-peer car sharing;

(2) a comparison of excise titling taxes and other motor vehicle fees relating to short-term vehicle rentals and peer-to-peer car sharing in other states;

(3) a comparison of taxation and other governmental fees in the State relating to short-term vehicle rental companies and peer-to-peer car sharing companies, including with regard to income tax and sales tax;

(4) a comparison of sales taxes imposed in other states on short-term vehicle rentals and on peer-to-peer car sharing;

(5) a comparison of taxation and other governmental fees relating to short-term vehicle rentals and peer-to-peer car sharing in other states; and

(6) any other information that the Department determines relevant to the identification and compilation of information that could assist the General Assembly in determining a fair and equitable State taxation on sales and charges made in connection with a shared motor vehicle used for peer-to-peer car sharing and made available on a peer-to-peer car sharing program.

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

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

~~Article Tax General~~

~~2-1302.1.~~

~~[(a)] Except as otherwise provided in this section, after making the distributions required under §§ 2-1301 and 2-1302 of this subtitle, of the sales and use tax collected [on short term vehicle rentals] under § 11-104(e) AND (C-1) of this article ON SHORT TERM VEHICLE RENTALS AND PEER TO PEER CAR SHARING, the Comptroller shall distribute:~~

~~(1) 45% to the Transportation Trust Fund established under § 3-216 of the Transportation Article; and~~

~~(2) the remainder to the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund.~~

~~[(b)] For each fiscal year beginning on or before July 1, 2015, after the distribution required under subsection (a)(1) of this section, the Comptroller shall distribute the remainder of the sales and use tax collected on short term vehicle rentals under § 11-104(e) of this article as follows:~~

~~(1) to the General Fund of the State:~~

~~(i) \$9,249,199 for the fiscal year beginning July 1, 2014; and~~

~~(ii) \$8,639,632 for the fiscal year beginning July 1, 2015; and~~

~~(2) the remainder to the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund.]~~

~~11-101.~~

~~(4) (4) "Taxable price" includes all sales and charges, including insurance, freight handling, equipment and supplies, delivery and pickup, cellular telephone, and other accessories, but not including sales of motor fuel subject to the motor fuel tax, made in connection with:~~

~~(i) a short term vehicle rental, as defined in § 11-104(e) of this subtitle; or~~

~~(ii) a shared motor vehicle used for peer to peer car sharing and made available on a peer to peer car sharing program, as defined in § 19-520 of the Insurance Article.~~

~~11-104.~~

~~(e) (1) In this subsection:~~

~~(i) “short term vehicle rental” means a rental of a passenger car, as defined in § 11-144.2 of the Transportation Article, or a vehicle that may be registered as a Class D, E, F, G, or M vehicle under Title 13, Subtitle 9 of the Transportation Article, for a period of 180 days or less under the following terms:~~

~~1. the vendor does not provide a driver for the vehicle as a part of the rental; and~~

~~2. if the vehicle is a passenger car, as defined in § 11-144.2 of the Transportation Article, a multipurpose passenger vehicle, or a motorcycle, the vehicle is not to be used to transport individuals or property for hire; and~~

~~(ii) “short term vehicle rental” does not include a rental of:~~

~~1. a dump truck, as described in § 13-919 of the Transportation Article;~~

~~2. a tow truck, as described in § 13-920 of the Transportation Article;~~

~~3. a farm vehicle exempt from the sales and use tax under § 11-201(a) of this title; or~~

~~4. a shared motor vehicle used for peer-to-peer car sharing and made available on a peer-to-peer car sharing program, as defined in § 19-520 of the Insurance Article and that is subject to sales and use tax under subsection (c-1) of this section.~~

~~(2) The sales and use tax rate for a short term vehicle rental [for a taxable price of \$2 or more] is:~~

~~(i) **10% OF THE TAXABLE PRICE**, if the vehicle is a passenger car, a multipurpose passenger vehicle, or a motorcycle[;~~

~~1. **23 cents** for each exact multiple of \$2; and~~

~~2. for that part of \$2 in excess of an exact multiple of \$2;~~

~~A. 1 cent if the excess over an exact multiple of \$2 is at least 1 cent but less than 9 cents;~~

- ~~B. 2 cents if the excess over an exact multiple of \$2 is at least 9 cents but less than 18 cents;~~
- ~~C. 3 cents if the excess over an exact multiple of \$2 is at least 18 cents but less than 27 cents;~~
- ~~D. 4 cents if the excess over an exact multiple of \$2 is at least 27 cents but less than 35 cents;~~
- ~~E. 5 cents if the excess over an exact multiple of \$2 is at least 35 cents but less than 44 cents;~~
- ~~F. 6 cents if the excess over an exact multiple of \$2 is at least 44 cents but less than 53 cents;~~
- ~~G. 7 cents if the excess over an exact multiple of \$2 is at least 53 cents but less than 61 cents;~~
- ~~H. 8 cents if the excess over an exact multiple of \$2 is at least 61 cents but less than 70 cents;~~
- ~~I. 9 cents if the excess over an exact multiple of \$2 is at least 70 cents but less than 79 cents;~~
- ~~J. 10 cents if the excess over an exact multiple of \$2 is at least 79 cents but less than 87 cents;~~
- ~~K. 11 cents if the excess over an exact multiple of \$2 is at least 87 cents but less than 96 cents;~~
- ~~L. 12 cents if the excess over an exact multiple of \$2 is at least 96 cents but less than \$1.05;~~
- ~~M. 13 cents if the excess over an exact multiple of \$2 is at least \$1.05 but less than \$1.14;~~
- ~~N. 14 cents if the excess over an exact multiple of \$2 is at least \$1.14 but less than \$1.22;~~
- ~~O. 15 cents if the excess over an exact multiple of \$2 is at least \$1.22 but less than \$1.31;~~
- ~~P. 16 cents if the excess over an exact multiple of \$2 is at least \$1.31 but less than \$1.40;~~
- ~~Q. 17 cents if the excess over an exact multiple of \$2 is at least \$1.40 but less than \$1.48;~~

- ~~R. 18 cents if the excess over an exact multiple of \$2 is at least \$1.48 but less than \$1.57;~~
- ~~S. 19 cents if the excess over an exact multiple of \$2 is at least \$1.57 but less than \$1.66;~~
- ~~T. 20 cents if the excess over an exact multiple of \$2 is at least \$1.66 but less than \$1.74;~~
- ~~U. 21 cents if the excess over an exact multiple of \$2 is at least \$1.74 but less than \$1.83;~~
- ~~V. 22 cents if the excess over an exact multiple of \$2 is at least \$1.83 but less than \$1.92; and~~
- ~~W. 23 cents if the excess over an exact multiple of \$2 is at least \$1.92 but less than \$2.00]; or~~

~~(ii) 8% OF THE TAXABLE PRICE, if the vehicle is a vehicle that may be registered as a Class E, F, or G vehicle under Title 13, Subtitle 9 of the Transportation Article];~~

- ~~1. 8 cents for each exact dollar; and~~
- ~~2. 2 cents for each 25 cents or part of 25 cents in excess of an exact dollar];~~

~~(e-1) (1) The sales and use tax rate for sales and charges made in connection with a shared motor vehicle used for peer to peer car sharing and made available on a peer to peer car sharing program, as defined in § 19-520 of the Insurance Article, is [8%];~~

~~(1) (I) 10% SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND EXCEPT AS PROVIDED IN ITEM (II) OF THIS PARAGRAPH, 8% OF THE TAXABLE PRICE, IF THE VEHICLE IS A PASSENGER CAR, A MULTIPURPOSE PASSENGER VEHICLE, OR A MOTORCYCLE;~~

~~(II) 11.5% OF THE TAXABLE PRICE, IF:~~

~~1. THE VEHICLE IS A PASSENGER CAR, A MULTIPURPOSE PASSENGER VEHICLE, OR A MOTORCYCLE; AND~~

~~2. IS PART OF A FLEET OF VEHICLES THAT INCLUDES AT LEAST FIVE VEHICLES OWNED BY THE SAME PERSON USED FOR PEER-TO-PEER CAR SHARING AND MADE AVAILABLE ON A PEER-TO-PEER CAR SHARING PROGRAM; OR~~

~~(2) (III) 8% OF THE TAXABLE PRICE, IF THE VEHICLE IS A VEHICLE THAT MAY BE REGISTERED AS A CLASS E, F, OR G VEHICLE UNDER TITLE 13, SUBTITLE 9 OF THE TRANSPORTATION ARTICLE.~~

~~(2) (I) ON OR BEFORE OCTOBER 1 EACH YEAR THE COMPTROLLER SHALL CALCULATE FOR THE PRIOR FISCAL YEAR THE TOTAL SALES AND CHARGES THAT ARE SUBJECT TO THE TAX RATE UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION AS A PERCENTAGE OF THE TOTAL SALES AND CHARGES THAT ARE SUBJECT TO THE TAX RATE UNDER SUBSECTION (C)(2) OF THIS SECTION.~~

~~(II) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, IF THE PERCENTAGE CALCULATED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS:~~

~~1. AT LEAST 5% BUT LESS THAN 10%, THE TAX RATE IS 9% OF THE TAXABLE PRICE;~~

~~2. AT LEAST 10% BUT LESS THAN 15%, THE TAX RATE IS 10% OF THE TAXABLE PRICE;~~

~~3. AT LEAST 15% BUT LESS THAN 20%, THE TAX RATE IS 11% OF THE TAXABLE PRICE; AND~~

~~4. AT LEAST 20%, THE TAX RATE IS 11.5% OF THE TAXABLE PRICE.~~

~~(III) EXCEPT AS PROVIDED IN SUBPARAGRAPH (IV) OF THIS PARAGRAPH, THE TAX RATE UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL APPLY TO ALL SALES AND CHARGES SUBJECT TO THE TAX RATE UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION THAT OCCUR ON OR AFTER JANUARY 1 OF THE NEXT CALENDAR YEAR AND UNTIL A SUBSEQUENT CALCULATION UNDER THIS PARAGRAPH RESULTS IN AN INCREASED TAX RATE FOR A SUBSEQUENT CALENDAR YEAR.~~

~~(IV) A TAX RATE MAY NOT BE REDUCED AS A RESULT OF A CALCULATION UNDER THIS PARAGRAPH.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2020.~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect June 1, 2020.~~

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

Chapter 568**(Senate Bill 576)**

AN ACT concerning

Health Occupations – Nurse Practitioners – Certifications of Competency and Incapacity

FOR the purpose of altering a requirement that a certain petition for guardianship of a disabled person include certain signed and verified certificates of competency by providing that the certificates may be signed and verified by a nurse practitioner and certain other health care practitioners; altering the requirements for the certification of a patient's incapacity to make an informed decision regarding treatment to allow the second individual making the certification to be ~~an advanced practice registered~~ a nurse practitioner, rather than a second physician; altering the requirements for the certification of a patient's terminal or end-stage condition for certain purposes to allow the second individual making the certification to be a nurse practitioner, rather than a second physician; making conforming and stylistic changes; and generally relating to the authority of nurse practitioners to certify as to certain individuals' competency or incapacity.

BY repealing and reenacting, without amendments,
Article – Estates and Trusts
Section 13–705(a) and (b)
Annotated Code of Maryland
(2017 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 13–705(c)
Annotated Code of Maryland
(2017 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 5–606
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 – Estates and Trusts

13–705.

(a) On petition and after any notice or hearing prescribed by law or the Maryland Rules, a court may appoint a guardian of the person of a disabled person.

(b) A guardian of the person shall be appointed if the court determines from clear and convincing evidence that:

(1) A person lacks sufficient understanding or capacity to make or communicate responsible personal decisions, including provisions for health care, food, clothing, or shelter, because of any mental disability, disease, habitual drunkenness, or addiction to drugs; and

(2) No less restrictive form of intervention is available that is consistent with the person's welfare and safety.

(c) (1) Procedures and venue in these cases shall be as described by Title 10, Chapters 100 and 200 of the Maryland Rules.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, a petition for guardianship of a disabled person shall include signed and verified certificates of competency from the following health care professionals **WHO HAVE EXAMINED OR EVALUATED THE DISABLED PERSON:**

(i) Two licensed physicians [who have examined the disabled person]; ~~for~~

~~(ii) ONE LICENSED PHYSICIAN AND ONE NURSE PRACTITIONER;~~
~~OR~~

~~(ii) (iii)~~ 1. One licensed physician [who has examined the disabled person] ~~OR NURSE PRACTITIONER;~~ and

2. ~~A.~~ One licensed psychologist [who has evaluated the disabled person]; ~~or;~~

~~B.~~ One licensed certified social worker-clinical [who has evaluated the disabled person]; OR

C. ONE NURSE PRACTITIONER.

(3) An examination or evaluation by at least one of the health care professionals under paragraph (2) of this subsection shall occur within 21 days before filing a petition for guardianship of a disabled person.

5–606.

(a) (1) Prior to providing, withholding, or withdrawing treatment for which authorization has been obtained or will be sought under this subtitle, the attending physician and a second physician **OR A NURSE PRACTITIONER**, one of whom shall have examined the patient within 2 hours before making the certification, shall certify in writing that the patient is incapable of making an informed decision regarding the treatment. The certification shall be based on a personal examination of the patient.

(2) If a patient is unconscious, or unable to communicate by any means, the certification of a second physician **OR A NURSE PRACTITIONER** is not required under paragraph (1) of this subsection.

(3) When authorization is sought for treatment of a mental illness, the second physician **OR THE NURSE PRACTITIONER** may not be otherwise currently involved in the treatment of the person assessed.

(4) The cost of an assessment to certify incapacity under this subsection shall be considered for all purposes a cost of the patient's treatment.

(b) A health care provider may not withhold or withdraw life-sustaining procedures on the basis of an advance directive where no agent has been appointed or on the basis of the authorization of a surrogate, unless:

(1) The patient's attending physician and a second physician **OR A NURSE PRACTITIONER** have certified that the patient is in a terminal condition or has an end-stage condition; or

(2) ~~Two physicians, one of whom~~ ~~A PHYSICIAN WHO~~ is a neurologist, neurosurgeon, or other physician who has special expertise in the evaluation of cognitive functioning, ~~AND A SECOND PHYSICIAN OR A NURSE PRACTITIONER~~, certify that the patient is in a persistent vegetative 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 569

(Senate Bill 618)

AN ACT concerning

Public Safety – Hydraulic Elevator Inspections – Privately Owned Buildings

FOR the purpose of exempting a certain type of hydraulic elevator in a privately owned building from a requirement for a certain test; requiring, beginning on a certain date, a certain annual test on a certain type of hydraulic elevator in a privately owned building to be performed in a certain manner; altering a certain date on which certain elevator inspections are required to begin; defining a certain term; requiring the Secretary of Labor to make certain reports to certain committees of the General Assembly on or before certain dates; and generally relating to elevator inspections.

BY repealing and reenacting, without amendments,
 Article – Public Safety
 Section 12–801(a) and 12–806(a)
 Annotated Code of Maryland
 (2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
 Article – Public Safety
 Section 12–801(h) through (u) and 12–806(d)
 Annotated Code of Maryland
 (2018 Replacement Volume and 2019 Supplement)

BY adding to
 Article – Public Safety
 Section 12–801(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 – Public Safety

12–801.

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

(H) “DIRECT–ACTING HYDRAULIC ELEVATOR” MEANS AN ELEVATOR IN WHICH THE ENERGY IS APPLIED BY A DIRECT HYDRAULIC DRIVING MACHINE.

[(h)] (I) “Dumbwaiter” means a hoisting and lowering machine equipped with a car of limited capacity and size that moves in guides in a substantially vertical direction and is used exclusively for carrying material.

[(i)] (J) “Elevator” means a hoisting and lowering machine equipped with a car or platform that moves in guides in a substantially vertical direction and serves two or

more floors of a building or structure.

[(j)] (K) “Elevator contractor” means a person who is engaged in the business of erecting, constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or servicing elevator or accessibility lift units.

[(k)] (L) “Elevator mechanic” means a person who is engaged in erecting, constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or servicing elevator or accessibility lift units.

[(l)] (M) “Elevator refinisher” means a person who is engaged in the refinishing of existing metal and wood elements in elevator cabs, including the stripping of old lacquer on wood and bronze items, staining wood to match existing finishes, cleaning, polishing, oxidizing, painting, lacquering, and the removing of scratches to maintain existing finishes.

[(m)] (N) “Elevator renovator contractor” means a person who is engaged in the business of performing work:

(1) on the interior of an elevator involving the removal or installation of the nonstructural surface of the elevator’s wall, ceiling, floor, rail, or handle; and

(2) that does not affect the elevator’s moving operation.

[(n)] (O) “Elevator renovator mechanic” means a person who performs work:

(1) on the interior of an elevator involving the removal or installation of the nonstructural surface of the elevator’s wall, ceiling, floor, rail, or handle; and

(2) that does not affect the elevator’s moving operation.

[(o)] (P) “Elevator unit” includes a cliffside elevator, an elevator, an escalator, a dumbwaiter, and a moving walk.

[(p)] (Q) “Escalator” means a power driven, inclined, continuous stairway used for raising and lowering passengers.

[(q)] (R) “License” includes:

(1) an accessibility lift mechanic license;

(2) an elevator contractor license;

(3) an elevator mechanic license;

(4) an elevator renovator contractor license; and

- (5) an elevator renovator mechanic license.

[(r)] (S) “Moving walk” means a type of passenger-carrying device on which passengers stand or walk and in which the passenger-carrying surface remains parallel to its direction of motion and is uninterrupted.

[(s)] (T) “Safety Code” means the American National Standard/American Society of Mechanical Engineers Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, known as ANSI A17.1-1971, and all subsequent amendments and revisions to it, as adopted by the Commissioner.

[(t)] (U) “Secretary” means the Secretary of Labor.

[(u)] (V) “Third-party qualified elevator inspector” means an inspector who:

(1) meets the qualifications, insurance requirements, and procedures established by the Commissioner; and

(2) is certified by a nationally recognized safety organization accredited by the National Commission for Certifying Agencies or the American National Standards Institute that ensures that:

(i) the certification requires testing and grading consistent with industry recognized criteria and any related consensus standards; and

(ii) any renewal of certification requires continuing education.

12-806.

(a) Except as otherwise provided in this section, each elevator unit shall be inspected, tested, and maintained in a safe operating condition in accordance with:

(1) the Safety Code; and

(2) any other regulations adopted by the Commissioner.

(d) (1) A test on an elevator unit performed in connection with an inspection required by this subtitle, the Safety Code, or a regulation adopted by the Commissioner shall be performed by a licensed elevator mechanic.

(2) A third-party qualified elevator inspector required to witness a test performed on an elevator unit in accordance with this subtitle, the Safety Code, or a regulation adopted by the Commissioner shall be physically present during the entire test to witness that the test was performed correctly and to verify the proper recording of the test result.

(3) A State inspector shall oversee all third-party qualified elevator

inspectors and retains authority over final acceptance of new construction, modernization, and service upgrade turnovers of elevators.

(4) Subject to subsection (g) of this section, a test requiring the presence of a third-party qualified elevator inspector shall be conducted in accordance with the following:

(i) beginning October 1, 2018, a 5-year test on an elevator of a privately owned building that requires an inspector to witness the test shall be performed by a licensed elevator mechanic in the physical presence of a third-party qualified elevator inspector;

(ii) beginning October 1, 2019, a test on an elevator of a publicly owned building that requires an inspector to witness the test shall be performed by a licensed elevator mechanic in the physical presence of a third-party qualified elevator inspector; [and]

(iii) beginning October 1, [2020] **2021**, an annual test on an elevator, **EXCEPT FOR A DIRECT-ACTING HYDRAULIC ELEVATOR**, of a privately owned building that requires an inspector to witness the test shall be performed by a licensed elevator mechanic in the physical presence of a third-party qualified elevator inspector; **AND**

(IV) BEGINNING OCTOBER 1, 2022, AN ANNUAL TEST ON A DIRECT-ACTING HYDRAULIC ELEVATOR OF A PRIVATELY OWNED BUILDING THAT REQUIRES AN ELEVATOR INSPECTOR TO WITNESS THE TEST SHALL BE PERFORMED BY A LICENSED ELEVATOR MECHANIC IN THE PHYSICAL PRESENCE OF A THIRD-PARTY QUALIFIED ELEVATOR INSPECTOR.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2021, and on or before January 1, 2022, the Secretary of Labor shall report to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2-1257 of the State Government Article, on the status of how elevator inspections are being conducted in accordance with 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 570

(Senate Bill 628)

AN ACT concerning

Utilities – Surviving Spouse of Account Holder – Protections

FOR the purpose of requiring a certain utility, on presentation of certain documents and without requiring certain information or imposing a fee or penalty, to temporarily keep a certain account open for a certain period of time or transfer a certain account to a surviving spouse under certain circumstances; authorizing a certain utility to impose a fee or penalty or terminate an account for nonpayment under certain circumstances or to close a certain account under certain circumstances; defining certain terms; and generally relating to duties of utility accounts to surviving spouses of account holders.

BY adding to

Article – Public Utilities

Section 5–501 to be under the new subtitle “Subtitle 5. Miscellaneous”

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**SUBTITLE 5. MISCELLANEOUS.****5–501.**

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

(2) “ACCOUNT HOLDER” MEANS THE INDIVIDUAL IN WHOSE NAME A UTILITY ACCOUNT IS ESTABLISHED.

(3) “UTILITY” MEANS AN ELECTRIC COMPANY, AN ELECTRICITY SUPPLIER, A GAS COMPANY, A GAS SUPPLIER, A SEWAGE DISPOSAL COMPANY, A WATER COMPANY, OR ANY COMBINATION OF THESE COMPANIES.

(B) IF AN ACCOUNT HOLDER’S SURVIVING SPOUSE PRESENTS TO A UTILITY THE ACCOUNT HOLDER’S DEATH CERTIFICATE AND THEIR MARRIAGE CERTIFICATE OR A STATE OR FEDERAL TAX RETURN FILED JOINTLY BY THE ACCOUNT HOLDER AND THE SURVIVING SPOUSE IN THE IMMEDIATELY PRECEDING YEAR, THE UTILITY SHALL, WITHOUT REQUIRING ANY FURTHER INFORMATION, OTHER THAN UPDATED CONTACT INFORMATION, OR IMPOSING ANY FEE OR PENALTY:

(1) TEMPORARILY KEEP THE ACCOUNT OPEN FOR A PERIOD OF NOT LESS THAN 6 MONTHS AND, DURING THAT TIME, TREAT THE SURVIVING SPOUSE AS A JOINT HOLDER OF THE ACCOUNT; OR

(2) TRANSFER THE ACCOUNT TO THE SURVIVING SPOUSE.

(C) NOTWITHSTANDING SUBSECTION (B)(1) OF THIS SECTION, A UTILITY MAY:

(1) IN ACCORDANCE WITH ANY OTHER APPLICABLE LAW, IMPOSE A FEE OR PENALTY OR TERMINATE AN ACCOUNT FOR NONPAYMENT; OR

(2) AT THE REQUEST OF THE SURVIVING SPOUSE, CLOSE THE ACCOUNT.

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 571

(Senate Bill 636)

AN ACT concerning

Maryland Revised Uniform Law on Notarial Acts – *Requirements for Appointment as a Notary Public – Alterations* ~~Delay of Effective Date~~

FOR the purpose of ~~altering the effective date of a certain Act that altered and established certain laws governing notaries public; making a conforming change; providing for the effective date of certain provisions of this Act~~ *altering the date by which initial and renewal applicants to be appointed as notaries public must complete certain requirements; altering the date by which the Secretary of State shall offer a certain course of study and a certain examination; providing for the effective date of this Act;* and generally relating to notaries public.

~~BY repealing and reenacting, with amendments,
Chapter 407 of the Acts of the General Assembly of 2019
Section 5~~

~~BY repealing and reenacting, with amendments,
Article State Government
Section 18-202~~

~~Annotated Code of Maryland
(2014 Replacement Volume and 2019 Supplement)
(As enacted by Chapter 407 of the Acts of the General Assembly of 2019)~~

BY repealing and reenacting, with amendments,

Article – State Government

Section 18-102(a)(4) and (b)

Annotated Code of Maryland

(2014 Replacement Volume and 2019 Supplement)

(As enacted by Chapter 407 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:

~~**Chapter 407 of the Acts of 2019**~~

~~SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
October 1, [2020] **2021**.~~

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

~~**Article – State Government**~~

~~18-202.~~

~~This subtitle applies only to a notarial act performed on or after October 1, [2020]
2021.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
effect October 1, 2020, the effective date of Chapter 407 of the Acts of the General Assembly
of 2019. If the effective date of Chapter 407 is amended, Section 2 of this Act shall take
effect on the taking effect of Chapter 407.~~

~~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.~~

Article – State Government

18-102.

(a) Subject to § 18-104 of this subtitle, to be appointed as a notary public, an
individual must:

(4) (i) **BEGINNING OCTOBER 1, 2021**, for an initial applicant, have
completed the course and passed the examination offered under subsection (b) of this section;
or

*(ii) **BEGINNING OCTOBER 1, 2021**, for a renewal applicant, have completed the course offered under subsection (b) of this section;*

*(b) (1) **[Subject] ON OR BEFORE OCTOBER 1, 2021, SUBJECT** to paragraph (2) of this subsection, the Secretary of State regularly shall offer a course of study and an examination that cover the laws, regulations, procedures, and ethics relevant to notarial acts.*

(2) The course and examination may be offered through an entity approved by the Secretary of State.

***SECTION 2. AND BE IT FURTHER ENACTED**, That this Act shall take effect October 1, 2020, the effective date of Chapter 407 of the Acts of the General Assembly of 2019. If the effective date of Chapter 407 is amended, this Act shall take effect on the taking effect of Chapter 407.*

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

Chapter 572

(Senate Bill 639)

AN ACT concerning

State Medical, Nursing, and Security Personnel – Compensation

FOR the purpose of requiring the pay scale for a certain physician ~~position~~ positions in a certain facility to be the same as the pay scale for a certain psychiatrist ~~position~~ positions; requiring certain nursing positions to receive a certain upward adjustment in their pay scales when there is an upward adjustment to the pay scales for initial appointments to certain positions; requiring the pay scale for certain security attendants at a certain facility to be at least equal to the pay scale for correctional officers; requiring the pay plan for a certain nurse position in the Motor Vehicle Administration to be equivalent to the pay scale for certain nursing positions in the Maryland Department of Health; providing for the application of this Act; defining a certain term; and generally relating to the compensation of State employees.

BY adding to

Article – Health – General
Section 10–415
Annotated Code of Maryland
(2019 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Transportation
 Section 2–103.4(g)
 Annotated Code of Maryland
 (2015 Replacement Volume and 2019 Supplement)

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

Article – Health – General

10–415.

(A) (1) IN THIS SUBSECTION, “FACILITY” MEANS:

(I) THE CLIFTON T. PERKINS HOSPITAL CENTER;

(II) THE EASTERN SHORE HOSPITAL CENTER;

(III) THE REGIONAL INSTITUTES FOR CHILDREN AND ADOLESCENTS – BALTIMORE AND ROCKVILLE;

(IV) THE SPRINGFIELD HOSPITAL CENTER;

(V) THE SPRING GROVE HOSPITAL CENTER;

(VI) THE THOMAS B. FINAN HOSPITAL CENTER; OR

(VII) THE OFFICE OF HEALTH CARE QUALITY.

(2) (I) THE PAY SCALE FOR A “PHYSICIAN CLINICAL SPECIALIST” POSITION IN A FACILITY SHALL BE THE SAME AS A “PSYCHIATRIST CLINICAL GRADUATE” POSITION IN A FACILITY.

(II) THE PAY SCALE FOR A “PHYSICIAN CLINICAL STAFF” POSITION IN A FACILITY SHALL BE THE SAME AS A “PSYCHIATRIST CLINICAL GRADUATE” POSITION IN A FACILITY.

(3) IN A FISCAL YEAR IN WHICH AN UPWARD ADJUSTMENT TO THE PAY SCALE IS MADE FOR INITIAL APPOINTMENTS TO A “REGISTERED NURSE” POSITION IN A FACILITY, THE “REGISTERED NURSE CHARGE”, “REGISTERED NURSE SUPERVISOR”, AND “REGISTERED NURSE MANAGER” POSITIONS IN THE SAME FACILITY SHALL RECEIVE AN UPWARD ADJUSTMENT TO THEIR PAY SCALES IN AN AMOUNT AT LEAST EQUAL TO THE ADJUSTMENT FOR THE EMPLOYEES IN A “REGISTERED NURSE” POSITION WHO REPORT TO EMPLOYEES IN THE

“REGISTERED NURSE CHARGE”, “REGISTERED NURSE SUPERVISOR”, AND “REGISTERED NURSE MANAGER” POSITIONS AT THE FACILITY.

(B) (1) IN A FISCAL YEAR IN WHICH AN UPWARD ADJUSTMENT TO THE PAY SCALE IS MADE FOR INITIAL APPOINTMENTS TO A “REGISTERED NURSE PERKINS” POSITION AT THE CLIFTON T. PERKINS HOSPITAL CENTER, THE “REGISTERED NURSE CHARGE PERKINS”, “REGISTERED NURSE SUPERVISOR PERKINS”, “REGISTERED NURSE MANAGER PERKINS”, “ASSISTANT DIRECTOR OF NURSING PERKINS”, AND “DIRECTOR OF NURSING PERKINS” POSITIONS AT THE CLIFTON T. PERKINS HOSPITAL CENTER SHALL RECEIVE AN UPWARD ADJUSTMENT TO THEIR PAY SCALES IN AN AMOUNT AT LEAST EQUAL TO THE ADJUSTMENT FOR THE EMPLOYEES IN A “REGISTERED NURSE PERKINS” POSITION WHO REPORT TO EMPLOYEES IN THE “REGISTERED NURSE CHARGE PERKINS”, “REGISTERED NURSE SUPERVISOR PERKINS”, “REGISTERED NURSE MANAGER PERKINS”, “ASSISTANT DIRECTOR OF NURSING PERKINS”, AND “DIRECTOR OF NURSING PERKINS” POSITIONS.

(2) (I) THIS PARAGRAPH APPLIES ONLY TO EMPLOYEES OF THE CLIFTON T. PERKINS HOSPITAL CENTER WHO ARE:

- 1. EMPLOYED IN A “SECURITY ATTENDANT” POSITION;**
AND
- 2. REQUIRED AS A CONDITION OF EMPLOYMENT TO COMPLETE A CORRECTIONAL TRAINING COURSE APPROVED BY THE CORRECTIONAL TRAINING COMMISSION UNDER TITLE 8, SUBTITLE 2 OF THE CORRECTIONAL SERVICES ARTICLE.**

(II) THE PAY SCALE FOR A “SECURITY ATTENDANT” POSITION SHALL BE AT LEAST EQUAL TO THE PAY SCALE FOR A CORRECTIONAL OFFICER EMPLOYED BY THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(C) IN A FISCAL YEAR IN WHICH AN UPWARD ADJUSTMENT TO THE PAY SCALE IS MADE FOR INITIAL APPOINTMENTS TO A “HEALTH FACILITY SURVEYOR NURSE I” POSITION IN THE OFFICE OF HEALTH CARE QUALITY, THE “HEALTH FACILITY SURVEYOR NURSE I” AND “HEALTH FACILITY SURVEYOR NURSE II” POSITIONS IN THE OFFICE OF HEALTH CARE QUALITY SHALL RECEIVE AN UPWARD ADJUSTMENT TO THEIR PAY SCALES IN AN AMOUNT EQUAL TO THE ADJUSTMENT FOR THE “HEALTH FACILITY SURVEYOR NURSE I” POSITION.

Article – Transportation

(g) (1) In establishing a pay plan for the Department's human resources management system, the Secretary shall use the standard salary schedule adopted by the Secretary of Budget and Management pursuant to the budget.

(2) The Secretary shall prepare and recommend a standard pay plan for all classes of positions in the human resources management system that conforms to the provisions of §§ 8–101, 8–102, 8–104, 8–105, and 8–109 of the State Personnel and Pensions Article that govern the standard pay plan of the State.

(3) The Secretary shall have the same authority to implement a standard pay plan as is delegated to the Secretary of Budget and Management.

(4) Employees in the Department may not be paid salaries in excess of those paid to employees in substantially the same classifications in other State agencies.

(5) THE PAY PLAN FOR THE “NURSE CASE REVIEWER” POSITION SHALL BE EQUIVALENT TO THE PAY SCALE FOR COMPARABLE NURSING POSITIONS IN MARYLAND DEPARTMENT OF HEALTH FACILITIES LISTED UNDER § 10–415(A) OF THE HEALTH – GENERAL ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That, for fiscal year 2021, the adjustment to the pay scale for the “Registered Nurse Charge Perkins”, “Registered Nurse Supervisor Perkins”, “Registered Nurse Manager Perkins”, “Assistant Director of Nursing Perkins”, and “Director of Nursing Perkins” positions required under § 10–415 of the Health – General Article, as enacted by Section 1 of this Act, shall be applicable to any adjustments to the pay scale for initial appointments to the “Registered Nurse Perkins” position in fiscal years 2018, 2019, and 2020.

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 573

(Senate Bill 643)

AN ACT concerning

Garrett County – Alcoholic Beverages Act of 2020

FOR the purpose of altering, in Garrett County, the days on which the holder of a manufacturer's license may sell or deliver alcoholic beverages; ~~authorizing the Board~~

~~of License Commissioners for Garrett County to issue an on-premises consumption permit to the holder of a Class 1 distillery license; providing that the permit authorizes a certain license holder to sell certain mixed drinks in accordance with certain requirements; providing that the permit exempts a certain license holder from certain limitations on the amount of alcohol the license holder may serve; establishing certain permit fees; requiring the Board to charge certain issuing fees in a certain manner; authorizing the Board to issue certain deluxe restaurant licenses to the holders of certain licenses issued by the Board or other certain licenses issued by other local licensing boards; altering the amount of required seating in a restaurant for a Class BDR beer, wine, and liquor license; authorizing the Board to issue a refillable container permit for wine in the county under certain circumstances; making conforming changes; and generally relating to alcoholic beverages in Garrett County.~~

BY renumbering

Article – Alcoholic Beverages
Section 21-1104.1
to be Section 21-1104.2
Annotated Code of Maryland
(2016 Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages
Section 2-202(c)(5), 4-1105, 21-102, 21-804(a), and 21-903(a)
Annotated Code of Maryland
(2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages
Section 21-402, ~~21-403~~, 21-804(b), 21-903(b) and (c), and 21-1101
Annotated Code of Maryland
(2016 Volume and 2019 Supplement)

BY adding to

Article – Alcoholic Beverages
Section 21-1104.1
Annotated Code of Maryland
(2016 Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 21-1104.1 of Article – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 21-1104.2.

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

Article – Alcoholic Beverages

2–202.

(c) A license holder may:

(5) (i) conduct guided tours of the licensed premises;

(ii) at no cost or for a fee, serve to an individual who has attained the legal drinking age and participated in a guided tour of the licensed premises, not more than 2 ounces of products, with each product sample consisting of not more than one-half ounce from a single product manufactured by the license holder;

(iii) serve samples blended with other products manufactured by the license holder or nonalcoholic ingredients; and

(iv) sell not more than 2.25 liters of products manufactured on the licensed premises, for off-premises consumption, and related merchandise to an individual who has attained the legal drinking age and participated in a guided tour of the licensed premises; and

4–1105.

(a) There is a refillable container permit.

(b) A refillable container permit authorizes the permit holder to:

(1) sell wine for off-premises consumption in a refillable container that meets the standards set out in subsection (d) of this section; and

(2) sell and refill a refillable container that meets the standards set out in subsection (d) of this section.

(c) (1) The term of a refillable container permit is the same as that of the underlying license.

(2) The hours of sale for a refillable container permit are the same as those for the underlying license.

(3) An applicant who holds an underlying license without an off-sale privilege shall meet the same advertising, posting of notice, and public hearing requirements as those for the underlying license.

(d) (1) To be used as a refillable container for wine under the authority of a refillable container permit, a container shall:

(i) have a capacity of not less than 17 ounces and not more than 34 ounces;

- (ii) be sealable;
- (iii) be branded with an identifying mark of the seller of the container;
- (iv) bear the federal health warning statement required for containers of alcoholic beverages under 27 C.F.R. 16.21;
- (v) display instructions for cleaning the container; and
- (vi) bear a label stating that cleaning the container is the responsibility of the consumer.

(2) The Comptroller may adopt standards regarding containers that qualify for use as refillable containers for wine, including containers originating from outside the State.

(3) The holder of a refillable container permit may refill a refillable container originating from inside or outside the State that meets the standards adopted by the Comptroller under paragraph (2) of this subsection.

21-102.

This title applies only in Garrett County.

21-402.

A holder of a manufacturer's license may sell or deliver alcoholic beverages to a holder of a retail license **ON MONDAY THROUGH SATURDAY** from 6 a.m. to midnight [on every day except Sunday or an election day].

~~21-403.~~

- ~~(a) This section applies to a Class 1 distillery license in the county.~~
- ~~(b) A license holder may open on Sundays to engage in the activities listed in § 2-202(e)(5) of this article only in an election district or a precinct in an election district where the voters, in a referendum authorized by law, have approved Sunday sales at a distillery.~~
- ~~(c) THE BOARD MAY ISSUE AN ON-PREMISES CONSUMPTION PERMIT TO THE HOLDER OF A CLASS 1 DISTILLERY LICENSE.~~
- ~~(d) (1) THE PERMIT AUTHORIZES THE LICENSE HOLDER TO SELL MIXED DRINKS MADE FROM LIQUOR THAT THE LICENSE HOLDER PRODUCES THAT IS MIXED~~

~~WITH OTHER NONALCOHOLIC INGREDIENTS FOR ON-PREMISES CONSUMPTION AT THE LOCATION OF THE CLASS 1 DISTILLERY.~~

~~(2) THE PERMIT EXEMPTS THE LICENSE HOLDER FROM THE LIMITS ON AMOUNTS OF ALCOHOL SERVED UNDER § 2-202(C)(5)(II) OF THIS ARTICLE.~~

~~(E) (1) THE ANNUAL PERMIT FEE IS \$1,750.~~

~~(2) THE BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW PERMIT IN AN AMOUNT EQUAL TO THE ANNUAL PERMIT FEE.~~

21-804.

(a) There is a Class BDR (deluxe restaurant) beer and wine license.

(b) The license may be issued to a holder of:

~~(1) a Class B beer license [or];~~

~~(2) a Class B beer and wine license; OR~~ ANY CLASS B ALCOHOLIC BEVERAGES LICENSE ISSUED BY THE BOARD; OR

~~(3) (2)~~ AN EQUIVALENT LICENSE THAT THE LOCAL LICENSING BOARD OF A DIFFERENT JURISDICTION ISSUES ONLY FOR USE BY A RESTAURANT.

21-903.

(a) There is a Class BDR (deluxe restaurant) beer, wine, and liquor license.

(b) The Board may issue the license to a holder of:

~~(1) a Class B beer and wine license;~~ ANY CLASS B ALCOHOLIC BEVERAGES LICENSE ISSUED BY THE BOARD; OR

~~(2) a Class B beer, wine, and liquor license; [or]~~

~~(3) a Class B Resort beer, wine, and liquor license; OR~~

~~(4)~~ AN EQUIVALENT LICENSE THAT THE LOCAL LICENSING BOARD OF A DIFFERENT JURISDICTION ISSUES ONLY FOR USE BY A RESTAURANT.

(c) (1) The Board may issue the license for use by a deluxe restaurant as defined by the Board with:

(i) seating at tables, not including seats at bars or counters, for at least [85] **20** individuals; and

(ii) a capital investment of at least \$250,000 for the restaurant facilities, not including the cost of land or buildings.

(2) If an applicant purchases or leases an existing building, the capital investment attributable to the cost of the land and improvements shall be based on the assessed value of the land and improvements in accordance with the records of the State Department of Assessments and Taxation at the time of purchase or lease.

(3) The license authorizes the license holder to sell, at retail, at the place described in the license:

(i) beer, wine, and liquor for on-premises consumption; and

(ii) beer for off-premises consumption.

21-1101.

(a) Section 4-1103 (“Removal of partially consumed bottle of wine from licensed premises”) of Division I of this article applies in the county without exception or variation.

(b) [Section 4-1105 (“Refillable container permit — Wine”) of Division I of this article does not apply in the county.

(c) The following sections of Title 4, Subtitle 11 (“Additional License Privileges”) of Division I of this article apply in the county:

(1) § 4-1102 (“Corkage — Consuming wine not purchased from license holder on licensed premises”), in addition to § 21-1102 of this subtitle;

(2) § 4-1104 (“Refillable container permit — Draft beer”), subject to § 21-1104 of this subtitle; [and]

(3) **§ 4-1105 (“REFILLABLE CONTAINER PERMIT – WINE”), SUBJECT TO § 21-1104.1 OF THIS SUBTITLE; AND**

(4) § 4-1106 (“Nonrefillable container permit — Draft beer”), subject to [§ 21-1104.1] **§ 21-1104.2** of this subtitle.

21-1104.1.

(A) THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR WINE TO A HOLDER OF A LICENSE THAT ENTITLES THE HOLDER TO SELL WINE FOR OFF-PREMISES CONSUMPTION.

(B) (1) THE ANNUAL PERMIT FEE IS \$75.

(2) THE BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW PERMIT IN AN AMOUNT EQUAL TO THE ANNUAL PERMIT FEE.

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 574

(Senate Bill 663)

AN ACT concerning

State Board of Dental Examiners – Dental Specialization – Requirements

FOR the purpose of altering the entity whose requirements regarding specialties an applicant for a teacher's license to practice dentistry must meet under certain circumstances; altering the entity with respect to which the State Board of Dental Examiners is authorized to approve an area of specialty recognized by the entity; providing that certain qualifications required for applicants for Board recognition as a specialist may include requirements established by certain specialty certification boards; altering the entity with respect to which the Board is authorized to consider specialties recognized and approved by the entity in approving additional specialties; altering the entity with respect to which the Board is a depository for and the arbitrator of the entity's specialty qualification standards; and generally relating to requirements for dental specialization.

BY repealing and reenacting, with amendments,
 Article – Health Occupations
 Section 4–302(g) and 4–504
 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

4–302.

(g) In addition to the requirements of subsections (a), (b), (c), and (d) of this

section, to qualify for a teacher's license to practice dentistry, the applicant shall:

- (1) Be licensed to practice dentistry in any other state;
- (2) Have been active in the dental profession for at least 5 years;
- (3) Be a full-time or part-time faculty member at a college or university where the applicant teaches a subject required by the dental school of that college or university; and
- (4) If the applicant is engaged in a teaching area that is designated as a specialty by the [American Dental Association] **NATIONAL COMMISSION ON RECOGNITION OF DENTAL SPECIALTIES AND CERTIFYING BOARDS**, meet the requirements established by the [American Dental Association] **NATIONAL COMMISSION ON RECOGNITION OF DENTAL SPECIALTIES AND CERTIFYING BOARDS** for that specialty.

4-504.

(a) A licensed dentist may not represent to the public that the licensee is a specialist in any field of specialized dental practice unless identified as a specialist in that field by the Board.

(b) If a licensed dentist requests, the Board shall determine whether the licensee qualifies for Board identification as a specialist.

(c) The Board may approve any area of specialty recognized by the [Commission on Dental Accreditation] **NATIONAL COMMISSION ON RECOGNITION OF DENTAL SPECIALTIES AND CERTIFYING BOARDS** or its successor organization.

(d) (1) The Board shall adopt rules and regulations concerning application procedures, fees, and required qualifications for identification as a specialist.

(2) The qualifications required of applicants for Board identification as a specialist may include:

(i) The requirements established by various specialty certifying boards of the American Dental Association **OR SPECIALTY CERTIFYING BOARDS RECOGNIZED BY THE NATIONAL COMMISSION ON RECOGNITION OF DENTAL SPECIALTIES AND CERTIFYING BOARDS**;

(ii) Education;

(iii) Professional experience; and

(iv) Whether, before July 1, 1979, the applicant represented to the

public, in an ethical manner, that the applicant was a specialist.

(e) In approving additional specialties, the Board may consider those fields recognized and approved by the [American Dental Association] **NATIONAL COMMISSION ON RECOGNITION OF DENTAL SPECIALTIES AND CERTIFYING BOARDS.**

(f) The Board is a depository for and the arbitrator of the specialty qualification standards of the [American Dental Association in this State] **NATIONAL COMMISSION ON RECOGNITION OF DENTAL SPECIALTIES AND CERTIFYING BOARDS.**

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 575

(Senate Bill 692)

AN ACT concerning

Health Occupations – Physical Therapists and Physical Therapist Assistants – Qualifications

FOR the purpose of establishing a certain educational qualification for an applicant for a physical therapist assistant license who was educated in limited physical therapy outside of any state; altering certain educational qualifications for certain applicants for physical therapy licenses or physical therapist assistant licenses who were educated in any state; making technical and conforming changes; and generally relating to qualifications for physical therapy licenses and physical therapist assistant licenses.

BY repealing and reenacting, with amendments,
 Article – Health Occupations
 Section 13–303 and 13–304
 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

13–303.

(a) If an applicant for a physical therapy license has been educated in physical therapy in any state, the applicant shall have:

(1) Graduated from a physical therapy program that, in the year of graduation, was [approved by]:

(i) [The American Medical Association;

(ii) The] **APPROVED BY THE** American Physical Therapy Association; or

[(iii)] **(II) [The] ACCREDITED BY THE** Commission on Accreditation [of] **IN** Physical Therapy Education; and

(2) Completed satisfactorily the clinical ~~training~~ **EDUCATION** required by the physical therapy [curriculum] **PROGRAM**.

(b) If an applicant for a physical therapy license has been educated in physical therapy outside of any state, the applicant shall have graduated from a physical therapy program that in the year of graduation had educational requirements equivalent to a degree in physical therapy from a United States program accredited by the Commission on Accreditation [of] **IN** Physical Therapy Education.

13-304.

(A) [To qualify] IF AN APPLICANT for a physical therapist assistant license **HAS BEEN EDUCATED IN LIMITED PHYSICAL THERAPY IN ANY STATE, [an] THE** applicant shall have:

(1) Graduated from a [curriculum for] physical therapist [assistants] **ASSISTANT PROGRAM** that is [approved]:

(I) APPROVED by the American Physical Therapy Association; **OR**

(II) ACCREDITED BY THE COMMISSION ON ACCREDITATION IN PHYSICAL THERAPY EDUCATION; and

(2) Completed satisfactorily the clinical ~~training~~ **EDUCATION** required by the [curriculum for] physical therapist [assistants] **ASSISTANT PROGRAM**.

(B) IF AN APPLICANT FOR A PHYSICAL THERAPIST ASSISTANT LICENSE HAS BEEN EDUCATED IN LIMITED PHYSICAL THERAPY OUTSIDE OF ANY STATE, THE APPLICANT SHALL HAVE GRADUATED FROM A PHYSICAL THERAPIST ASSISTANT PROGRAM THAT IN THE YEAR OF GRADUATION HAS EDUCATIONAL REQUIREMENTS

EQUIVALENT TO A DEGREE IN LIMITED PHYSICAL THERAPY FROM A PROGRAM IN THE UNITED STATES ACCREDITED BY THE COMMISSION ON ACCREDITATION IN PHYSICAL THERAPY EDUCATION.

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 576

(Senate Bill 693)

AN ACT concerning

State Personnel – Maryland Department of Health – Pay Rates and Staffing Requirements

FOR the purpose of requiring that the pay rate for certain employees at Clifton T. Perkins Hospital be at least a certain number of grades higher than a certain pay rate effective on a certain date; requiring that the pay rate for certain employees in the Behavioral Health Administration or the Developmental Disabilities Administration be equal to the pay rate effective on a certain date for certain employees at Clifton T. Perkins Hospital under certain circumstances; requiring, beginning on a certain date, certain facilities to ensure that certain new employees are employed in a certain position; requiring, beginning on ~~a certain date~~ dates, certain facilities to reclassify certain employees on successful completion of a certain course and ensure certain employee-to-patient ratios for certain ~~units~~ facilities; providing for the application and construction of certain provisions of this Act; and generally relating to the Maryland Department of Health, pay rates for employees, and facility staffing requirements.

BY adding to

Article – State Personnel and Pensions

Section 8–203

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

8–203.

(A) (1) THIS SUBSECTION APPLIES TO EMPLOYEES IN THE MARYLAND DEPARTMENT OF HEALTH WHO:

(I) HAVE DIRECT CONTACT WITH PATIENTS; AND

(II) ARE IN A POSITION CLASSIFIED IN ONE OF THE FOLLOWING BARGAINING UNITS:

1. BARGAINING UNIT D FOR HEALTH AND HUMAN SERVICES NON-PROFESSIONALS;

2. BARGAINING UNIT E FOR HEALTH CARE PROFESSIONALS;

3. BARGAINING UNIT F FOR SOCIAL AND HUMAN SERVICES PROFESSIONALS; OR

4. BARGAINING UNIT H FOR PUBLIC SAFETY AND SECURITY PERSONNEL.

(2) THE PAY RATE FOR AN EMPLOYEE AT THE CLIFTON T. PERKINS HOSPITAL WHO IS NOT RECEIVING A FORENSIC PAY PREMIUM SHALL BE AT LEAST TWO GRADES HIGHER THAN THE EMPLOYEE'S PAY RATE EFFECTIVE JUNE 30, 2020.

(3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PAY RATE FOR AN EMPLOYEE IN THE BEHAVIORAL HEALTH ADMINISTRATION OR THE DEVELOPMENTAL DISABILITIES ADMINISTRATION SHALL BE EQUAL TO THE PAY RATE EFFECTIVE JULY 1, 2020, FOR SIMILARLY TRAINED, QUALIFIED, OR LICENSED EMPLOYEES AT THE CLIFTON T. PERKINS HOSPITAL IF THE EMPLOYEE WORKS AT A FACILITY THAT HAD A FORENSIC ADMISSION RATE GREATER THAN 75% FOR THE IMMEDIATELY PRECEDING FISCAL YEAR.

(4) THIS SUBSECTION MAY NOT BE CONSTRUED TO DECREASE THE PAY RATE OF ANY EMPLOYEE.

(B) (1) ~~BEGINNING JULY 1, 2020, FOR~~ FOR ANY FACILITY THAT HAD A FORENSIC ADMISSION RATE GREATER THAN 75% FOR THE IMMEDIATELY PRECEDING FISCAL YEAR, THE FACILITY SHALL:

(I) BEGINNING JULY 1, 2020, ENSURE THAT ANY NEW EMPLOYEES HIRED FOR A SECURITY PERSONNEL POSITION AT THE FACILITY ARE EMPLOYED IN A SECURITY ATTENDANT POSITION;

(II) BEGINNING JULY 1, 2020, RECLASSIFY ANY EMPLOYEE IN A BUILDING SECURITY OFFICER POSITION INTO A SECURITY ATTENDANT POSITION ON THE SUCCESSFUL COMPLETION BY THE EMPLOYEE OF A CORRECTIONAL TRAINING COURSE APPROVED BY THE CORRECTIONAL TRAINING COMMISSION UNDER TITLE 8, SUBTITLE 2 OF THE CORRECTIONAL SERVICES ARTICLE; AND

(III) BEGINNING JULY 1, 2021, ENSURE THAT THE SECURITY ATTENDANT EMPLOYEE-TO-PATIENT RATIO IS NOT LESS THAN:

1. ONE SECURITY ATTENDANT EMPLOYEE FOR EVERY THREE PATIENTS IN MAXIMUM SECURITY ~~UNITS~~ FACILITIES; AND

2. ONE SECURITY ATTENDANT EMPLOYEE FOR EVERY 12 PATIENTS IN MINIMUM SECURITY ~~UNITS~~ FACILITIES.

(2) THIS SUBSECTION MAY NOT BE CONSTRUED TO ELIMINATE THE POSITION, OR DECREASE PAY, OF ANY EMPLOYEE IN A BUILDING SECURITY OFFICER POSITION WHO CHOOSES NOT TO PARTICIPATE IN, OR FAILS, A CORRECTIONAL TRAINING COURSE APPROVED BY THE CORRECTIONAL TRAINING COMMISSION UNDER TITLE 8, SUBTITLE 2 OF THE CORRECTIONAL SERVICES 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 577

(Senate Bill 705)

AN ACT concerning

Maryland Transit Administration – Disabled Reduced Fare Program – Opioid Treatment Program Patients

FOR the purpose of requiring the Maryland Transit Administration to make available to opioid treatment programs certain transit passes that are for use by certain patients and may be issued in a certain manner; requiring the transit passes to be made available at a certain price; requiring the Administration to adopt certain regulations; requiring the Administration to submit a certain report beginning on or before a certain date, and on or before a certain date each year thereafter; and

generally relating to the Maryland Transit Administration and transit passes for patients at opioid treatment programs.

BY adding to

Article – Transportation

Section 7–712

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

7–712.

(A) (1) THE ADMINISTRATION SHALL MAKE AVAILABLE TO OPIOID TREATMENT PROGRAMS MONTHLY TRANSIT PASSES THAT:

(I) ARE FOR USE BY PATIENTS OF OPIOID TREATMENT PROGRAMS WHO QUALIFY FOR THE ADMINISTRATION’S DISABLED REDUCED FARE PROGRAM; AND

(II) MAY BE ISSUED TO PATIENTS ON SITE AT OPIOID TREATMENT PROGRAMS BY OPIOID TREATMENT PROGRAM STAFF.

(2) THE TRANSIT PASSES ISSUED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE MADE AVAILABLE AT A REDUCED PRICE THAT REFLECTS THE PRICE OF A MONTHLY PASS ISSUED UNDER THE DISABLED REDUCED FARE PROGRAM AS OF OCTOBER 1, 2020, LESS ANY COST SAVINGS TO THE ADMINISTRATION THAT RESULT FROM HAVING PARTICIPATING OPIOID TREATMENT PROGRAMS ISSUING TRANSIT PASSES DIRECTLY TO PATIENTS.

(B) THE ADMINISTRATION SHALL ADOPT REGULATIONS TO ESTABLISH THE PROCESS BY WHICH PARTICIPATING OPIOID TREATMENT PROGRAMS MAY ISSUE TRANSIT PASSES UNDER THIS SECTION.

(C) ON OR BEFORE DECEMBER 1, 2021, AND ON OR BEFORE DECEMBER 1 EACH YEAR THEREAFTER, THE ADMINISTRATION, IN CONSULTATION WITH PARTICIPATING OPIOID TREATMENT PROGRAM PROVIDERS, SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE STATUS OF THE IMPLEMENTATION OF THE REQUIREMENTS UNDER THIS SECTION.

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

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

Chapter 578

(Senate Bill 726)

AN ACT concerning

Education – School Physical Examinations – Physician Assistant

FOR the purpose of altering the types of health care providers required to complete a physical examination of a student entering the Maryland Public School System for the first time to include a physician ~~assistant~~; assistant with a certain approval from the State Board of Physicians; clarifying that a physician must be licensed in order to complete a physical examination of a certain student; and generally relating to school physical examinations.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–402
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

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

Article – Education

7–402.

(a) The Department of Education in consultation with the Maryland Department of Health shall adopt regulations requiring a physical examination for children entering the Maryland Public School System for the first time.

(b) The regulations shall require each child entering the Maryland Public School System for the first time to have a physical examination completed within:

- (1) The 9–month period before entering the public school system; or
- (2) The 6–month period after entering the public school system.

(c) The physical examination required under subsection (b) of this section shall be completed by:

(1) A *LICENSED* physician; [or]

(2) A LICENSED PHYSICIAN ASSISTANT WITH A DELEGATION AGREEMENT APPROVED BY THE STATE BOARD OF PHYSICIANS; OR

(3) A certified nurse practitioner.

(d) (1) For each school year each public school shall report to the county board or county health department the number of children entering the public school system for the first time who have not had a physical examination because of:

(i) The lack of access to health care;

(ii) Insufficient financial resources; or

(iii) Any other reason, including a religious reason, as the public school deems appropriate.

(2) The county board or county health department shall report the information obtained under paragraph (1) of this subsection to the Maryland Department of Health.

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 579

(Senate Bill 732)

AN ACT concerning

Health Occupations – Athletic Training – Revisions

FOR the purpose of altering the definition of “practice athletic training”; ~~requiring a licensed athletic trainer to practice athletic training in accordance with standards of practice established by certain organizations;~~ repealing certain provisions of law requiring an athletic trainer to practice in a certain setting; altering the information that is required to be included in an evaluation and treatment protocol; authorizing an athletic trainer to provide treatment for not more than a certain number of days

to a certain athletic individual except under certain circumstances; providing that preventive care is not considered treatment for a certain purpose; repealing certain definitions; defining a certain term; repealing certain obsolete provisions; making conforming changes; and generally relating to the Maryland Athletic Trainers Act.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 14–5D–01, 14–5D–05, 14–5D–07(a), 14–5D–10, and 14–5D–11

Annotated Code of Maryland

(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 14–5D–04

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

14–5D–01.

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

(b) “Alternate supervising physician” means one or more physicians designated by the supervising physician to provide supervision of an athletic trainer:

(1) During the absence of the supervising physician; and

(2) In accordance with the evaluation and treatment protocol on file with the Board.

[(c) “Athlete” means an individual who participates in an athletic activity.

(d) “Athletic activity” means exercise, recreation, sport, competition, or game that:

(1) Requires physical strength, range of motion, flexibility, control, speed, stamina, or agility; and

(2) Is associated with a setting as defined under this section, an educational institution, or a professional, amateur, or recreational sports club or athletic organization.

(e) “Athletic injury” means an injury that affects an athlete’s participation or performance in an athletic activity.]

(C) “ATHLETIC INDIVIDUAL” MEANS AN INDIVIDUAL WHO PARTICIPATES IN AN ATHLETIC ACTIVITY, A JOB FUNCTION, OR A JOB-RELATED ACTIVITY THAT REQUIRES PHYSICAL STRENGTH, RANGE OF MOTION, FLEXIBILITY, CONTROL, SPEED, STAMINA, OR AGILITY.

[(f)] ~~(E)~~ **(D)** “Board” means the State Board of Physicians.

[(g)] ~~(D)~~ **(E)** “Committee” means the Athletic Trainer Advisory Committee established under § 14–5D–04 of this subtitle.

[(h)] “Educational institution” includes:

(1) The schools in the public elementary and secondary education system of the State;

(2) A noncollegiate educational institution governed under § 2–206 of the Education Article; and

(3) An institution of higher education as defined in § 10–101 of the Education Article.]

[(i)] ~~(E)~~ **(F)** “Evaluation and treatment protocol” means a document that is executed by a physician and an athletic trainer that meets the requirements of § 14–5D–11 of this subtitle.

[(j)] ~~(F)~~ **(G)** “License” means a license issued by the Board to practice athletic training.

[(k)] ~~(G)~~ **(H)** “Licensed athletic trainer” means an individual who is licensed by the Board to practice athletic training.

[(l)] ~~(H)~~ **(I)** “Licensed health care practitioner” means an individual licensed, certified, or otherwise authorized to practice a health occupation under this article.

[(m)] ~~(I)~~ **(J)** “National certifying board” means the National Athletic Trainers’ Association Board of Certification, Inc., or its successor organization.

[(n)] ~~(J)~~ **(K)** “Nonsupervising physician” means a physician licensed by the Board who is not the supervising physician of the licensed athletic trainer.

[(o)] ~~(K)~~ **(L)** “Outside referral” means a request for treatment from a nonsupervising physician or licensed health care practitioner.

~~[(p)]~~ ~~(L)~~ **(M)** (1) “Practice athletic training” means application of the following principles and methods for managing [athletic] injuries for ~~athletes~~ ATHLETIC INDIVIDUALS in good overall health; ~~INDIVIDUALS~~ under the supervision of a licensed physician:

(i) Prevention **AND WELLNESS PROMOTION**;

(ii) Clinical evaluation, **EXAMINATION, ~~DIAGNOSIS,~~ and assessment, AND DETERMINATION OF A PLAN OF CARE, INCLUDING APPROPRIATE REFERRALS**;

(iii) Immediate care **AND EMERGENCY CARE**; and

(iv) Treatment, rehabilitation, and reconditioning.

(2) “Practice athletic training” includes:

(i) Organization and administration of an athletic training program; [and]

(ii) Instruction to coaches, athletes, parents, medical personnel, and community members regarding the care and prevention of [athletic] injuries; **AND**

~~(III) MAKING CLINICAL DECISIONS TO DETERMINE WHETHER A CONSULTATION OR REFERRAL IS NECESSARY~~ **RECOGNITION AND MANAGEMENT OF A CONCUSSION, INCLUDING MANAGEMENT OF AN ATHLETIC INDIVIDUAL’S PROGRESSIVE RETURN TO ACTIVITY.**

(3) “Practice athletic training” does not include:

(i) The practice of:

1. Chiropractic, including adjustments, manipulation, or high velocity mobilizations of the spine or extremities;

2. Massage therapy;

3. Medicine;

4. Occupational therapy;

5. Physical therapy; or

6. Podiatry;

(ii) The reconditioning of systemic neurologic injuries, conditions, or disease; or

(iii) ~~Except for the conditioning of an [athlete] INDIVIDUAL under the supervision of a treating physician, the treatment, rehabilitation, or reconditioning of [nonathletic] injuries or~~ **THE TREATMENT OF** disease.

[(q) “Setting” means a:

(1) Location where an athletic activity, as defined in subsection (d) of this section, is being held;

(2) Health or fitness club;

(3) Clinic or hospital;

(4) Corporation; or

(5) Government agency.]

[(r) ~~(M)~~ (N) “Supervising physician” means a physician who has been approved by the Board to supervise one or more athletic trainers.

[(s) ~~(N)~~ (O) “Supervision” means the responsibility of a physician to provide ongoing and immediately available instruction, in person, by telephone, or by other electronic means, that is adequate to ensure the safety and welfare of a patient and is appropriate to the setting.

14-5D-04.

There is an Athletic Trainer Advisory Committee within the Board.

14-5D-05.

(a) The Committee consists of 11 members appointed by the Board as follows:

(1) [(i) On or before September 30, 2011, three athletic trainers who:

1. Are certified by a national certifying board; and

2. Have a minimum of 5 years of clinical experience; and

(ii) On or after October 1, 2011, three] **THREE** licensed athletic trainers who:

[1.] (i) Are certified by a national certifying board; and

[2.] (II) Have a minimum of 5 years of clinical experience;

(2) Three licensed physicians:

(i) At least one of whom is a specialist in orthopedic or sports medicine; and

(ii) Two of whom previously or currently have partnered with or directed an athletic trainer;

(3) One licensed chiropractor who has sports medicine experience;

(4) One licensed physical therapist;

(5) One licensed occupational therapist; and

(6) Two consumer members.

(b) (1) The athletic trainer members may be appointed by the Board from a list of qualified individuals submitted to the Board by the Maryland Athletic Trainers Association, Inc.

(2) The Board may request an additional list of nominees for each vacancy.

(c) The consumer member of the Committee:

(1) Shall be a member of the general public;

(2) May not be or ever have been:

(i) An athletic trainer;

(ii) A health care professional; or

(iii) In training to be an athletic trainer or other health professional;

and

(3) May not:

(i) Participate or ever have participated in a commercial or professional field related to athletic training;

(ii) Have had within 2 years before appointment a financial interest in a person regulated by the Board; or

(iii) Have had within 2 years before appointment a financial interest in the provision of goods or services to athletic trainers or to the field of athletic training.

(d) (1) The term of a member is 3 years.

(2) The terms of members are staggered as required by the terms provided for members of the Committee on October 1, 2009.

(3) At the end of a term, a member continues to serve until a successor is appointed.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed.

(e) (1) From among its members, the Committee shall elect a chair every 2 years.

(2) The chair shall serve in an advisory capacity to the Board as a representative of the Committee.

14-5D-07.

(a) Except as otherwise provided in this subtitle, [on or after October 1, 2011,] an individual shall be licensed by the Board before the individual may practice athletic training in the State.

14-5D-10.

(a) An athletic trainer license authorizes the licensee to practice athletic training services [in an approved setting] while the license is effective.

(b) A licensed athletic trainer shall practice athletic training in accordance with the ~~evaluation~~;

~~(1) EVALUATION and treatment protocol between the athletic trainer and a licensed physician; AND~~

~~(2) STANDARDS OF PRACTICE ESTABLISHED BY:~~

~~(I) THE NATIONAL ATHLETIC TRAINERS' ASSOCIATION;~~

~~(II) THE BOARD OF CERTIFICATION FOR THE ATHLETIC TRAINER; OR~~

~~(III) ANY OTHER NATIONAL CERTIFYING ORGANIZATION APPROVED BY THE BOARD.~~

14-5D-11.

(a) Nothing in this title may be construed to authorize an athletic trainer to practice except under the supervision of a licensed physician [and in an approved setting].

(b) Before an athletic trainer may practice athletic training, the athletic trainer shall:

(1) Obtain a license under this subtitle;

(2) Enter into a written evaluation and treatment protocol with a licensed physician; and

(3) Except as provided in § 14-5D-11.3(a) of this subtitle, obtain Board approval of the evaluation and treatment protocol.

(c) An evaluation and treatment protocol shall:

(1) Describe the qualifications of the licensed physician and licensed athletic trainer;

[(2) Describe the settings where the athletic trainer may practice;]

[(3) (2) Describe the physician supervision mechanisms that the physician will use to give direction to the athletic trainer;

[(4) (3) [Specify] **DESCRIBE** the treatment procedures the athletic trainer may perform;

[(5) (4) Describe tasks the athletic trainer may not perform;

[(6) (5) Describe specialized tasks the supervising physician is delegating to the athletic trainer to perform with documentation of competencies, certification, credentials, or any other requirements established by the Board to support the delegation of the specialized tasks;

[(7) (6) Indicate whether the athletic trainer may accept outside referrals from nonsupervising physicians and other licensed health care practitioners;

[(8) (7) Designate an alternate supervising physician, if appropriate or necessary; and

[(9) (8) Contain an attestation that states the supervising physician will be responsible for providing ongoing and immediately available instruction that is adequate to ensure the safety and welfare of a patient and is appropriate to the setting.

(d) An athletic trainer may accept an outside referral from a nonsupervising physician or licensed health care practitioner if:

(1) The supervising physician specifies in the evaluation and treatment protocol that the athletic trainer may accept referrals from a nonsupervising physician or licensed health care practitioner;

(2) The nonsupervising physician or licensed health care practitioner has seen the [athlete] **ATHLETIC INDIVIDUAL** and has written an order for the care of the [athlete] **ATHLETIC INDIVIDUAL**; and

(3) The treatment procedures to be used by the athletic trainer are:

(i) Within the scope of practice of an athletic trainer; and

(ii) Included in the evaluation and treatment protocol that the athletic trainer has entered into with the supervising physician.

(E) (1) AN ATHLETIC TRAINER MAY PROVIDE TREATMENT FOR NOT MORE THAN 14 DAYS TO AN ATHLETIC INDIVIDUAL WITH AN INJURY THAT AFFECTS JOB FUNCTION OR JOB-RELATED ACTIVITY UNLESS THE ATHLETIC TRAINER HAS RECEIVED A REFERRAL FROM A HEALTH CARE PROVIDER LICENSED UNDER THIS ARTICLE OTHER THAN UNDER THIS SUBTITLE TO TREAT THE INDIVIDUAL.

(2) FOR THE PURPOSE OF PARAGRAPH (1) OF THIS SUBSECTION, PREVENTIVE CARE IS NOT CONSIDERED TREATMENT.

~~(E)~~ **(F)** In the event of a sudden departure, incapacity, or death of a supervising physician, a designated alternate supervising physician may assume the role of the supervising physician by submitting an evaluation and treatment protocol to the Board within 15 days of the event.

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 580

(Senate Bill 747)

AN ACT concerning

**Economic Development – Maryland Technology Development Corporation –
Revision**

FOR the purpose of revising, restating, and recodifying the laws of the State relating to the Maryland Technology Development Corporation; making certain technical and stylistic changes; requiring the Maryland Technology Development Corporation to review certain provisions of the Annotated Code of Maryland and report to the General Assembly on or before a certain date; providing for the construction of this Act; authorizing the publisher of the Annotated Code to make certain corrections in a certain manner; and generally relating to the Maryland Technology Development Corporation.

BY repealing and reenacting, with amendments,

Article – Economic Development

Section 10–401, 10–403, 10–409, 10–432, 10–454, 10–457, 10–459, and 10–463; 10–468 through 10–470 to be under the amended part “Part VII. Enterprise Fund”; 10–473 through 10–478 to be under the new subtitle “Subtitle 4A. Invest Maryland Program” and the new part “Part I. General Provisions”; 10–481 through 10–484 to be under the amended part “Part II. Designated Capital”; 10–487 through 10–494 to be under the amended part “Part III. Venture Firms and Investments”; and 10–496 through 10–499 to be under the amended part “Part IV. Miscellaneous”

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,

Article – Economic Development

Section 10–402, 10–404 through 10–408, 10–410 through 10–415, 10–418 through 10–426, 10–429 through 10–431, 10–434 through 10–442, 10–445 through 10–451, 10–455, 10–456, 10–458, 10–460, 10–464, and 10–465

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY repealing

Article – Economic Development

The part designation “Part VIII. Maryland Venture Fund Authority” immediately preceding Section 10–473

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

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

Article – Economic Development

Subtitle 4. Maryland Technology Development Corporation.

Part I. General Provisions.

10–401.

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

(b) “Board” means the Board of Directors of the Corporation.

(c) “Corporation” means the Maryland Technology Development Corporation.

(d) “Improve” means to add, alter, construct, equip, expand, extend, improve, install, reconstruct, rehabilitate, remodel, or repair.

(e) [“Improvement” means addition, alteration, construction, equipping, expansion, extension, improvement, installation, reconstruction, rehabilitation, remodeling, or repair.

(f) “Investment committee” means a committee appointed by the Board to advise on and approve investments as required under this subtitle.

[(g)] (F) “Principal business operations” means the headquarters from which the business’s officers direct, control, and coordinate the business’s activities.

[(h)] (G) “Qualified business” means a business that, at the time of the first investment in the business under a program of the Corporation, except as otherwise provided in this subtitle:

(1) (i) has its principal business operations located in the State, has over half its workforce working in the State, and intends to maintain its principal business operations in the State after receiving an investment under the program; or

(ii) is a business or start–up business that is approved by the investment committee and will, as a result of the investment, have a substantial economic impact in the State through job creation, capital investment, and contribution to the State’s technology ecosystem;

(2) has agreed to use the investment primarily to:

(i) support business operations in the State; or

(ii) in the case of a start–up company, establish and support business operations in the State;

(3) has not more than 250 employees; and

(4) is not primarily engaged in:

- (i) retail sales;
- (ii) real estate development;
- (iii) the business of insurance, banking, or lending; or
- (iv) the provision of professional services by accountants, attorneys, or physicians.

10–402.

- (a) There is a Maryland Technology Development Corporation.
- (b) The Corporation is a body politic and corporate and is an instrumentality of the State.
- (c) The purposes of the Corporation are to:
 - (1) assist in transferring to the private sector the results and products of scientific research and development conducted by colleges, universities, and federal research institutions in the State;
 - (2) assist in commercializing those results and products;
 - (3) assist in commercializing technology developed in the private sector;
 - (4) foster the commercialization of research and development conducted by colleges, universities, and the private sector to create and sustain businesses throughout all regions of the State;
 - (5) generally assist early–stage and start–up businesses in the State;
 - (6) invest in Maryland–based technology companies and promote the commercialization and growth of technology companies and jobs in the State;
 - (7) build a long–term entrepreneurial capacity and sustained venture capital presence in the State;
 - (8) create pathways to follow–on financing in the State; and
 - (9) foster inclusive and diverse entrepreneurship and innovation throughout the State, which may include initiatives to raise awareness of programs to assist small, minority, and women–owned businesses through marketing and other efforts.

10–403.

- (a) (1) A Board of Directors shall manage the Corporation and its units and

exercise its corporate powers.

(2) (i) **[A] THE** Board of Directors may appoint members of an advisory committee.

(ii) If **[a] THE** Board of Directors appoints an advisory committee, the Board shall adopt policies establishing the responsibilities of the advisory committee.

(b) The Board consists of the following 15 members:

(1) the Secretary or the Secretary's designee; and

(2) fourteen members appointed by the Governor with the advice and consent of the Senate:

(i) two representing the nonprofit research sector of the State;

(ii) two with expertise in venture capital financing;

(iii) five with experience in technology-based businesses;

(iv) two representing colleges and universities; and

(v) three members of the general public.

(c) A member of the Board shall reside in the State.

(d) In making appointments to the Board, the Governor shall consider:

(1) diversity; and

(2) all geographic regions of the State.

(e) 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.

(f) (1) The term of an appointed member is 4 years.

(2) The terms of the appointed members are staggered as required by the terms provided for members on October 1, 2008.

(3) At the end of a term, an appointed member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(g) The Governor may remove an appointed member for incompetence, misconduct, or failure to perform the duties of the position.

(h) The Board shall elect a chair from among its members.

(i) The Board may act with an affirmative vote of nine Board members.

10-404.

(a) The Corporation shall employ an Executive Director.

(b) The Executive Director shall have experience with and possess qualifications relevant to the activities and purposes of the Corporation.

10-405.

(a) The Attorney General is the legal advisor to the Corporation.

(b) (1) The Attorney General shall assign to the Corporation assistant Attorneys General.

(2) The Attorney General shall designate one assistant Attorney General as general counsel to the Corporation.

(3) (i) The general counsel to the Corporation shall:

1. advise the Executive Director, Board of Directors, and any other official of the Corporation as requested by the Corporation;
2. supervise the other assistant Attorneys General assigned to the Corporation; and
3. perform for the Corporation other duties the Attorney General assigns.

(ii) The general counsel may not provide any other assistance not specified in subparagraph (i) of this paragraph.

(c) With the approval of the Attorney General, the Corporation may retain any additional necessary lawyers.

10-406.

The Corporation may retain any necessary accountants, engineers, financial advisors, or other consultants.

10–407.

(a) Except as provided in subsections (b), (c), and (e) of this section, the Corporation is exempt from:

(1) Title 10 and Division II of the State Finance and Procurement Article;
and

(2) §§ 3–301 and 3–303 of the General Provisions Article.

(b) The Corporation is subject to the Public Information Act.

(c) The Board, the officers and employees of the Corporation, members of the investment committee, and members of any advisory committee appointed are subject to the Public Ethics Law.

(d) The officers and employees of the Corporation are not subject to the provisions of Division I of the State Personnel and Pensions Article that govern the State Personnel Management System.

(e) (1) The Corporation, its Board, and employees are subject to Title 12, Subtitle 4 of the State Finance and Procurement Article.

(2) The Board, the officers and employees of the Corporation, the members of the investment committee, and the members of any advisory committee appointed shall disclose to the State Ethics Commission whether they are employed by or have a financial interest in an entity that currently has or will apply for funds or an investment in a program administered by the Corporation.

10–408.

(a) The Corporation shall adopt regulations establishing:

(1) the investment committee;

(2) the responsibilities of the investment committee; and

(3) the procedures for the appointment of investment committee members.

(b) The Corporation may:

(1) adopt bylaws for the conduct of its business;

(2) adopt a seal;

- (3) maintain offices at a place it designates in the State;
- (4) accept loans, grants, or assistance of any kind from the federal or State government, a local government, a college or university, or a private source;
- (5) enter into contracts and other legal instruments;
- (6) sue or be sued;
- (7) acquire, purchase, hold, lease as lessee, and use:
 - (i) a franchise, patent, or license;
 - (ii) any real, personal, mixed, tangible, or intangible property; or
 - (iii) an interest in the property listed in this item;
- (8) sell, lease as lessor, transfer, license, assign, or dispose of property or a property interest that it acquires;
- (9) fix and collect rates, rentals, fees, royalties, and charges for services and resources it provides or makes available;
- (10) create, own, control, or be a member of a corporation, limited liability company, partnership, or other entity, whether operated for profit or not for profit;
- (11) exercise power usually possessed by a private corporation in performing similar functions unless to do so would conflict with State law; and
- (12) do all things necessary or convenient to carry out the powers granted by this subtitle.

10-409.

(a) Except as provided in subsection (c) of this section, the Corporation may make grants to or provide equity investment financing for technology-based businesses, if:

- (1) the investments are made to a qualified business;
- (2) the investments are made on review and approval of a written application that:
 - (i) contains sufficient information to verify that the qualified business has its principal business operations in the State or will have a substantial economic impact on the State; and

(ii) contains a certification of the veracity of the information by an authorized signatory of the qualified business; and

(3) at least the number of members that constitutes a quorum of any fund or authority has been appointed under the requirements for that fund or authority.

(b) In regard to any and all programs of the Corporation, except as otherwise provided in this subtitle **AND SUBTITLE 4A OF THIS TITLE**, the Corporation shall adopt regulations to govern investments under this subsection that specify:

(1) the types of qualified businesses in which an investment may be made;

(2) the basic standards an enterprise shall meet to qualify for an investment;

(3) the amount of money available for investment;

(4) the investment policy statement of the Corporation that describes the procedures, criteria, investment philosophy, and guidelines for how the Corporation's investment decisions will be made; and

(5) a process for the consideration of whether investments help to foster inclusive and diverse entrepreneurship, including the Corporation's support for marketing and other efforts to raise awareness of programs to assist small, minority, and women-owned businesses.

(c) The Corporation may make investments under an agreement with the Board of Trustees for the State Retirement and Pension System under § 21-123.2 of the State Personnel and Pensions Article.

10-410.

The Corporation may:

(1) acquire, develop, improve, manage, market, license, sublicense, maintain, lease as lessor or lessee, or operate a project in the State to carry out its purposes;

(2) acquire, directly or indirectly, from a person or political subdivision, by purchase, gift, or devise any property, rights-of-way, franchises, easements, or other interests in land, including submerged land and riparian rights:

(i) as necessary or convenient to improve or operate a project to carry out its purposes; and

(ii) on the terms and at the prices that it considers reasonable; and

(3) enter into a project with a manufacturer to carry out its purposes.

10-411.

A debt, claim, obligation, or liability of the Corporation or any subsidiary is not:

- (1) a debt, claim, obligation, or liability of the State, a unit or instrumentality of the State, or of a State officer or State employee; or
- (2) a pledge of the credit of the State.

10-412.

Colleges and universities may:

- (1) contract with the Corporation or its subsidiaries;
- (2) assign to the Corporation or its subsidiaries intellectual property and other resources to assist in its development and activities; and
- (3) assign faculty and staff to the Corporation.

10-413.

The Corporation is exempt from State and local taxes.

10-414.

The books and records of the Corporation are subject to audit:

- (1) at any time by the State; and
- (2) each year by an independent auditor.

10-415.

(a) (1) On or before October 1 of each year, the Corporation shall report to the Governor, the Maryland Economic Development Commission, and, in accordance with § 2-1257 of the State Government Article, the General Assembly.

(2) The report required under this subsection shall include:

- (i) a complete operating and financial statement covering the Corporation's operations;
- (ii) a summary of the Corporation's activities during the preceding fiscal year;

(iii) information on all salaries and any incentives approved by the Board for Corporation employees;

(iv) information on outreach, training, mentorship, support, and investment in minority and women-owned qualified businesses, including support for marketing by the Maryland Small Business Development Financing Authority;

(v) information on entities that have current investments and entities that received funding or investments in the current year on the:

1. principal business operations;
2. number of employees in the State and the number of employees outside the State;
3. capital or other investments made in the State; and
4. proposed and actual job creation or capital investment in the State as a result of the investment or support;

(vi) a list of businesses that have received funding that would no longer qualify as a qualified business; and

(vii) information on the creation of and appointments made to an advisory committee and the responsibilities of the advisory committee and members of the committee.

(b) (1) On a quarterly basis, the Corporation shall report to the Governor, the Maryland Economic Development Commission, and, in accordance with § 2–1257 of the State Government Article, the Joint Audit and Evaluation Committee and the General Assembly.

(2) The report required under this subsection shall include a list of the qualified businesses or other businesses receiving support through programs administered by the Corporation, including those receiving investments made under § 21–123.2 of the State Personnel and Pensions Article.

(3) The list of qualified businesses or other businesses receiving support shall include for each business:

- (i) the number of employees in the State;
- (ii) the number of employees outside the State;
- (iii) the capital or other investments made in the State; and
- (iv) proposed job creation or capital investment in the State as a

result of the investment or support.

Part II. Maryland Technology Incubator Program.

10-418.

- (a) In this part the following words have the meanings indicated.
- (b) “Financial assistance” means a grant, loan, credit enhancement, or similar assistance.
- (c) “Program” means the Maryland Technology Incubator Program.

10-419.

- (a) There is a Maryland Technology Incubator Program.
- (b) The Corporation shall administer the Program.

10-420.

The purpose of the Program is to promote entrepreneurship and the creation of jobs in technology-related industry by establishing and operating effective incubators throughout the State that provide adequate physical space designed, and programs intended, to increase or accelerate business success in the field of technology.

10-421.

To carry out the purposes of the Program, the Board shall award financial assistance under this part.

10-422.

The Board may award financial assistance using money provided by the State, the federal government, or a nongovernmental entity.

10-423.

- (a) After consulting with the Secretary, the Board shall adopt standards to award financial assistance.
- (b) The standards shall authorize the award of financial assistance to:
 - (1) support the development and use of best practices in the incubation process;
 - (2) provide strategic planning, needs assessments, and feasibility studies;

or

(3) help acquire or improve new or expanded space or improve existing space for an incubator, including providing or helping another with:

- (i) acquisition of land;
- (ii) acquisition of architectural or engineering services;
- (iii) payment of administrative costs;
- (iv) development or upgrading of communications infrastructure;
- (v) acquisition of furnishings or equipment; or
- (vi) acquisition of other items associated with tenant build-out.

10–424.

The Board may award financial assistance to:

- (1) a local government;
- (2) an agency, instrumentality, or nonprofit corporation that the local government designates;
- (3) a public or private college or university;
- (4) the Maryland Economic Development Corporation; or
- (5) a nonprofit entity operating an incubator in the State.

10–425.

(a) A recipient of financial assistance under § 10–423(b)(3) of this subtitle shall provide matching funds or in-kind contributions for the project at least equal to the financial assistance awarded.

(b) The Board may waive the requirement of subsection (a) of this section for good cause shown.

10–426.

Unless two-thirds of the membership of the Board approve, the Board may not award financial assistance within a single county under § 10–423(b)(3) of this subtitle that exceeds a total of \$1,000,000 in a single fiscal year.

Part III. Stem Cell Research.

10–429.

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

(b) “Adult stem cell” means a stem cell that is:

(1) derived from human tissue; and

(2) obtained after birth.

(c) “Commission” means the Stem Cell Research Commission.

(d) “Committee” means the independent scientific peer review committee that contracts with the Commission under § 10–436 of this subtitle.

(e) “Fund” means the Maryland Stem Cell Research Fund established under § 10–434 of this subtitle.

(f) “Human cloning” means the replication of a human being through the production of a precise genetic copy of nuclear human DNA or any other human molecule, cell, or tissue in order to create a new human being or to allow development beyond an embryo.

(g) “Institutional review board” has the meaning stated in the federal regulations on the protection of human subjects.

(h) “Oocyte” means a female germ cell or egg.

(i) “State–funded stem cell research” means stem cell research conducted with State money and using:

(1) material obtained in accordance with § 10–438 of this subtitle; or

(2) adult stem cells.

(j) “Stem cell” means a human cell that has the ability to:

(1) divide indefinitely;

(2) give rise to many other types of specialized cells; and

(3) give rise to new stem cells with identical potential.

(k) “Valuable consideration” means financial gain or advantage in connection with material obtained in accordance with § 10–438 of this subtitle.

10–430.

Nothing in this part may be construed to prohibit the creation of stem cell lines to be used for therapeutic research purposes.

10–431.

(a) There is a Stem Cell Research Commission.

(b) The Commission is an independent commission that functions in the Corporation.

(c) The Commission consists of the following members:

(1) the Attorney General or the Attorney General's designee;

(2) three patient advocates, one appointed by the Governor, one appointed by the President of the Senate, and one appointed by the Speaker of the House of Delegates;

(3) three individuals with experience in biotechnology, one appointed by the Governor, one appointed by the President of the Senate, and one appointed by the Speaker of the House of Delegates;

(4) two individuals who work as scientists for the University System of Maryland and do not engage in stem cell research, appointed by the University System of Maryland;

(5) two individuals who work as scientists for the Johns Hopkins University and do not engage in stem cell research, appointed by the Johns Hopkins University;

(6) two bioethicists, one appointed by the University System of Maryland and one appointed by the Johns Hopkins University; and

(7) two individuals with expertise in the field of biomedical ethics as it relates to religion, appointed by the Governor.

(d) (1) The term of an appointed member is 2 years.

(2) The terms of the appointed members are staggered as required by the terms provided for members on October 1, 2008.

(3) At the end of a term, an appointed member continues to serve until a successor is appointed and qualifies.

(4) An appointed member may not serve more than three consecutive full

terms.

(5) An appointed 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.

(e) Each member of the Commission shall disclose to the State Commission on Ethics whether the member is employed by or has a financial interest in an entity that may apply to conduct State-funded stem cell research.

(f) The members of the Commission shall elect a chair from among the appointed members of the Commission.

(g) A majority of the full authorized membership of the Commission is a quorum.

(h) The Commission shall meet at least twice a year.

(i) 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.

(j) The Commission may employ a staff, including contractual staff, in accordance with the State budget.

10-432.

(a) The Commission shall:

(1) adopt regulations that ensure that adult stem cell and stem cell research financed by the Fund complies with State law;

(2) develop criteria, standards, and requirements for the initial review of grant and loan applications by the Commission;

(3) review grant and loan applications to ensure that each application is complete and satisfies the criteria, standards, and requirements developed by the Commission, including approval by an institutional review board;

(4) establish procedures and guidelines to be used by the committee for the review, evaluation, ranking, and rating of research proposals for State-funded stem cell research;

(5) ensure that the procedures and guidelines established under item (4) of this subsection are based on the guidelines of the National Institutes of Health Center for Scientific Review;

(6) establish criteria, standards, and requirements for consideration of grant and loan applications based on the rankings and ratings of the committee;

(7) make recommendations consistent with the criteria, standards, and requirements established by the Commission and based on the rankings and ratings of the committee regarding the award of grants and loans from the Fund;

(8) establish standards for the oversight and use of awards;

(9) conduct progress oversight reviews of recipients;

(10) notify the Corporation regarding the submission by a recipient, or failure of a recipient, to submit institutional review board approval for a grant or loan awarded under this [subtitle] PART; and

(11) develop guidelines on disclosure and recusal to be followed by members of the Commission when considering grant and loan applications.

(b) The Commission may consult with experts in performing its duties.

10–434.

(a) There is a Maryland Stem Cell Research Fund.

(b) The purpose of the Fund is to promote State–funded stem cell research and cures through grants and loans to public and private entities in the State.

(c) The Corporation shall administer the Fund.

(d) (1) The Fund is a special, nonlapsing fund that is not subject to reversion under § 7–302 of the State Finance and Procurement Article.

(2) The Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(e) The Fund consists of:

(1) appropriations as provided in the State budget; and

(2) any other money from any other source accepted for the benefit of the Fund.

(f) Money in the Fund may only be used to:

(1) award grants and loans for State–funded stem cell research, in accordance with the recommendations of the Commission;

(2) award grants and loans for facilities, capital leases, and capital equipment where State-funded stem cell research is conducted, in accordance with the recommendations of the Commission; and

(3) pay the costs necessary to administer the Fund.

(g) (1) The Treasurer shall invest the money in the Fund in the same manner as other State money may be invested.

(2) Any investment earnings shall be paid into the Fund.

(h) (1) The Governor may include in the State budget bill each fiscal year an appropriation to the Fund.

(2) Expenditures from the Fund may only be made in accordance with an appropriation approved by the General Assembly in the State budget or by an approved budget amendment.

10-435.

(a) A grant or loan awarded under this part is contingent on the recipient:

(1) submitting to the Commission approval from an institutional review board; and

(2) entering into a memorandum of understanding with the Corporation that:

(i) establishes the scope of the State's ownership or other financial interest in the commercialization and other benefits of the results, products, inventions, and discoveries of State-funded stem cell research; and

(ii) to the extent consistent with federal and State law, reflects the intellectual property policies of the institution.

(b) A recipient shall submit the approval required under subsection (a)(1) of this section within 6 months after the award of the grant or loan.

(c) The Corporation may not disburse grant or loan money to a recipient until:

(1) the recipient has obtained the approval required under subsection (a)(1) of this section; and

(2) the recipient and the Corporation have entered into the memorandum of understanding required under subsection (a)(2) of this section.

10–436.

(a) The Commission shall contract with an independent scientific peer review committee composed of scientifically recognized experts in the field of stem cell research.

(b) The committee shall:

(1) review, evaluate, rank, and rate research proposals for State–funded stem cell research:

(i) based on the procedures and guidelines established by the Commission; and

(ii) in a manner that gives due consideration to the scientific, medical, and ethical implications of the research; and

(2) make recommendations to the Commission, based on the rankings and ratings awarded to research proposals by the committee, for the award and disbursement of grants and loans under the Fund.

(c) A member of the committee:

(1) is not eligible to receive a grant or loan for State–funded stem cell research from the Fund;

(2) may not reside in the State; and

(3) shall be subject to conflict of interest standards that are at least as stringent as the standards on conflict of interest adopted by the National Institutes of Health.

10–437.

(a) A person who conducts State–funded stem cell research shall conduct the research in a manner that considers the ethical and medical implications of the research.

(b) A person who conducts State–funded stem cell research may not engage in any research that intentionally and directly leads to human cloning.

10–438.

(a) A health care practitioner licensed under the Health Occupations Article who treats individuals for infertility shall:

(1) provide individuals with information sufficient to enable them to make an informed and voluntary choice regarding the disposition of any unused material; and

- (2) present to individuals the option of:
- (i) storing or discarding any unused material;
 - (ii) donating any unused material for clinical purposes in the treatment of infertility;
 - (iii) except as provided in subsection (b) of this section, donating any unused material for research purposes; and
 - (iv) donating any unused material for adoption purposes.

(b) Any unused material donated for State-funded stem cell research may not be an oocyte.

(c) An individual who donates any unused material for research purposes under subsection (a)(2) of this section shall provide the health care practitioner with written consent for the donation.

10-439.

(a) A person may not purchase, sell, transfer, or obtain any material donated in accordance with § 10-438 of this subtitle for valuable consideration.

(b) A person may not give valuable consideration to another to encourage the production of material donated in accordance with § 10-438 of this subtitle for the sole purpose of medical research.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$50,000 or both.

10-440.

(a) A person may not conduct or attempt to conduct human cloning.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$200,000 or both.

10-441.

The Corporation, in consultation with the Commission, shall adopt regulations to establish procedures for making the disbursement of a grant or loan contingent on obtaining the approval of an institutional review board.

10-442.

(a) On or before January 1 of each year, the Corporation and the Commission

shall report to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly on the progress of State–funded stem cell research conducted in accordance with this part.

(b) The report shall identify:

- (1) each recipient of money from the Fund;
- (2) the amount of money awarded to each recipient; and
- (3) a description of the type of stem cell research performed by the recipient.

Part IV. Coordinating Emerging Nanobiotechnology Research in Maryland Program.

10–445.

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

(b) “CENTR Maryland Program” or “Program” means the Coordinating Emerging Nanobiotechnology Research in Maryland Program established under § 10–447 of this subtitle.

(c) “Fund” means the Coordinating Emerging Nanobiotechnology Research in Maryland Fund established under § 10–448 of this subtitle.

(d) “Nanobiotechnology” means the application of nanotechnology to the life sciences including research relating to the characterization of nanomaterials for health and environmental safety implications.

10–446.

The General Assembly finds and declares that:

(1) nanobiotechnology offers tremendous potential to revolutionize medical and life science research and to enable discoveries that will enrich and improve the quality of life for the people of the State;

(2) the provision of funds for nanobiotechnology projects is vital to supporting this emerging technology; and

(3) fostering partnerships among federal institutions, private sector entities, and institutions of higher education will help secure the State’s position as a leader in nanobiotechnology research and assist in securing the State’s economic future.

10–447.

(a) There is a Coordinating Emerging Nanobiotechnology Research in Maryland Program.

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

(1) support and promote advanced research in nanobiotechnology in the State;

(2) support nanobiotechnology research activities at postsecondary education institutions; and

(3) establish the State as a key location for nanobiotechnology research and industry.

(c) The Corporation shall foster public–private partnerships as feasible to carry out the purpose of the CENTR Maryland Program.

10–448.

(a) There is a Coordinating Emerging Nanobiotechnology Research in Maryland Fund in the Corporation.

(b) (1) The Fund is a special, nonlapsing fund that is not subject to reversion under § 7–302 of the State Finance and Procurement Article.

(2) The Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(c) The Fund consists of:

(1) appropriations as provided in the State budget; and

(2) any other money from any other source accepted for the benefit of the CENTR Maryland Program.

(d) The Executive Director of the Corporation, or the Executive Director’s designee, shall administer the Fund in accordance with this part and other applicable law.

(e) The Fund shall be used to cover the costs of the Program, including any grants that are awarded to eligible recipients.

(f) (1) The Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any investment earnings of the Fund shall be credited to the Fund.

(g) The Legislative Auditor shall audit the accounts and transactions of the Fund

as provided in § 2–1220 of the State Government Article.

10–449.

(a) Within the CENTR Maryland Program, subject to available funding, the Corporation shall award capital and operating grants from the Fund to private sector entities and institutions of higher education in the State to:

(1) leverage federal funding for the establishment or construction of research centers in the State;

(2) provide pilot funding for faculty at institutions of higher education in the State to develop initial research data for the development of larger grant funding proposals;

(3) foster public–private partnerships between private industry and institutions of higher education in the State; and

(4) assist with the transfer of nanobiotechnology research into commercial applications.

(b) Within the CENTR Maryland Program, the Corporation may award operating grants from the Fund to institutions of higher education that shall include:

(1) discovery educational grants to support postdoctorate or graduate–level collaboration with private sector entities on nanobiotechnology projects that:

(i) shall be subject to supervision by faculty members; and

(ii) require a matching sum, either direct or in–kind, from a private sector entity equivalent to the grant amount;

(2) collaborative grants to support research teams from institutions of higher education working with private sector entities on collaborative research projects that:

(i) focus on specific application development; and

(ii) require a matching sum from the private sector entity equivalent to the grant amount; and

(3) prototype grants to enable institutions of higher education and private sector entities to engage in projects that:

(i) demonstrate whether a prototype is functional and manufacturable;

(ii) demonstrate the cost effectiveness of nanotechnology–related applications; and

(iii) shall be matched with an industry grant in an amount of at least \$2 for every \$1 of the prototype grant.

10–450.

(a) The Corporation shall adopt regulations to establish:

(1) a competitive application process; and

(2) criteria and procedures for awarding grants from the Fund to eligible recipients.

(b) (1) In accordance with this part, all private sector entities in the State and all institutions of higher education in the State may be eligible recipients of grants.

(2) Priority for the award of any grant shall be given to those projects that are most likely to:

(i) attract significant investment in the State;

(ii) leverage significant additional grant or research funding from federal or private sector sources; or

(iii) establish the State as a key location for nanobiotechnology research and industry.

10–451.

The Corporation shall include, as part of its annual report to the Governor and General Assembly under § 10–415 of this subtitle, a detailed description of the grants awarded under this part.

Part V. Maryland Innovation Initiative.

10–454.

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

(b) “Commercialization” means the process of introducing a new product or technology into the market.

(c) [“Corporation” means the Maryland Technology Development Corporation.

(d)] “Fund” means the Maryland Innovation Initiative Fund established under §

10–457 of this [part] SUBTITLE.

[(e)] (D) “Initiative” means the Maryland Innovation Initiative established under § 10–455 of this [part] SUBTITLE.

[(f)] (E) “Participating members” means the representatives described in § 10–455(b) of this [part] SUBTITLE.

[(g)] (F) “Qualifying university” means a public or private university that meets the requirements set forth under § 10–455(c) of this [part] SUBTITLE.

[(h)] (G) “Technology transfer” means the process of converting scientific and technological advances into marketable goods and services.

[(i)] (H) “University” means a nonprofit, research university located in Maryland.

10–455.

(a) There is a Maryland Innovation Initiative.

(b) The Initiative consists of the following participating members:

(1) one official of State government not affiliated with Maryland higher education, or the official’s designee, appointed by the Governor;

(2) two individuals from the private sector not affiliated with Maryland higher education with experience in commercializing technology in the State, one appointed by the President of the Senate, and one appointed by the Speaker of the House of Delegates; and

(3) subject to subsection (c) of this section, the following members appointed by the respective universities:

(i) one representative of the Johns Hopkins University;

(ii) one representative of Morgan State University;

(iii) one representative of University of Maryland Baltimore County;

and

(iv) two representatives of the University of Maryland, one from the College Park Campus and one from the Baltimore Campus.

(c) (1) Subject to paragraph (2) of this subsection, only the universities listed under subsection (b)(3) of this section may qualify for participation in the Initiative.

(2) To qualify for participation in the Initiative, a university shall provide, as specified in paragraph (3) of this subsection, a contribution annually to the Initiative to carry out the purposes set forth under this part.

(3) (i) To qualify for participation in the Initiative, the following universities shall pay an annual contribution of at least \$200,000:

1. Johns Hopkins University;
2. University of Maryland, Baltimore Campus; and
3. University of Maryland, College Park Campus.

(ii) To qualify for participation in the Initiative, the following universities shall pay an annual contribution of at least \$100,000:

1. Morgan State University; and
2. University of Maryland Baltimore County.

(4) A university listed under subsection (b)(3) of this section may elect to withdraw as a participating member for future years on providing 60 days' written notice to the Chair or Executive Director of the Initiative.

(d) The participating members of the Initiative shall select a chair from among their members.

(e) A participating member of the Initiative:

- (1) may not receive compensation as a member of the Initiative; but
- (2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget or under the applicable travel regulations of a university if the university reimburses the participating member.

(f) The Initiative may employ staff, including an Executive Director.

10-456.

The purpose of the Initiative is to:

- (1) promote the commercialization of research conducted in universities in the State;
- (2) encourage qualifying universities to partner on commercialization and other activities, including with federal laboratories located in Maryland; and

- (3) facilitate the transfer of technology from universities to commercial industries, by:
- (i) assessing the viability and value of the technology;
 - (ii) defining and exploiting potential markets for the technology;
 - (iii) identifying funding sources to support the development of the technology; and
 - (iv) developing commercialization strategies.

10–457.

- (a) There is a Maryland Innovation Initiative Fund.
- (b) The purpose of the Fund is to provide funding for the purposes described in § 10–456 of this [part] **SUBTITLE**.
- (c) The Corporation shall administer the Fund.
- (d) The Fund consists of:
 - (1) appropriations as provided in the State budget;
 - (2) contributions by the qualifying universities under § 10–455 of this [part] **SUBTITLE**;
 - (3) grants or funds from federal laboratories located in Maryland;
 - (4) interest or other income earned on the investment of money in the Fund; and
 - (5) any other money accepted for the benefit of the Initiative.
- (e) Money in the Fund may be used only to:
 - (1) award grants or provide equity investment financing to promote the commercialization of research in accordance with the terms of this part; and
 - (2) pay the costs necessary to administer the Initiative.
- (f)
 - (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.
 - (2) The State Treasurer shall hold the Fund separately, and the

Comptroller shall account for the Fund.

(3) The State Treasurer shall invest the money in the Fund in the same manner as other State money may be invested.

(4) Any investment earnings of the Fund shall be credited to the Fund.

10-458.

(a) The Initiative may:

(1) provide grant funding or equity investment financing to a qualifying university, qualifying university-based entrepreneur, or other start-up entity, to promote the commercialization of technology developed in whole or in part by a qualifying university;

(2) pursue grants, other funds, and in-kind contributions for the Initiative or its qualifying universities;

(3) develop and implement guidelines for technology transfer; and

(4) identify projects at qualifying universities that may be viable for commercialization.

(b) The grant funding or equity investment financing in subsection (a) of this section shall be awarded:

(1) to support pre-commercial research on intellectual property to increase the likelihood of commercializing the intellectual property;

(2) to defray costs of evaluating the feasibility of a technology becoming commercialized through a start-up company;

(3) to defray the direct costs of developing early stage technology through a start-up entity;

(4) to assess intellectual property issues, including licensing and patents;
or

(5) for any other costs that the Initiative's participating members determine are appropriate to promote technology transfer and commercialization in the State.

10-459.

(a) Only qualifying universities[, as provided under § 10-455 of this part,] may submit proposals for grant funding from the Initiative.

(b) The participating members of the Initiative may establish a committee composed of experts in the areas of research considered for commercialization.

(c) The Initiative may establish the committee under service contracts with independent reviewers.

(d) The committee shall:

(1) review, evaluate, and rate proposals for funding from the Initiative, based on:

(i) the viability of commercializing the technology; and

(ii) the relative costs associated with commercializing the technology; and

(2) make recommendations to the participating members of the Initiative for the award and disbursement of grants from the Initiative.

(e) A member of the committee is not eligible to receive funding from the Initiative.

10–460.

The Corporation shall include, as part of its annual report to the Governor and the General Assembly under § 10–415 of this subtitle, a detailed description of:

(1) the number of technology transfer transactions or projects for which the Initiative provided funding;

(2) the amount and source of funds the Initiative identified to assist in the development of technologies;

(3) the qualifying universities or entities for which funding was awarded;

(4) the commercial value of technology that was transferred to the commercial industry; and

(5) any recommendations for improving the overall effectiveness of technology transfer through the Initiative.

Part VI. Cybersecurity Investment Fund.

10–463.

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

(b) “Commercialization” means the process of introducing a new product or technology into the market.

(c) [“Corporation” means the Maryland Technology Development Corporation.

(d)] (1) “Cybersecurity” means information technology security.

(2) “Cybersecurity” includes the protection of networked devices, networks, programs, and data from unintended or unauthorized access, change, or destruction.

[(e)] (D) “Fund” means the Cybersecurity Investment Fund established under § 10–464 of this [part] SUBTITLE.

10–464.

(a) There is a Cybersecurity Investment Fund.

(b) The purpose of the Fund is to:

(1) provide seed and early–stage funding for emerging technology companies located in the State focused on cybersecurity and cybersecurity technology product development;

(2) maximize Corporation investments by supporting funded emerging technology companies to enable corporate growth and to obtain third–party downstream funding for commercialization; and

(3) leverage Corporation investments in early–stage cybersecurity companies by taking advantage of economic development opportunities throughout the State.

(c) The Corporation shall administer the Fund.

(d) The Fund consists of:

(1) appropriations as provided in the State budget;

(2) money made available to the Fund through federal programs or private contributions;

(3) repayment of capital or principal or payment of interest on any debt or equity investments from the Fund;

(4) investment earnings of the Fund; and

(5) any other money accepted by the Corporation for the Fund.

(e) The Corporation may use the Fund to:

(1) carry out the purposes of the Fund related to the commercialization of cybersecurity research and cybersecurity technology product development in accordance with the terms of this part; and

(2) pay the costs necessary to implement this part and to administer the Fund.

(f) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(2) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(3) The State Treasurer shall invest the money in the Fund in the same manner as other State money may be invested.

(4) Any investment earnings of the Fund shall be credited to the Fund.

10–465.

The Corporation shall include, as part of its annual report to the Governor and the General Assembly under § 10–415 of this subtitle, a detailed description of:

(1) the number of Fund proposals received by the Corporation during the preceding fiscal year;

(2) the number of Fund transactions or projects for which the Corporation provided funding during the preceding fiscal year;

(3) the amount of money awarded by the Fund in the preceding fiscal year; and

(4) the total amount of third–party downstream funding of completed investments since Fund inception.

Part VII. Enterprise Fund [and Invest Maryland Program].

10–468.

[(a)] In this [part the following words have the meanings indicated.

(b) “Corporation” means the Maryland Technology Development Corporation.

(c) **PART**, “Fund” means the Enterprise Fund established under § 10–469 of this

subtitle.

10-469.

- (a) There is an Enterprise Fund in the Corporation.
- (b) The Corporation may use the Fund to:
 - (1) make a grant or loan, at the rate of interest set by the Corporation;
 - (2) provide equity investment financing for a qualified business;
 - (3) guarantee a loan, equity, investment, or other private financing to expand the capital resources of a qualified business;
 - (4) purchase advisory services and technical assistance to better support economic development;
 - (5) pay the Corporation's obligations to a venture firm under the Invest Maryland Program, as provided under § [10-492(c)(2)(i)] **10-4A-20(C)(2)(I)** of this [subtitle] **TITLE**; and
 - (6) pay the administrative, legal, and actuarial expenses of the Corporation.
- (c) The Corporation shall manage and supervise the Fund.
- (d)
 - (1) The Fund is a special, nonlapsing revolving fund that is not subject to reversion under § 7-302 of the State Finance and Procurement Article.
 - (2) The Treasurer shall hold the Fund and the Comptroller shall account for it.
- (e) The Fund consists of:
 - (1) money appropriated by the State to the Fund;
 - (2) money made available to the Fund through federal programs or private contributions;
 - (3) repayment of principal of a loan made from the Fund;
 - (4) payment of interest on a loan made from the Fund;
 - (5) proceeds from the sale, disposition, lease, or rental by the Corporation of collateral related to financing that the Corporation provides under this subtitle **OR SUBTITLE 4A OF THIS TITLE**;

(6) premiums, fees, royalties, interest, repayments of principal, and returns on investments paid to the Corporation by or on behalf of:

(i) a qualified business in which the Corporation has made an investment under this subtitle **OR SUBTITLE 4A OF THIS TITLE**; or

(ii) an investor providing an investment guaranteed by the Corporation under this subtitle **OR SUBTITLE 4A OF THIS TITLE**;

(7) recovery of an investment made by the Corporation in a qualified business under this subtitle **OR SUBTITLE 4A OF THIS TITLE**, including an arrangement under which the Corporation's investment in the qualified business is recovered through:

(i) a requirement that the Corporation receive a proportion of cash flow, commission, royalty, or payment on a patent; or

(ii) the repurchase from the Corporation of any evidence of financial participation, including a note, stock, bond, or debenture;

(8) repayment of a conditional grant extended by the Corporation;

(9) money deposited into the Fund under § [10-492(c)(2)(i)] **10-4A-20(C)(2)(I)** of this [subtitle] **TITLE**; and

(10) any other money made available to the Corporation for the Fund.

(f) (1) The Treasurer shall invest money in the Fund in the same manner as other State money.

(2) Any investment earnings of the Fund shall be credited to the Fund.

10-470.

(a) The Corporation may require that all or part of a grant be repaid, with interest at a rate the Corporation sets, when conditions specified by the Corporation occur.

(b) (1) Whenever the Corporation is authorized by law to make a grant, including a grant from the Economic Development Opportunities Program Account authorized under § 7-314 of the State Finance and Procurement Article, the Corporation may use money appropriated for the grant to make an equity investment in a qualified business.

(2) (i) Except as provided in subparagraph (ii) of this paragraph **AND SUBTITLE 4A OF THIS TITLE**, in making an equity investment under this subtitle **OR SUBTITLE 4A OF THIS TITLE**, the Corporation may not acquire an ownership interest in

an enterprise that exceeds 25%.

(ii) In making an equity investment under this subtitle **OR SUBTITLE 4A OF THIS TITLE** in one or more venture or private equity firms, the Corporation may acquire an ownership interest exceeding 25%.

(3) Within 15 years after making an equity investment under this subtitle **OR SUBTITLE 4A OF THIS TITLE**, the Corporation shall divest itself of that investment.

(4) The liability of the State and the Corporation in making an equity investment under this subtitle **OR SUBTITLE 4A OF THIS TITLE** is limited to the amount of that investment.

SUBTITLE 4A. INVEST MARYLAND PROGRAM.

[Part VIII. Maryland Venture Fund Authority.]

PART I. GENERAL PROVISIONS.

[10-473.] 10-4A-01.

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

(b) (1) “Affiliate” means:

(i) a person who, directly or indirectly, beneficially owns, controls, or holds power to vote 15% or more of the outstanding voting securities or other voting ownership interests of a venture firm or an insurance company; or

(ii) a person, 15% or more of whose outstanding voting securities or other voting ownership interests is directly or indirectly beneficially owned, controlled, or held with power to vote by a venture firm or an insurance company.

(2) “Affiliate” does not include an insurance company that becomes a purchaser in accordance with an allocation of investment tax credits under the Program solely by reason of the allocation.

(c) “Allocation amount” means the total amount of tax credits allocated to a purchaser.

(d) “Allocation date” means the date on which tax credits are allocated to a purchaser under § [10-483] **10-4A-11** of this subtitle.

(e) “Authority” means the Maryland Venture Fund Authority established under § [10-474] **10-4A-02** of this subtitle.

(f) “Corporation” means the Maryland Technology Development Corporation.

(g) “Designated capital” means the amount of money that a purchaser invests under the Program.

(h) “Enterprise Fund” means the Enterprise Fund under [this part] **§ 10–469 OF THIS TITLE**.

(i) “Financing Authority” means the Maryland Small Business Development Financing Authority under Title 5, Subtitle 5 of this article.

(j) “Insurance premium tax liability” means:

(1) any liability incurred by an insurance company under Title 6, Subtitle 1 of the Insurance Article as of October 1, 2011; or

(2) if the liability referred to in item (1) of this subsection is eliminated or reduced, any other tax liability that has been imposed by the State on the insurance company as of October 1, 2011, not to exceed the amount of the liability eliminated or reduced.

(k) “Premium tax credit” means a credit against insurance premium tax liability offered to a purchaser under the Program.

(l) **“PRINCIPAL BUSINESS OPERATIONS” HAS THE MEANING STATED IN § 10–401 OF THIS TITLE.**

(M) “Program” means the Invest Maryland Program under this subtitle.

~~[(m)]~~ (N) “Purchaser” means:

(1) an insurance company that:

(i) is authorized to do business in the State;

(ii) has insurance premium tax liability; and

(iii) contributes designated capital to purchase an allocation of premium tax credits under the Program; or

(2) a holding company that:

(i) has at least one insurance company subsidiary authorized to do business in the State; and

(ii) is contributing designated capital on behalf of one or more of

these subsidiaries.

[(n)] (O) “Qualified business” means a business that, at the time of the first investment in the business under the Program:

(1) has its principal business operations located in the State and intends to maintain its principal business operations in the State after receiving an investment under the Program;

(2) has agreed to use the qualified investment primarily to:

(i) support business operations in the State; or

(ii) in the case of a start-up company, establish and support business operations in the State;

(3) has not more than 250 employees; and

(4) is not primarily engaged in:

(i) retail sales;

(ii) real estate development;

(iii) the business of insurance, banking, or lending; or

(iv) the provision of professional services by accountants, attorneys, or physicians.

[(o)] (P) (1) “Qualified distribution” means a distribution or payment by a venture firm of the State’s proportionate allocation of costs in connection with:

(i) the reasonable costs and expenses of organizing and syndicating the venture firm, including fees paid for professional services, up to a maximum aggregate amount of \$125,000;

(ii) reasonable and necessary fees paid for ongoing professional services, including legal and accounting services, related to the operation of the venture firm, up to a maximum aggregate amount of \$50,000 in a single year; and

(iii) a yearly management fee in an amount that does not exceed 2.5% of the designated capital allocated to the venture firm.

(2) “Qualified distribution” does not include any costs and expenses related to lobbying or government relations.

[(p)] (Q) (1) “Qualified investment” means the direct or indirect investment

of cash by the Enterprise Fund or the Financing Authority in a qualified business for the purchase of any of the following:

- (i) a share of stock or other equity interest;
- (ii) a debt instrument that is convertible into equity; or
- (iii) an equity participation instrument such as an option or warrant.

(2) A qualified investment includes the direct or indirect investment of cash by a venture firm based on the investment criteria set forth in this subtitle.

[(q)] (R) “Side car affiliate” means an entity controlled by or under common control with a venture firm that is formed solely for the purpose of investing alongside the venture firm.

[(r)] (S) “Venture firm” means a partnership, corporation, trust, or limited liability company, whether organized on a profit or a nonprofit basis, that is certified by the Corporation as meeting the criteria established under § **[10–484] 10–4A–12** of this subtitle.

[10–474.] 10–4A–02.

There is a Maryland Venture Fund Authority in the Corporation.

[10–475.] 10–4A–03.

(a) The Authority consists of the following nine members:

- (1) seven members appointed by the Governor with the advice and consent of the Senate;
- (2) one member appointed by the President of the Senate; and
- (3) one member appointed by the Speaker of the House.

(b) (1) Of the seven members appointed by the Governor:

(i) 1. at least four shall have experience in working with companies that have raised investment capital for seed–stage to venture–stage companies or in providing professional services to the venture capital industry; and

2. one of the four members selected under item 1 of this item shall have experience in higher education research and development and technology transfer projects;

- (ii) at least one shall have experience as a small business owner;
 - (iii) at least one shall have experience as a business executive that has raised venture capital investments; and
 - (iv) at least one shall be a resident of a rural county in the State.
- (2) The Governor shall consider the geographic diversity of the State when appointing members.
- (c) The members appointed by the President and the Speaker:
 - (1) may not be elected officials; and
 - (2) shall have experience and expertise in venture capital investments.
 - (d) Each member shall be a resident of the State.
 - (e)
 - (1) The term of a member is 4 years.
 - (2) At the end of a term, a member continues to serve until a successor is appointed.
 - (3) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed.
 - (4) A member appointed by the Governor may be removed by the Governor with or without cause.
 - (5) The terms of the members are staggered as required by the terms provided for members of the Authority on July 1, 2011.
 - (f) In addition to the requirements of Title 5 of the General Provisions Article, a member of the Authority may not be employed by or have any financial interest in a purchaser, qualified business, or venture firm or hold any other employment relationship or financial interest that would impair the impartiality and independent judgment of the member.
 - (g) The Authority may not have additional advisors or advisory boards, whether acting informally or formally constituted, other than as appointed or designated in this subtitle.

[10-476.] 10-4A-04.

- (a) The Governor shall appoint a chair from among the members.
- (b) The Authority shall determine the manner of election of officers and their

terms of office.

[10–477.] 10–4A–05.

(a) (1) Five members of the Authority are a quorum.

(2) An act of the Authority must be approved by a majority vote of the members attending a meeting at which a quorum is present.

(b) A member of the Authority:

(1) may not receive compensation as a member of the Authority; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(c) A member of the Authority shall file a public disclosure of financial interests as required under the Maryland Public Ethics Law.

[10–478.] 10–4A–06.

The Authority shall:

(1) provide advice to and consult with the Corporation in connection with the administration of the Program under this subtitle; and

(2) meet at least quarterly to review the Corporation's investment policies, investment decisions, and adherence to the statutory and regulatory requirements imposed on the Corporation.

10–4A–07. RESERVED.

10–4A–08. RESERVED.

Part [IX.] **II.** Designated Capital.

[10–481.] 10–4A–09.

(a) All designated capital from purchasers shall be deposited into the Enterprise Fund to be invested as provided in this subtitle.

(b) The Corporation shall allocate designated capital as follows:

(1) 67% to one or more venture firms to fund the making of qualified investments based on the criteria set forth in this subtitle, provided, that not more than 20% of this amount may be invested in the side car fund affiliates of the venture firms; and

(2) 33% to the Enterprise Fund, to be allocated:

(i) \$250,000 to the Rural Maryland Council for its operational expenses;

(ii) 75% of the remaining amount to fund the making of qualified investments in qualified businesses under the existing policies and procedures of the Enterprise Fund; and

(iii) 25% of the remaining amount to the Financing Authority Equity Participation Investment Program, to be invested in qualified businesses in accordance with the policies and procedures of the Financing Authority under Title 5, Subtitle 5, Part V of this article.

(c) It is the goal of the State that a portion of the designated capital received under subsection (b)(2)(ii) of this section be used to make qualified investments in qualified businesses located in rural areas of the State.

(d) As soon as practicable after the Corporation receives each installment of designated capital, the Corporation and each venture firm that has been allocated designated capital shall enter into a contract under which the allocated amount of designated capital will be transferred by the Corporation to the venture firm for investment as provided in this subtitle.

(e) The Corporation shall secure the commitment of the purchasers in accordance with § [10-482] **10-4A-10** of this subtitle.

[10-482.] 10-4A-10.

(a) The Authority shall obtain the services of an independent third party to conduct a bidding process in order to secure purchasers for the Program as provided in this section.

(b) Using the procedures adopted by the independent third party, each potential purchaser shall make a timely and irrevocable offer, subject only to the Corporation's issuance to the purchaser of tax credit certificates, to make specified contributions of designated capital to the Corporation on the dates specified in § [10-483(a)] **10-4A-11(A)** of this subtitle.

(c) The offer shall include:

(1) the requested amount of tax credits, which may not be less than \$1,000,000;

(2) the potential purchaser's specified contribution for each tax credit dollar requested, which may not be less than the greater of:

- (i) 70% of the requested dollar amount of tax credits; or
 - (ii) the percentage of the requested dollar amount of tax credits that the Secretary, on the recommendation of the independent third party, determines to be consistent with market conditions as of the offer date; and
- (3) any other information the independent third party requires.
- (d) (1) The deadline for submission of applications for tax credits is February 1, 2012.
- (2) Each potential purchaser shall receive a written notice from the Corporation not later than May 1, 2012, indicating whether or not it has been approved as a purchaser and, if so, the amount of tax credits allocated.
- (e) The maximum amount of premium tax credits that may be allocated under this subtitle for all years in which premium tax credits are allocated is \$100,000,000.

[10–483.] 10–4A–11.

- (a) Designated capital committed by a purchaser shall be paid to the Enterprise Fund in three equal yearly installments due on June 1 of 2012, 2013, and 2014.
- (b) On receipt of each installment of designated capital, the Corporation shall issue to each purchaser a tax credit certificate representing a fully vested credit against insurance premium tax liability equal to one-third of the total premium tax credits allocated to the purchaser.
- (c) The Corporation shall issue tax credit certificates to purchasers in accordance with the bidding process selected by the independent third party on behalf of the Authority under § [10–482] **10–4A–10** of this subtitle.
- (d) The tax credit certificate shall state:
- (1) the total amount of premium tax credits that the purchaser may claim;
 - (2) the amount of designated capital that the purchaser has contributed in return for the issuance of the tax credit certificate;
 - (3) the dates on which the tax credits will be available for use by the purchaser;
 - (4) any penalties or other remedies for noncompliance;
 - (5) the procedures to be used for transferring the tax credits; and

(6) any other requirements the Corporation considers necessary.

(e) (1) A tax credit certificate may not be issued to any purchaser that fails to make a contribution of designated capital within the time the Corporation specifies.

(2) A purchaser that fails to make a contribution of designated capital within the time the Corporation specifies shall be subject to a penalty equal to 10% of the amount of designated capital that remains unpaid, payable to the Corporation within 30 days after demand by the Corporation.

(3) The Corporation may offer to reallocate the defaulted designated capital among the other purchasers, so that the result after reallocation is the same as if the initial allocation had been performed without considering the premium tax credit allocation to the defaulting purchaser.

(4) If the reallocation of designated capital results in the contribution by another purchaser or purchasers of the amount of designated capital not contributed by the defaulting purchaser, then the Corporation may waive the penalty provided under this subsection.

(5) (i) A purchaser that fails to make a contribution of designated capital within the time specified may avoid the imposition of the penalty by transferring the allocation of tax credits to a new or existing purchaser within 30 days after the due date of the defaulted installment.

(ii) Any transferee of an allocation of tax credits of a defaulting purchaser under this section shall agree to make the required contribution of designated capital within 30 days after the date of the transfer.

(6) (i) The Corporation in its sole discretion may purchase insurance or make other financial arrangements in order to ensure the availability of the full amount of designated capital committed by purchasers.

(ii) The Corporation shall disclose any purchase of insurance or other similar financial arrangement under this paragraph in the annual report required under § [10-499] **10-4A-28** of this subtitle.

[10-484.] 10-4A-12.

(a) (1) Subject to the restriction in paragraph (2) of this subsection, a purchaser may claim the premium tax credit on a premium tax return filed after December 31, 2014, for a taxable year that begins on or after January 1, 2014.

(2) In each calendar year from 2015 through 2019, a purchaser may claim up to 20% of the premium tax credit allocated to that purchaser.

(b) (1) The credit to be applied against insurance premium tax liability in any

1 year may not exceed the insurance premium tax liability of the purchaser for that taxable year.

(2) Any unused credit against insurance premium tax liability may be:

(i) carried forward indefinitely until the premium tax credits are used; and

(ii) used by the purchaser without restriction during any calendar year after 2019.

(3) On 30 days' advance notice to the Corporation, premium tax credits allocated to a purchaser under this subtitle may be transferred without further restriction to any other entity that:

(i) meets the definition of a purchaser;

(ii) is in good standing with the Maryland Insurance Administration; and

(iii) agrees to assume all of the transferor's obligations under the Program.

(c) A purchaser claiming a credit against insurance premium tax liability earned through an investment under the Program is not required to pay any additional tax as a result of claiming the credit.

(d) A purchaser is not required to reduce the amount of premium tax included by the purchaser in connection with rate-making for any insurance contract written in the State because of a reduction in the purchaser's insurance premium tax derived from the credit granted under this subtitle.

10-4A-13. RESERVED.

10-4A-14. RESERVED.

Part [X.] III. Venture Firms and Investments.

[10-487.] **10-4A-15.**

(a) Subject to the approval of the Corporation, the Authority shall obtain the services of an independent third party to:

(1) establish application procedures for an entity to be certified as a venture firm; and

(2) review and evaluate applications for venture firm certification under this section.

(b) The independent third party selected by the Authority shall:

(1) review and evaluate the application, organizational documents, and business history of each applicant;

(2) evaluate whether the applicant is likely to achieve the investment criteria set forth in this subtitle; and

(3) recommend to the Authority which venture firms should receive allocations of designated capital under the Program.

(c) (1) On receiving the recommendations of the independent third party selected under subsection (a) of this section and subject to § [10-488] ~~10-4A-16~~ of this subtitle, the Authority shall select venture firms to receive allocations of designated capital that are consistent with the investment criteria set forth in this subtitle.

(2) The Authority shall ensure that the venture firms receiving designated capital for investment under this subtitle make investments in the State that equal or exceed the amount of designated capital received under this subtitle.

(3) Subject to the approval of the Corporation, the Authority may enter into written agreements, including partnership agreements and side agreements, that are necessary to carry out the purposes of this part.

[10-488.] ~~10-4A-16.~~

(a) In selecting applicants for venture firm certification, the Authority shall consider:

(1) the management structure of the applicant, including:

(i) the investment experience of the principals;

(ii) the applicant's reputation in the venture firm industry and the applicant's ability to attract co-investment capital and syndicate investments in qualified businesses in the State;

(iii) the knowledge, experience, and capabilities of the applicant in subject areas relevant to venture-stage businesses in the State;

(iv) the tenure and turnover history of principals and senior investment professionals of the applicant; and

(v) whether the State's investment in the applicant under this

program would exceed 15% of the total invested in the applicant by all investors, including investments in any side car fund affiliates;

- (2) the applicant's investment strategy, including:
 - (i) the applicant's track record of investing in venture-stage businesses;
 - (ii) the applicant's history of attracting co-investment capital and syndicate investments;
 - (iii) the soundness of the applicant's investment strategy and the compatibility of that strategy with business opportunities in the State; and
 - (iv) the applicant's history of job creation through investment;
- (3) the applicant's commitment to making investments, that, to the fullest extent possible:
 - (i) create employment opportunities in the State;
 - (ii) lead to the growth of the State economy and qualified businesses in the State;
 - (iii) complement the research and development projects of State academic institutions; and
 - (iv) foster the development of technologies and industries that present opportunities for the growth of qualified businesses in the State; and
- (4) the applicant's commitment to the State, including:
 - (i) the applicant's presence in the State through permanent local offices or affiliation with local investment firms;
 - (ii) the local presence of senior investment professionals;
 - (iii) the applicant's history of investing in venture-stage businesses in the State;
 - (iv) the applicant's ability to identify investment opportunities through working relationships with State research and development institutions and State-based businesses;
 - (v) the applicant's relationship with other venture firms in the region;

(vi) the applicant's history of investing in areas relevant to venture-stage businesses in the State; and

(vii) the applicant's commitment to investing a similar or greater amount of designated capital received under this subtitle in State-based ventures and qualified businesses.

(b) To ensure the Corporation has continued access to the best available and qualified venture firms as well as to provide for the replacement of venture firms that have been disqualified under § [10-494] **10-4A-22** of this subtitle:

(1) an applicant shall file an application with the Corporation in the form required by the Corporation;

(2) the application shall include the applicant's most recent financial statements;

(3) the Corporation shall accept applications for certification for a period of 3 months at the Corporation's choosing, at the same time each year; and

(4) notwithstanding the requirements of § [10-494(b)] **10-4A-22(B)** of this subtitle, when one or more venture firms have been disqualified under § [10-494] **10-4A-22** of this subtitle, the Corporation may receive applications, for a period of not less than 2 months, at any time during the calendar year.

(c) To be certified as a venture firm:

(1) the applicant must have, at the time of application, an equity capitalization, net assets, or written commitments of at least \$500,000 in the form of cash or cash equivalents;

(2) at least two principals or persons employed to direct the investment of the designated capital of the applicant must have at least 5 years of money management experience in the venture capital or private equity sectors;

(3) for a period of 2 years from the date of disqualification, the applicant may not be:

(i) a venture firm that has been disqualified under § [10-494] **10-4A-22** of this subtitle; or

(ii) a firm with majority ownership composed of members who had ownership or leadership roles in a firm that has been disqualified under § [10-494] **10-4A-22** of this subtitle.

(d) Not later than 90 days after an application is filed, the Secretary shall either:

(1) issue the certification; or

(2) refuse to issue the certification and communicate in detail to the applicant the grounds for the refusal.

[10–489.] 10–4A–17.

(a) (1) A business that is classified as a qualified business at the time of the first investment in the business by a venture firm, the Enterprise Fund, or the Financing Authority remains classified as a qualified business and may receive follow-on investments from a venture firm, the Enterprise Fund, or the Financing Authority as provided under this subsection.

(2) A follow-on investment from a venture firm is a qualified investment even though the business does not meet the definition of a qualified business at the time of the follow-on investment.

(3) With respect to an investment by the Enterprise Fund or the Financing Authority, a follow-on investment does not qualify as a qualified investment if, at the time of the follow-on investment, the business no longer meets the definition of a qualified business.

(b) Each venture firm shall inform the Corporation in writing when the venture firm requires designated capital for investment or for the payment of approved fees and expenses.

[10–490.] 10–4A–18.

(a) A purchaser or affiliate may not directly or indirectly:

(1) manage a venture firm;

(2) beneficially own, through rights, options, convertible interests, or otherwise, more than 15% of the voting securities or other voting ownership interest of a venture firm; or

(3) control the direction of investments for a venture firm.

(b) Subsection (a) of this section applies whether or not the purchaser or affiliate is authorized to do business in the State.

[10–491.] 10–4A–19.

(a) Not later than March 31 of each year, each venture firm and the Financing Authority shall report to the Corporation:

(1) the amount of designated capital remaining uninvested at the end of the preceding calendar year;

(2) all qualified investments made during the preceding calendar year, including the number of employees of each business at the time the qualified investment was made and as of December 31 of that year;

(3) for any qualified investment in which the venture firm or the Financing Authority no longer has a position as of the end of the calendar year, the number of employees of the business as of the date the investment was terminated; and

(4) any other information the Corporation requires to ascertain the impact of the Program on the economy of the State.

(b) Not later than 180 days after the end of its fiscal year, each venture firm shall provide to the Corporation an audited financial statement that includes the opinion of an independent certified public accountant.

(c) Not later than 60 days after the sale or other disposition of a qualified investment, the selling venture firm or the Financing Authority shall provide to the Corporation a report on the amount of the interest sold or disposed of and the consideration received for the sale or disposition.

[10-492.] 10-4A-20.

(a) A venture firm may make a qualified distribution at any time.

(b) To make a distribution that is not a qualified distribution, a venture firm shall pay to the Comptroller the venture firm's pro rata share of distributions made to all limited partners as provided under the applicable partnership documents and any agreement with the Corporation.

(c) (1) Except as provided in paragraph (2) of this subsection, the Comptroller shall distribute all payments received under this section to the General Fund within 30 days of receipt.

(2) (i) If the Corporation has an obligation under applicable venture firm investment documents to return to the venture firm a payment previously distributed to the Comptroller, the Comptroller shall deposit an amount equal to that payment into the Enterprise Fund to cover the obligation.

(ii) If the Corporation determines that the money deposited under subparagraph (i) of this paragraph is no longer required to be returned to a venture firm under the applicable investment documents, the Corporation shall notify the Comptroller that the money may be distributed to the General Fund.

[10-493.] 10-4A-21.

Investment returns resulting from the qualified investments made under the Program by the Enterprise Fund or the Financing Authority shall be used to make additional qualified investments in qualified businesses by the Enterprise Fund or the Financing Authority.

[10–494.] 10–4A–22.

(a) Each venture firm shall be required to make equity investments in an amount not less than 50% of the capital allocated to qualified businesses within 3 years of each capital allocation.

(b) In regards to venture firms that have received an allocation before June 1, 2019, the requirements of subsection (a) of this section shall apply as of June 1, 2019.

(c) In the event that a venture firm fails to meet the requirements of subsection (a) of this section, the Corporation shall:

(1) rescind the allocation and authorization for that firm from the date of noncompliance with subsection (a) of this section and remove that firm’s certification for participation in the program;

(2) cease making the payment of management and other fees to the venture fund from the date of noncompliance with subsection (a) of this section; and

(3) consult and coordinate with the Office of the Attorney General for the recovery of any funds, as may be necessary.

10–4A–23. RESERVED.

10–4A–24. RESERVED.

Part [XI.] IV. Miscellaneous.

[10–496.] 10–4A–25.

(a) In any case under the insurance law of the State in which the assets of a purchaser are examined or considered, the designated capital shall be treated as an admitted asset, subject to the same financial rating as that held by the State.

(b) The Corporation shall submit the following to the Maryland Insurance Administration:

(1) the names, addresses, and amount of designated capital to be contributed and premium tax credits earned by each successful bidder within 30 days after the close of the bidding process under § [10–482] **10–4A–10** of this subtitle;

(2) a copy of the tax credit certificate issued to each purchaser within 30 days after the issuance of the certificate under § [10–483] **10–4A–11** of this subtitle;

(3) the occurrence of a default by a purchaser; and

(4) the transfer of premium tax credits by a purchaser.

[10–497.] 10–4A–26.

(a) Except as provided in subsection (b) of this section, Division II of the State Finance and Procurement Article does not apply to a service that the Corporation obtains that is related to the investment, management, analysis, purchase, or sale of an asset of the Corporation in a transaction authorized under this [part] **SUBTITLE**.

(b) The Corporation is subject to Title 12, Subtitle 4 of the State Finance and Procurement Article for services related to the investment, management, analysis, purchase, or sale of assets of the Corporation in any transaction authorized under this [part] **SUBTITLE**.

(c) Section 10–305 of the State Finance and Procurement Article does not apply to the sale, lease, transfer, exchange, or other disposition of real or personal property, including a share of stock in a business entity, that the Corporation acquires in a transaction authorized under this [part] **SUBTITLE**.

[10–498.] 10–4A–27.

The Corporation shall administer this [part] **SUBTITLE** and may adopt regulations to carry out this [part] **SUBTITLE**.

[10–499.] 10–4A–28.

(a) (1) The Corporation shall submit a report on the implementation of the Program.

(2) The report required under this section shall be submitted to the Senate Budget and Taxation Committee and the House Ways and Means Committee.

(3) The Corporation shall publish the report on the Corporation’s website in a publicly available format.

(4) The report published on the website may not include any proprietary or confidential information.

(b) The report shall include:

(1) with respect to each purchaser of premium tax credits under the Program:

- (i) the name of the purchaser of premium tax credits;
- (ii) the amount of premium tax credits allocated to the purchaser;
- (iii) the amount of designated capital the purchaser contributed for the issuance of the tax credit certificate; and
- (iv) the amount of any tax credits that have been transferred under § [10-484] ~~10-4A-12~~ of this subtitle;

(2) with respect to each venture firm that has received an allocation of designated capital:

- (i) the name and address of the venture firm;
- (ii) the names of the individuals making decisions on behalf of the venture firm to make qualified investments under the Program;
- (iii) the amount of designated capital received during the previous fiscal year;
- (iv) the cumulative amount of designated capital received;
- (v) the amount of designated capital remaining uninvested at the end of the previous fiscal year;
- (vi) the names and locations of qualified businesses receiving designated capital and the amount of each qualified investment;
- (vii) for the previous fiscal year, the aggregate fair market value of all qualified investments as calculated according to generally accepted accounting principles; and
- (viii) the amount of any qualified distribution or nonqualified distribution taken during the previous fiscal year, including any management fee;

(3) with respect to the Enterprise Fund:

- (i) the amount of designated capital received during the previous fiscal year;
- (ii) the cumulative amount of designated capital received;
- (iii) the amount of designated capital remaining uninvested at the

end of the previous fiscal year;

(iv) the names and locations of qualified businesses receiving designated capital and the amount of each qualified investment; and

(v) for the previous fiscal year, the aggregate fair market value of all qualified investments as calculated according to generally accepted accounting principles;

(4) with respect to the Financing Authority:

(i) the amount of designated capital received during the previous fiscal year and the amount allocated to the Equity Participation Investment Program;

(ii) the cumulative amount of designated capital received;

(iii) the amount of designated capital remaining uninvested at the end of the previous fiscal year;

(iv) the names and locations of qualified businesses receiving designated capital and the amount of each qualified investment; and

(v) for the previous fiscal year, the aggregate fair market value of all qualified investments as calculated under generally accepted accounting principles; and

(5) for the previous fiscal year, with respect to the qualified businesses in which venture firms, the Enterprise Fund, or the Financing Authority have invested:

(i) the classification of the qualified businesses according to the industrial sector and the size of the business;

(ii) the total number of jobs created in the State by the investment and the average wages paid for the jobs; and

(iii) the total number of jobs retained in the State as a result of the investment and the average wages paid for the jobs.

SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Technology Development Corporation (TEDCO) shall review the entirety of the provisions in the Annotated Code of Maryland that pertain to TEDCO and, on or before December 1, 2020, report to the General Assembly, in accordance with § 2-1257 of the State Government Article, on changes to the Code that TEDCO would recommend.

SECTION 3. AND BE IT FURTHER ENACTED, That it is the intention of the General Assembly that Section 1 of this Act shall be construed as a nonsubstantive revision and may not otherwise be construed to render any substantive change in the law of the State.

SECTION 4. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act or by any other Act of the General Assembly of 2020 that affects provisions enacted by this Act. The publisher shall adequately describe any correction that is made in an editor's note following the section affected.

SECTION 5. 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 581

(Senate Bill 760)

AN ACT concerning

Public Schools – Student Meal Programs and ~~Meal Charge~~ Policies

FOR the purpose of requiring ~~each county board of education, except under certain circumstances, to establish a meal charge policy that addresses certain matters related to the administration of school meal programs and management of payments for school meals; requiring a certain meal charge policy to include certain provisions, requirements, and prohibitions; requiring each county board to review, update, and publish its meal charge policy in a certain manner and to submit the policy and any updates to the State Department of Education; requiring each county board to provide a printed copy of the meal charge policy to each student in a public school each school year; requiring a school to provide certain information and assistance to certain individuals regarding applications for the school's meal programs at certain times; requiring the Department to create and maintain a certain database, publish certain meal charge policies on its website, and report to the General Assembly on certain dates on certain matters; defining a certain term; and generally relating to public school meal charge policies~~ a public school to notify a student's parent or legal guardian about the status of certain school meal accounts under certain circumstances; prohibiting a public school from communicating about certain unpaid meal debt directly with a student or in a certain manner; prohibiting a public school from taking certain actions in response to a student's unpaid meal debt; authorizing a public school to provide a certain alternative meal under certain conditions; requiring a public school to ensure that parents and legal guardians of students are notified about the application process and eligibility requirements for certain meal programs in a certain manner; requiring a public school to allow a student to apply for certain meal programs at any time; requiring a certain public school to enroll a certain transfer student in a certain meal program; requiring each county board of

education to determine whether each school in its jurisdiction is in compliance with certain federal policies and standards and to report its findings to the State Department of Education each year; defining a certain term; and generally relating to student meal programs in public schools.

BY adding to

Article – Education

Section 7–125

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

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

Article – Education

7–125.

(A) IN THIS SECTION, “UNPAID MEAL DEBT” MEANS DEBT OWED TO A SCHOOL BY A STUDENT FOR SCHOOL MEALS OR INSUFFICIENT FUNDS IN THE STUDENT’S MEAL ACCOUNT.

~~(B) THIS SECTION DOES NOT APPLY TO A COUNTY THAT HAS ADOPTED THE COMMUNITY ELIGIBILITY PROVISION OF THE FEDERAL HEALTHY, HUNGER-FREE KIDS ACT OF 2010 DISTRICTWIDE.~~

~~(B)(C) EACH COUNTY BOARD SHALL ESTABLISH A MEAL CHARGE POLICY THAT ADDRESSES PAYMENT FOR SCHOOL MEALS, UNPAID MEAL DEBT, PROHIBITION OF STIGMATIZING ACTIONS, AND OTHER ISSUES RELATED TO THE ADMINISTRATION OF SCHOOL MEAL PROGRAMS AND MANAGEMENT OF PAYMENTS FOR SCHOOL MEALS.~~

~~(C)(D) EACH POLICY ESTABLISHED BY A COUNTY BOARD UNDER SUBSECTION (B)(C) OF THIS SECTION SHALL:~~

~~(1) PROVIDE FOR APPROPRIATE TRAINING OF SCHOOL PERSONNEL WHO INTERACT OR COMMUNICATE WITH STUDENTS ABOUT SCHOOL MEALS;~~

~~(2) REQUIRE SCHOOL PERSONNEL TO TREAT ALL STUDENTS WITH UNPAID MEAL DEBT WITH COMPASSION AND DIGNITY;~~

~~(3) AUTHORIZE A SCHOOL TO SERVE AN ALTERNATIVE MEAL INSTEAD OF A STANDARD MEAL IF THE ALTERNATIVE MEAL:~~

~~(I) MEETS THE U.S. DEPARTMENT OF AGRICULTURE'S NUTRITIONAL REQUIREMENTS FOR A MEAL TO BE REIMBURSABLE UNDER FEDERAL LAW; AND~~

~~(II) IS AVAILABLE AS A MEAL OPTION ON THE SCHOOL MENU OFFERED TO ALL STUDENTS;~~

~~(4) PROVIDE SPECIFIC GUIDELINES AND PROCEDURES FOR INFORMING A PARENT OR LEGAL GUARDIAN OF A STUDENT'S UNPAID MEAL DEBT THAT INCLUDE:~~

~~(I) A REQUIREMENT THAT COMMUNICATIONS ABOUT UNPAID MEAL DEBT BE DIRECTED TO THE PARENT OR LEGAL GUARDIAN OF A STUDENT AND CONDUCTED IN A MANNER THAT DOES NOT DRAW ATTENTION TO, IDENTIFY, OR STIGMATIZE THE STUDENT; AND~~

~~(II) NOTIFICATION TO THE PARENT OR LEGAL GUARDIAN OF A STUDENT WHEN THE STUDENT HAS UNPAID MEAL DEBT OR THE STUDENT'S MEAL ACCOUNT HAS A LOW BALANCE, AS DEFINED BY THE COUNTY BOARD; AND~~

~~(5) PROHIBIT A SCHOOL, IN RESPONSE TO A STUDENT'S UNPAID MEAL DEBT, FROM:~~

~~(I) REQUIRING THE STUDENT TO WEAR A WRISTBAND, HAND STAMP, STICKER, OR OTHER IDENTIFYING MARK;~~

~~(II) REQUIRING THE STUDENT TO COMPLETE ADDITIONAL CHORES, TASKS, OR ACTIVITIES AS A PUNISHMENT FOR UNPAID MEAL DEBT;~~

~~(III) DENYING A MEAL TO THE STUDENT;~~

~~(IV) DISPOSING OF A MEAL AFTER IT HAS BEEN SERVED TO THE STUDENT; OR~~

~~(V) RESTRICTING A STUDENT FROM ACCESS TO SCHOOL RECORDS OR PARTICIPATION IN EXTRACURRICULAR ACTIVITIES.~~

~~(D) (E) EACH COUNTY BOARD SHALL:~~

~~(1) REVIEW AND UPDATE ITS MEAL CHARGE POLICY EACH YEAR OR MORE OFTEN AS NEEDED;~~

~~(2) PUBLISH THE MEAL CHARGE POLICY AND ANY UPDATES ON THE COUNTY BOARD'S WEBSITE;~~

~~(3) AT THE BEGINNING OF EACH SCHOOL YEAR, PROVIDE A PRINTED COPY OF THE MEAL CHARGE POLICY TO EACH STUDENT IN A PUBLIC SCHOOL IN THE COUNTY; AND~~

~~(4) SUBMIT THE MEAL CHARGE POLICY AND ANY UPDATES TO THE DEPARTMENT.~~

~~(E) (F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AT THE BEGINNING OF THE SCHOOL YEAR OR ON ADMISSION, EACH SCHOOL SHALL PROVIDE EACH STUDENT:~~

~~(I) A PRINTED APPLICATION FOR THE SCHOOL'S FREE OR REDUCED PRICE MEAL PROGRAMS; OR~~

~~(II) IF THE SCHOOL USES AN ELECTRONIC MEAL ACCOUNT, A WRITTEN EXPLANATION OF THE ELECTRONIC APPLICATION PROCESS.~~

~~(2) A SCHOOL SHALL PROVIDE ASSISTANCE TO A PARENT OR LEGAL GUARDIAN OF A STUDENT IN UNDERSTANDING HOW TO APPLY FOR THE SCHOOL'S FREE OR REDUCED PRICE MEAL PROGRAMS AS NEEDED DUE TO LANGUAGE, LITERACY, OR OTHER RELATED LIMITATIONS.~~

~~(3) IF AT ANY OTHER TIME A SCHOOL ACQUIRES KNOWLEDGE THAT A STUDENT MAY QUALIFY FOR THE SCHOOL'S FREE OR REDUCED PRICE MEAL PROGRAMS, THE SCHOOL SHALL PROVIDE A PAPER APPLICATION OR AN ELECTRONIC LINK TO AN APPLICATION FOR THE PROGRAMS AND APPLICATION ASSISTANCE AS NEEDED.~~

~~(F) (G) THE DEPARTMENT SHALL CREATE AND MAINTAIN A DATABASE OF THE MEAL CHARGE POLICIES ESTABLISHED BY THE COUNTY BOARDS IN ACCORDANCE WITH THIS SECTION AND PUBLISH THE POLICIES ON ITS WEBSITE.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2020, and on or before December 1, 2021, the State Department of Education shall report to the General Assembly, in accordance with § 2-1257 of the State Government Article, based on data collected from each local school system, on:~~

~~(1) the annual accumulated student meal debt;~~

~~(2) the fees paid for using electronic meal account providers and the amount collected from electronic meal account providers;~~

~~(3) the fees paid for using third-party debt collectors for their services, the fees charged to a student with unpaid meal debt, and the amount collected by third-party debt collectors;~~

~~(4) the cost of expanding subsidized meal programs to include students who meet 185% to 300% of the federal poverty guideline;~~

~~(5) the cost of a State supplement to increase the community eligibility program reimbursement rate to a minimum of 90% for all schools that are currently enrolled in or eligible for the program by determining groupings that allow for maximum school participation; and~~

~~(6) the State's direct certification continuous improvement plan, as required by the federal Healthy, Hunger-Free Kids Act of 2010 due to the State failing to achieve the 95% direct certification benchmark for children in households participating in the Supplemental Nutrition Assistance Program.~~

(B) A PUBLIC SCHOOL SHALL NOTIFY A PARENT OR LEGAL GUARDIAN OF A STUDENT WHEN THERE IS A LOW BALANCE IN THE STUDENT'S MEAL ACCOUNT AND BEFORE THE STUDENT ACCRUES UNPAID MEAL DEBT.

(C) A PUBLIC SCHOOL MAY NOT:

(1) COMMUNICATE ABOUT UNPAID MEAL DEBT DIRECTLY WITH A STUDENT OR IN A MANNER THAT HUMILIATES, EMBARRASSES, OR STIGMATIZES THE STUDENT; OR

(2) IN RESPONSE TO A STUDENT'S UNPAID MEAL DEBT:

(I) REQUIRE THE STUDENT TO WEAR A WRISTBAND, HAND STAMP, STICKER, OR OTHER IDENTIFYING MARK;

(II) REQUIRE THE STUDENT TO COMPLETE CHORES OR TASKS;

(III) DENY A MEAL TO THE STUDENT;

(IV) DISPOSE OF A MEAL AFTER IT HAS BEEN SERVED TO THE STUDENT; OR

(V) RESTRICT A STUDENT FROM ACCESS TO SCHOOL RECORDS OR PARTICIPATION IN ANY SCHOOL-RELATED EXTRACURRICULAR ACTIVITY.

(D) A PUBLIC SCHOOL MAY PROVIDE AN ALTERNATIVE MEAL INSTEAD OF A STANDARD MEAL IF THE MEAL:

(1) MEETS THE NUTRITIONAL STANDARDS OF THE U.S. DEPARTMENT OF AGRICULTURE; AND

(2) IS AVAILABLE TO ALL STUDENTS IN THE SCHOOL, REGARDLESS OF UNPAID MEAL DEBT.

(E) (1) A PUBLIC SCHOOL SHALL ENSURE THAT A PARENT OR LEGAL GUARDIAN OF EACH STUDENT IS NOTIFIED ABOUT THE APPLICATION PROCESS AND ELIGIBILITY REQUIREMENTS FOR THE SCHOOL'S FREE OR REDUCED PRICE MEAL PROGRAMS BY PROVIDING:

(I) ASSISTANCE IN UNDERSTANDING THE APPLICATION PROCESS AND ELIGIBILITY REQUIREMENTS; AND

(II) PRINTED APPLICATIONS IN MULTIPLE LANGUAGES.

(2) A PUBLIC SCHOOL SHALL ALLOW A STUDENT TO APPLY FOR THE SCHOOL'S FREE OR REDUCED PRICE MEAL PROGRAMS AT ANY TIME DURING THE YEAR.

(3) IF A STUDENT WHO QUALIFIES FOR A FREE OR REDUCED PRICE MEAL PROGRAM TRANSFERS TO ANOTHER SCHOOL WITHIN THE SAME JURISDICTION, THE NEW SCHOOL SHALL ENROLL THE STUDENT IN THE CORRESPONDING FREE OR REDUCED PRICE MEAL PROGRAM.

(F) EACH COUNTY BOARD SHALL:

(1) DETERMINE WHETHER EACH PUBLIC SCHOOL IN ITS JURISDICTION IS IN COMPLIANCE WITH THE POLICIES AND STANDARDS OF THE U.S. DEPARTMENT OF AGRICULTURE REGARDING COMMUNICATIONS ABOUT MEAL CHARGE POLICIES; AND

(2) REPORT TO THE DEPARTMENT ITS FINDINGS EACH YEAR.

SECTION ~~3~~ 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

Workers' Compensation – Hernia Claims

FOR the purpose of altering the time period within which a covered employee must report to the employer a hernia caused by an accidental personal injury or by a strain arising out of and in the course of employment for the purpose of filing a claim for compensation; authorizing a covered employee to file a claim for compensation for a hernia caused by an accidental personal injury within a certain time period under certain circumstances; making conforming changes; providing for the application of this Act; and generally relating to workers' compensation and hernia claims.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–504 and 9–709(a) and (b)
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

9–504.

(A) Except as otherwise provided, an employer shall provide compensation in accordance with this title to a covered employee for a hernia caused by an accidental personal injury or by a strain arising out of and in the course of employment if:

(1) the covered employee provides definite proof that satisfies the Commission that:

(i) the hernia did not exist before the accidental personal injury or strain occurred; or

(ii) as a result of the accidental personal injury or strain, a preexisting hernia has become so aggravated, incarcerated, or strangulated that an immediate operation is needed; and

(2) notwithstanding any other provision of this title about notice, the accidental personal injury or strain was reported to the employer within [30] 45 days after its occurrence.

(B) IF A COVERED EMPLOYEE FAILS TO FILE A CLAIM FOR COMPENSATION FOR A HERNIA CAUSED BY AN ACCIDENTAL PERSONAL INJURY WITHIN THE TIME PERIOD REQUIRED UNDER § 9–709(A) OF THIS TITLE, THE COVERED EMPLOYEE MAY

FILE THE CLAIM WITHIN 2 YEARS AFTER THE DATE THE ACCIDENTAL PERSONAL INJURY OCCURRED UNLESS THE EMPLOYER OR ITS INSURER HAS BEEN PREJUDICED BY THE FAILURE.

9-709.

(a) (1) Except as provided in subsection (c) of this section **AND § 9-504 OF THIS TITLE**, if a covered employee suffers an accidental personal injury, the covered employee, within 60 days after the date of the accidental personal injury, shall file with the Commission:

(i) a claim application form; and

(ii) if the covered employee was attended by a physician chosen by the covered employee, the report of the physician.

(2) (i) A claim application form filed under paragraph (1) of this subsection shall include an authorization by the claimant for the release, to the claimant's attorney, the claimant's employer, and the insurer of the claimant's employer, or an agent of the claimant's attorney, the claimant's employer, or the insurer of the claimant's employer, of medical information that is relevant to:

1. the member of the body that was injured, as indicated on the claim application form; and

2. the description of how the accidental personal injury occurred, as indicated on the claim application form.

(ii) An authorization under subparagraph (i) of this paragraph:

1. includes the release of information relating to the history, findings, office and patient charts, files, examination and progress notes, and physical evidence;

2. is effective for 1 year from the date the claim is filed; and

3. does not restrict the redisclosure of medical information or written material relating to the authorization to a medical manager, health care professional, or certified rehabilitation practitioner.

(b) (1) Unless excused by the Commission under paragraph (2) of this subsection **AND EXCEPT AS PROVIDED IN § 9-504 OF THIS TITLE**, failure to file a claim in accordance with subsection (a) of this section bars a claim under this title.

(2) The Commission may excuse a failure to file a claim in accordance with subsection (a) of this section if the Commission finds:

(i) that the employer or its insurer has not been prejudiced by the failure to file the claim; or

(ii) another sufficient reason.

(3) Notwithstanding paragraphs (1) and (2) of this subsection, if a covered employee fails to file a claim within 2 years after the date of the accidental personal injury, the claim is completely barred.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any claim arising from events occurring 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 583

(Senate Bill 794)

AN ACT concerning

County Boards of Education – Establishing Regional Career and Technical Education Schools – Authority

FOR the purpose of authorizing certain county boards of education to establish a regional Career and Technical Education (CTE) school subject to certain requirements; requiring a regional CTE school to comply with certain provisions of law and regulation; requiring a regional CTE school to operate under the terms of a certain collective bargaining agreement; requiring the Interagency Commission on School Construction to study and develop a certain cost–share formula for certain county boards of education; requiring the Commission to submit a report with its findings and recommendations to the Governor and the General Assembly on or before a certain date; defining certain terms; *making this Act contingent on the taking effect of another Act*; and generally relating to establishing a regional CTE school for public high school students in Caroline County, Dorchester County, Kent County, Queen Anne’s County, and Talbot County.

BY adding to

Article – Education

Section 21–207

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

21-207.

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

(2) “REGIONAL COUNTIES” MEANS CAROLINE COUNTY, DORCHESTER COUNTY, KENT COUNTY, QUEEN ANNE’S COUNTY, AND TALBOT COUNTY.

(3) “REGIONAL CTE SCHOOL” MEANS A SCHOOL OR PART OF A SCHOOL THAT PROVIDES CAREER AND TECHNICAL EDUCATION PROGRAMS TO PUBLIC HIGH SCHOOL STUDENTS IN THE REGIONAL COUNTIES.

(4) “SCHOOL” INCLUDES A PUBLIC INSTITUTION OF HIGHER EDUCATION LOCATED WITHIN THE REGIONAL COUNTIES.

(B) (1) TWO OR MORE COUNTY BOARDS OF THE REGIONAL COUNTIES MAY ESTABLISH A REGIONAL CTE SCHOOL.

(2) A REGIONAL CTE SCHOOL MAY NOT BE ESTABLISHED UNLESS AT LEAST TWO COUNTY BOARDS OF THE REGIONAL COUNTIES, THE GOVERNING BODIES OF THOSE REGIONAL COUNTIES, AND THE BOARD OF TRUSTEES OF THE PUBLIC INSTITUTION OF HIGHER EDUCATION, IF APPLICABLE, APPROVE THE ESTABLISHMENT OF THE REGIONAL CTE SCHOOL.

(3) PARTICIPATING COUNTY BOARDS OF THE REGIONAL COUNTIES, THE GOVERNING BODIES OF THOSE REGIONAL COUNTIES, AND THE BOARD OF TRUSTEES OF THE PUBLIC INSTITUTION OF HIGHER EDUCATION, IF APPLICABLE, SHALL ENTER INTO A BINDING MEMORANDUM OF UNDERSTANDING THAT PROVIDES FOR THE GOVERNANCE, OPERATIONS, FINANCING, AND MAINTENANCE OF THE REGIONAL CTE SCHOOL.

(C) ANY STATE OR LOCAL EDUCATION AID REQUIRED UNDER TITLE 5, SUBTITLE 2 OF THIS ARTICLE OR OTHER PROVISIONS OF THIS ARTICLE IS TO BE CALCULATED AND DISTRIBUTED AS REQUIRED IN THOSE SECTIONS OF LAW UNLESS OTHERWISE AGREED TO IN THE MEMORANDUM OF UNDERSTANDING REQUIRED IN SUBSECTION (B) OF THIS SECTION.

(D) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A REGIONAL CTE SCHOOL SHALL COMPLY WITH THE REGULATIONS AND PROVISIONS OF LAW GOVERNING OTHER PUBLIC SCHOOLS.

(2) A REGIONAL CTE SCHOOL SHALL OPERATE UNDER THE TERMS OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE COUNTY BOARD AND THE EXCLUSIVE BARGAINING REPRESENTATIVE THAT IS IN EFFECT IN THE COUNTY WHERE THE SCHOOL IS LOCATED.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Interagency Commission on School Construction shall study and develop a State and local cost-share formula for county boards of education that choose to collaborate and operate a regional school involving one or more county boards.

(b) On or before January 1, 2021, the Interagency Commission on School Construction shall submit a report with its findings and 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.~~

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020, contingent on the taking effect of Chapter _____ (S.B. 1000/H.B. 1300)(0lr2097/0lr2096) of the Acts of the General Assembly of 2020, and if Chapter (S.B. 1000/H.B. 1300)(0lr2097/0lr2096) does not take effect, this Act, with no further action required by the General Assembly, shall be null and void.

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

Chapter 584

(Senate Bill 807)

AN ACT concerning

Criminal Procedure – Victims of Sexually Assaultive Behavior – Waivers of Rights – Prohibition

FOR the purpose of prohibiting a ~~criminal justice unit~~ law enforcement agency from presenting certain victims of sexually assaultive behavior with certain forms ~~or seeking certain verbal agreements~~ under certain conditions; ~~prohibiting certain evidence from being introduced in certain court proceedings;~~ authorizing certain

victims affected by a violation of this Act to bring an action for certain relief; requiring ~~criminal justice units~~ law enforcement agencies to adopt and submit policies for enforcing this Act; defining certain terms; ~~providing for the application of this Act;~~ and generally relating to victims of sexually assaultive behavior.

BY adding to

Article – Criminal Procedure

Section 11–929

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

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

Article – Criminal Procedure

11–929.

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

(2) ~~“CRIMINAL JUSTICE UNIT” HAS THE MEANING STATED IN § 10–201 OF THIS ARTICLE~~ LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN § 3–201(D) OF THE PUBLIC SAFETY ARTICLE.

(3) “SEXUALLY ASSAULTIVE BEHAVIOR” HAS THE MEANING STATED IN § 10–923 OF THE COURTS ARTICLE.

(4) “VICTIM” MEANS ANY PERSON SUSPECTED TO HAVE BEEN SUBJECTED TO SEXUALLY ASSAULTIVE BEHAVIOR OR WHO CLAIMS TO HAVE BEEN SUBJECTED TO SEXUALLY ASSAULTIVE BEHAVIOR.

(B) IN AN INTERACTION WITH A VICTIM, A ~~CRIMINAL JUSTICE UNIT~~ LAW ENFORCEMENT AGENCY MAY NOT PRESENT TO THE VICTIM A FORM PURPORTING TO:

(1) RELIEVE THE ~~CRIMINAL JUSTICE UNIT~~ LAW ENFORCEMENT AGENCY OF AN OBLIGATION TO THE VICTIM;

(2) PRECLUDE OR DEFINE THE SCOPE OF AN INVESTIGATION BY THE ~~CRIMINAL JUSTICE UNIT~~ LAW ENFORCEMENT AGENCY INTO AN ACT ALLEGEDLY COMMITTED AGAINST THE VICTIM;

(3) PREVENT OR LIMIT A PROSECUTION OF AN ACT ALLEGEDLY COMMITTED AGAINST THE VICTIM; OR

(4) LIMIT A PRIVATE RIGHT OF ACTION OF THE VICTIM PERTAINING TO AN ACT ALLEGEDLY COMMITTED AGAINST THE VICTIM OR THE VICTIM'S INTERACTION WITH THE ~~CRIMINAL JUSTICE UNIT~~ LAW ENFORCEMENT AGENCY.

~~(C) IN AN INTERACTION WITH A VICTIM, A CRIMINAL JUSTICE UNIT MAY NOT SEEK A VERBAL AGREEMENT WITH THE VICTIM THAT WOULD HAVE A PURPORTED EFFECT IDENTIFIED IN SUBSECTION (B) OF THIS SECTION.~~

~~(D) (C) THE REQUIREMENTS OF SUBSECTIONS (B) AND (C) OF THIS SECTION APPLY EVEN IF THE FORM OR VERBAL AGREEMENT IS REQUESTED BY THE VICTIM~~ IF A VICTIM REQUESTS THAT THE SCOPE OF AN INVESTIGATION BE LIMITED OR THAT AN INVESTIGATION BE TEMPORARILY OR PERMANENTLY SUSPENDED, THE LAW ENFORCEMENT AGENCY SHALL:

(1) THOROUGHLY DOCUMENT THE REQUEST; AND

(2) FOLLOW UP WITH THE VICTIM IN ACCORDANCE WITH PRACTICES RECOMMENDED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION.

~~(E) A FORM OR VERBAL AGREEMENT IDENTIFIED UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION WHICH IS SIGNED OR AGREED TO BY A VICTIM MAY NOT BE ENFORCED OR USED AS EVIDENCE IN A CRIMINAL, CIVIL, OR ADMINISTRATIVE PROCEEDING.~~

~~(F) (D)~~ IF A ~~CRIMINAL JUSTICE UNIT~~ LAW ENFORCEMENT AGENCY VIOLATES THIS SECTION, AN AFFECTED VICTIM MAY BRING AN ACTION SEEKING INJUNCTIVE OR DECLARATORY RELIEF.

~~(G) (E)~~ (1) ON OR BEFORE JANUARY 1, 2021, EACH ~~CRIMINAL JUSTICE UNIT~~ LAW ENFORCEMENT AGENCY IN THE STATE SHALL ADOPT A POLICY TO ENFORCE THE PROVISIONS OF THIS SECTION.

(2) ON OR BEFORE JANUARY 15, 2021, EACH ~~CRIMINAL JUSTICE UNIT~~ LAW ENFORCEMENT AGENCY SHALL PROVIDE A COPY OF THE POLICY REQUIRED UNDER THIS SUBSECTION TO THE MARYLAND SEXUAL ASSAULT EVIDENCE KIT POLICY AND FUNDING COMMITTEE.

~~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 interaction between a criminal justice unit and an alleged or suspected victim of sexually assaultive behavior occurring before the effective date of this Act.~~

SECTION ~~2~~ 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 585

(Senate Bill 810)

AN ACT concerning

State Highway Administration – Electronic Signs Along Highways – Suicide Prevention

FOR the purpose of authorizing the State Highway Administration to post information on suicide prevention, including a hotline number, on electronic signs along any highway within a certain radius of a high suicide risk zone, as identified by the Administration; authorizing the Administration to adopt certain regulations; and generally relating to suicide prevention and electronic signs along highways.

BY adding to

Article – Transportation

Section 8–662

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

8–662.

(A) THE ADMINISTRATION MAY POST INFORMATION ON SUICIDE PREVENTION, INCLUDING A HOTLINE NUMBER, ON ELECTRONIC SIGNS ALONG ANY HIGHWAY WITHIN A 5–MILE RADIUS OF A HIGH SUICIDE RISK ZONE, AS IDENTIFIED BY THE ADMINISTRATION.

(B) THE ADMINISTRATION MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

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

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

Chapter 586

(Senate Bill 851)

AN ACT concerning

Human Services – Department of Disabilities – Accessibility Programs

FOR the purpose of transferring the administration and management of the Telecommunications Access of Maryland and Telecommunications Devices and Distribution of Accessible Information for Disabled Individuals programs from the Department of Information Technology to the Department of Disabilities; adding a representative of the Governor’s Advisory Board for Telecommunications Relay as a member of the Maryland Commission on Disabilities; adding representatives from the Maryland Commission on Disabilities and the Governor’s Office of the Deaf and Hard of Hearing to the Governor’s Advisory Board for Telecommunications Relay; requiring the Department of Disabilities to provide staff, including a director, to the Governor’s Advisory Board for Telecommunications Relay; establishing the qualifications and duties of the director; requiring the Department of Disabilities to provide a system for eligible program participants who cannot access telecommunications relay services in a traditional manner; making conforming changes; and generally relating to programs administered by the Department of Disabilities.

BY transferring

Article – State Finance and Procurement

Section 3A–501 through 3A–506, respectively, and the subtitle “Subtitle 5. Telecommunications Access of Maryland”; and 3A–601 through 3A–606, respectively, and the subtitle “Subtitle 6. Telecommunications Devices and Distribution of Accessible Information for Disabled Individuals”

Annotated Code of Maryland

(2015 Replacement Volume and 2019 Supplement)

to be

Article – Human Services

Section 7–801 through 7–806, respectively, and the subtitle “Subtitle 8. Telecommunications Access of Maryland”; and 7–901 through 7–906, respectively, and the subtitle “Subtitle 9. Telecommunications Devices and Distribution of Accessible Information for Disabled Individuals”

Annotated Code of Maryland

(2019 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Human Services

Section 7–114(b) and 7–120
 Annotated Code of Maryland
 (2019 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
 Article – Human Services
 Section 7–801, 7–803, 7–804, 7–806, 7–901, 7–902, 7–903, 7–905, and 7–906
 Annotated Code of Maryland
 (2019 Replacement Volume and 2019 Supplement)
 (As enacted by Section 1 of this Act)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 3A–501 through 3A–506, respectively, and the subtitle “Subtitle 5. Telecommunications Access of Maryland”; and 3A–601 through 3A–606, respectively, and the subtitle “Subtitle 6. Telecommunications Devices and Distribution of Accessible Information for Disabled Individuals” of Article – State Finance and Procurement of the Annotated Code of Maryland be transferred to be Section(s) 7–801 through 7–806, respectively, and the subtitle “Subtitle 8. Telecommunications Access of Maryland”; and 7–901 through 7–906, respectively, and the subtitle “Subtitle 9. Telecommunications Devices and Distribution of Accessible Information for Disabled Individuals” of Article – Human Services of the Annotated Code of Maryland.

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

Article – Human Services

7–114.

(b) The Department shall oversee and administer the following programs and units:

- (1) constituent services and ombudsmen programs;
- (2) the Assistive Technology Guaranteed Loan Program under Subtitle 6 of this title; [and]
- (3) the Office of Personal Assistance Services, including the Attendant Care Program under Subtitle 4 of this title;

(4) TELECOMMUNICATIONS ACCESS OF MARYLAND UNDER SUBTITLE 8 OF THIS TITLE; AND

(5) TELECOMMUNICATIONS DEVICES AND DISTRIBUTION OF ACCESSIBLE INFORMATION FOR DISABLED INDIVIDUALS UNDER SUBTITLE 9 OF THIS TITLE.

7–120.

(a) The Commission consists of:

(1) the following members, appointed by the Governor:

(i) one individual with a physical disability;

(ii) one individual who has experienced mental illness;

(iii) two individuals with a developmental disability, including one with an intellectual disability;

(iv) one individual who is blind;

(v) one individual who is deaf or hard of hearing;

(vi) one parent or foster parent of a child with a disability;

(vii) four members of the general public who have disabilities;

(viii) three representatives from statewide disability advocacy organizations;

(ix) one representative from the home health care industry;

(x) one representative from a statewide organization of providers of services and support for individuals with disabilities;

(xi) one representative from the Alliance of Local Commissions on Disability; and

(xii) two representatives from the Board, one of whom shall be selected by the Secretary and one of whom shall be the Secretary of Budget and Management or the designee of the Secretary of Budget and Management;

(2) one representative from the Senate of Maryland, appointed by the President of the Senate; [and]

(3) one representative from the Maryland House of Delegates, appointed by the Speaker of the House; **AND**

(4) ONE REPRESENTATIVE FROM THE GOVERNOR’S ADVISORY BOARD FOR TELECOMMUNICATIONS RELAY, APPOINTED BY THE CHAIR OF THE BOARD.

(b) In making the appointments required under subsection (a)(1) of this section, the Governor shall appoint members from among:

- (1) the geographic regions of the State; and
- (2) diverse backgrounds.

(c) A majority of the members shall be individuals with disabilities.

(d) (1) The term of a member is 3 years.

(2) The terms of the members are staggered as required by the terms provided for the members of the Commission on October 1, 2007.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) A member may not serve more than two consecutive 3-year terms.

(e) A member who fails to attend at least 50% of the regularly scheduled meetings of the Commission during any 12-month period shall be considered to have resigned.

7-801.

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

(b) “Board” means the Governor’s Advisory Board for Telecommunications Relay.

(c) “Communications company” means a public service company, as defined in § 1-101 of the Public Utilities Article, or any other company, that provides a communications service.

(d) “Communications service” means:

- (1) landline telephone service;
- (2) wireless or cellular telephone service; or

(3) Voice over Internet Protocol (VoIP) service, as defined in § 8-601 of the Public Utilities Article.

(E) “DEPARTMENT” MEANS THE DEPARTMENT OF DISABILITIES.

[(e)] (F) “Dual party telephone relay program” means a service that provides full and simultaneous communication between a person or persons with a disability that prevents them from using a standard telephone and a person or persons without that disability using conventional telephone equipment or other technology or equipment, whereby the disabled person or persons have their message relayed through an intermediary party using specialized telecommunications equipment.

[(f)] (G) “Program” means the dual party telephone relay program.

[(g)] (H) “Program participant” means a resident of the State who uses the dual party telephone relay program.

[(h)] (I) (1) “Specialized customer telephone equipment” means any communications device that enables or assists a person with a disability to communicate with others by means of the public switched telephone network or Internet protocol-enabled voice communications service.

(2) “Specialized customer telephone equipment” includes:

- (i) TDD/TT/TTY;
- (ii) amplifiers;
- (iii) captioned telephones;
- (iv) VRS equipment;
- (v) cell phones;
- (vi) pagers;
- (vii) puff blow devices;
- (viii) Braille–TTY devices; and
- (ix) equipment for the mobility disabled.

[(i)] (J) “Telecommunications device for the deaf” or “TDD/TT/TTY” means all types of mechanical devices that enable disabled individuals to communicate through messages sent and received through a telephone or wireless network.

7–803.

(a) The Board shall be composed of **[12] 14** individuals appointed by the Governor, who shall designate the chair, including:

- (1) five representatives of the deaf or hard of hearing community;
- (2) one representative of the mobility-impaired community who requires the use of specialized customer telephone equipment;
- (3) one representative of the speech-impaired community who requires the use of specialized customer telephone equipment;
- (4) one representative of the senior citizen community who requires the use of specialized customer telephone equipment;
- (5) one representative of the deaf-blind community; [and]
- (6) three representatives of government, one of whom is a representative of the Public Service Commission;
- (7) ONE REPRESENTATIVE FROM THE MARYLAND COMMISSION ON DISABILITIES; AND**
- (8) ONE REPRESENTATIVE FROM THE GOVERNOR'S OFFICE OF THE DEAF AND HARD OF HEARING.**

- (b)
 - (1) The term of a member is 3 years.
 - (2) The terms of members are staggered as required by the terms provided for members of the Board on June 30, 2008.
 - (3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.
 - (4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.
 - (5) The Governor may remove a member for incompetence or misconduct.
- (c) The members of the Board shall serve without compensation, but shall be reimbursed for all reasonable expenses incurred in the performance of their duties.
- (d) By January 1 of each year, the Board shall file an annual report on its activities to the General Assembly in accordance with § 2-1257 of the State Government Article.
- (e) The Board shall advise the Department with regard to the program's:
 - (1) level of access to program participants; and

- (2) quality of service.

7–804.

- (a) The Department in consultation with the Board shall:

- (1) establish and administer a program to provide cost-efficient, 24-hour, dual party relay service to program participants at a comparable level of access and quality that a standard telecommunication service provides to a person without a hearing or speech disability;

- (2) develop the program in collaboration with State programs currently serving disabled individuals and with community agencies or other organizations that have established relay programs; and

- (3) maintain an information and referral service to provide information about the availability of the relay service.

- (b) The Department in consultation with the Board [may] **SHALL**:

- (1) contract with a private vendor or nonprofit organization to provide the information and referral service required under subsection (a)(3) of this section; and

- (2) provide appropriate staff assistance from the Department, **INCLUDING A DIRECTOR**, to assist the Board in carrying out its duties under this subtitle.

- (c) **THE DIRECTOR PROVIDED UNDER SUBSECTION (B)(2) OF THIS SECTION SHALL:**

- (1) **BE AN INDIVIDUAL WHO IS:**

- (I) **DEAF, HARD OF HEARING, DEAFBLIND, OR SPEECH DISABLED; AND**

- (II) **IS A USER OF TELECOMMUNICATIONS RELAY SERVICES;**

- (2) **DIRECT THE IMPLEMENTATION OF SERVICES AND PROGRAMS ESTABLISHED IN ACCORDANCE WITH THIS SUBTITLE AND SUBTITLE 9 OF THIS TITLE; AND**

- (3) **ADVISE THE DEPARTMENT AND THE SECRETARY OF DISABILITIES ON REGULATORY POLICY AND THE ADMINISTRATION OF THE UNIVERSAL SERVICE TRUST FUND.**

7–806.

(a) (1) Subject to paragraph (2) of this subsection, the programs under [§ 3A-504(a) of this subtitle and §§ 3A-602(a) and 3A-702 of this title] **§ 7-804(A) OF THIS SUBTITLE, § 7-902(A) OF THIS TITLE, AND § 3A-702 OF THE STATE FINANCE AND PROCUREMENT ARTICLE** shall be funded as provided in the State budget.

(2) For fiscal year 2019 and each fiscal year thereafter, the program under § 3A-702 of [this title] **THE STATE FINANCE AND PROCUREMENT ARTICLE** shall be funded at an amount that:

(i) is equal to the cost that the Department of Aging is expected to incur for the upcoming fiscal year to provide the service and administer the program; and

(ii) does not exceed 5 cents per month for each account out of the surcharge amount authorized under subsection (c) of this section.

(b) (1) There is a Universal Service Trust Fund created for the purpose of paying the costs of maintaining and operating the programs under:

(i) § [3A-504(a)] **7-804(A)** of this subtitle, subject to the limitations and controls provided in this subtitle;

(ii) § [3A-602(a)] **7-902(A)** of this title, subject to the limitations and controls provided in Subtitle [6] **9** of this title; and

(iii) § 3A-702 of [this title] **THE STATE FINANCE AND PROCUREMENT ARTICLE**, subject to the limitations and controls provided in **TITLE 3A**, Subtitle 7 of [this title] **THE STATE FINANCE AND PROCUREMENT ARTICLE**.

(2) Money in the Universal Service Trust Fund shall be held in the State Treasury.

(3) Money in the Universal Service Trust Fund may only be used:

(i) to fund the costs of the programs specified in paragraph (1) of this subsection; and

(ii) to pay for the administration of the Universal Service Trust Fund.

(c) (1) The costs of the programs under [§ 3A-504(a) of this subtitle and §§ 3A-602(a) and 3A-702 of this title] **§ 7-804(A) OF THIS SUBTITLE, § 7-902(A) OF THIS TITLE, AND § 3A-702 OF THE STATE FINANCE AND PROCUREMENT ARTICLE** shall be funded by revenues generated by:

(i) a surcharge to be paid by the subscribers to a communications

service; and

(ii) other funds as provided in the State budget.

(2) (i) The surcharge may not exceed 18 cents per month for each account and shall be applied to all current bills rendered for a communications service in the State.

(ii) The surcharge is payable at the time the bills for a communications service are due.

(3) The surcharge to be collected under this section applies only to a communications service for which charges are billed by, or on behalf of, a communications company to a subscriber of the communications service.

(d) (1) The Secretary shall annually certify to the Public Service Commission the costs of the programs under [§ 3A–504(a) of this subtitle and §§ 3A–602(a) and 3A–702 of this title] **§ 7–804(A) OF THIS SUBTITLE, § 7–902(A) OF THIS TITLE, AND § 3A–702 OF THE STATE FINANCE AND PROCUREMENT ARTICLE** to be paid by the Universal Service Trust Fund for the following fiscal year.

(2) (i) The Public Service Commission shall determine the surcharge for the following fiscal year necessary to fund the programs under [§ 3A–504(a) of this subtitle and §§ 3A–602(a) and 3A–702 of this title] **§ 7–804(A) OF THIS SUBTITLE, § 7–902(A) OF THIS TITLE, AND § 3A–702 OF THE STATE FINANCE AND PROCUREMENT ARTICLE**.

(ii) 1. In accordance with subsection (c)(2) of this section and subparagraph 2 of this subparagraph, the Public Service Commission shall set the surcharge for the following fiscal year at an amount that is no higher than necessary to generate sufficient revenues to fund the costs of the programs for the following fiscal year, as certified under paragraph (1) of this subsection.

2. In setting the surcharge under subparagraph 1 of this subparagraph, the Public Service Commission shall take into account whether the surcharge may be adjusted as a result of any uncommitted funds in the Universal Service Trust Fund at the end of the fiscal year that may be used to fund the costs of the programs for the following fiscal year.

(3) The Secretary shall, on 60 days' notice, direct the affected communications companies to add the surcharge determined by the Public Service Commission under paragraph (2) of this subsection to all current bills rendered for communications service in the State.

(e) (1) The affected communications companies shall act as collection agents for the Universal Service Trust Fund and shall remit all proceeds monthly to the

Comptroller for deposit to the Universal Service Trust Fund.

(2) The communications companies shall be entitled to credit against these proceeds in an amount equal to 1 1/2 percent of these proceeds to cover the expenses of billing, collecting, and remitting the surcharge and any additional charges.

(f) (1) The Secretary shall administer the Universal Service Trust Fund.

(2) The income derived from investment of money in the Universal Service Trust Fund shall accrue to the Universal Service Trust Fund.

(3) Any funds remaining at the end of a fiscal year in the Universal Service Trust Fund shall be carried forward within the Universal Service Trust Fund for the maintenance and operation of the programs specified under subsection (b) of this section in the following fiscal year.

(g) (1) The Legislative Auditor may conduct postaudits of a fiscal and compliance nature of the Universal Service Trust Fund and the expenditures made for purposes of [§ 3A-504(a) of this subtitle and §§ 3A-602(a) and 3A-702 of this title] **§ 7-804(A) OF THIS SUBTITLE, § 7-902(A) OF THIS TITLE, AND § 3A-702 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

(2) The cost of the fiscal portion of the postaudit examination shall be paid from the Universal Service Trust Fund as an administrative cost.

7-901.

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

(b) “Board” means the Governor’s Advisory Board for Telecommunications Relay established in Subtitle [5] 8 of this title.

(c) “DEPARTMENT” MEANS THE DEPARTMENT OF DISABILITIES.

[(c)] **(D)** “Program” means the program [developed and] administered by the Department in consultation with the Board [and the Department of Disabilities] to provide financial assistance for the purchase of specialized customer telephone equipment by eligible program participants.

[(d)] **(E)** “Program participant” means a person who:

(1) is a resident of the State;

(2) is certified by a licensed professional as having a disability which seriously limits or prohibits the use of the telephone or wireless network without specialized customer telephone equipment;

(3) is certified by a licensed professional as being able to use specialized customer telephone equipment for which application is made;

(4) meets the financial eligibility requirements established by the Department [in consultation with the Department of Disabilities] as a recipient of:

(i) Transitional Emergency Medical and Housing Assistance (TEMHA);

(ii) Supplemental Security Income (SSI);

(iii) Social Security Disability Income (SSDI); or

(iv) Temporary Assistance for Needy Families (TANF); and

(5) at the time of application is not receiving similar services which are available and can be provided in a timely manner through another program.

[(e) (F)] “Qualified entity” means a nonprofit organization that:

(1) produces audio editions of daily newspapers, available for interstate distribution using high-speed computer and telecommunications technology; and

(2) provides a means of program administration and reader registration on the Internet.

[(f) (G)] “Specialized customer telephone equipment” or “equipment” means any communications device designed to assist program participants in using a telephone or wireless service provider’s network.

[(g) (H)] “System” means the method which the Department shall use to provide equipment to eligible program participants.

7–902.

(a) In accordance with the State budget and § [3A–506] **7–806** of this title, the Department, in consultation with the Board [and the Department of Disabilities], shall establish and administer a program:

(1) to provide specialized customer telephone equipment to eligible program participants; and

(2) to provide reimbursement of costs under § [3A–606] **7–906** of this subtitle.

(b) (1) In this subsection, “shopping facility” means an outdoor or indoor retail facility with a common pedestrian area housing more than five sales or rental establishments in which a majority of the tenants have a main entrance from the common pedestrian area.

(2) This subsection applies to a shopping facility that:

(i) provides a total number of four or more public pay telephones at the facility of which at least one is located in the common pedestrian area; and

(ii) is larger than 500,000 square feet.

(3) In accordance with the standards and regulations established by the Department, the owner, operator, manager, or other person having control of a shopping facility shall acquire and install at least one specialized communications device designed to enable customers with hearing or speech disabilities to access a telephone or wireless service providers network.

7-903.

(a) The Department, in consultation with the Board [and the Department of Disabilities], shall:

(1) provide a system for eligible program participants to obtain equipment, but no single eligible participant shall receive more than \$6,000;

(2) **PROVIDE A SYSTEM FOR ELIGIBLE PROGRAM PARTICIPANTS WHO CANNOT ACCESS TELECOMMUNICATIONS RELAY SERVICES IN A TRADITIONAL MANNER TO OBTAIN COMMUNICATION FACILITATORS OR RELATED SUPPORT SERVICES;**

(3) establish an information and referral service, including the toll-free numbers for the various access modes for the Maryland relay service and provide information about the availability of the equipment;

[(3)] (4) contract with private vendors or nonprofit organizations to provide the information and referral service and other auxiliary services;

[(4)] (5) as necessary, establish interagency agreements with other State agencies that provide technical assistance for disabled individuals to prevent duplicative programs; and

[(5)] (6) appoint appropriate staff to assist the Board in carrying out its activities under this subtitle.

(b) The Board and the Department [of Disabilities] shall:

- (1) [assist the Department in the development of] **DEVELOP** regulations;
- (2) develop and implement educational outreach programs; **AND**
- (3) review and monitor the program[; and
- (4) advise the Department on unusual hardship cases].

7–905.

The Department in consultation with the Board [and the Department of Disabilities] shall adopt regulations to carry out the purposes of this subtitle.

7–906.

(a) The Department in consultation with the Board [and the Department of Disabilities] shall enter into an agreement with the State Library Board, providing for an annual payment to be made to the State Library Agency in an amount equal to the cost incurred for the distribution of newspapers in a computerized audio format.

(b) Under the agreement, the State Library Agency shall provide eligible blind and disabled individuals with access to newspapers in a computerized audio format by a qualified entity.

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 587

(Senate Bill 882)

AN ACT concerning

Recreational Striped Bass Fishery – Study on Harvest Data

FOR the purpose of requiring the Department of Natural Resources to conduct a study on methods of obtaining more accurate harvest data for the recreational striped bass fishery; requiring the study to examine certain issues relevant to obtaining more accurate harvest data for the recreational striped bass fishery; requiring the Department to report its findings and recommendations to the Governor and certain committees of the General Assembly on or before a certain date; providing for the

termination of this Act; and generally relating to the study on methods of obtaining more accurate harvest data for the recreational striped bass fishery.

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

(a) The Department of Natural Resources shall conduct a study on methods of obtaining more accurate harvest data for the recreational striped bass fishery.

(b) The study shall:

(1) examine the benefits that more accurate harvest data for the recreational striped bass fishery would have on the scientific and management capabilities of the Department with respect to the entire striped bass fishery;

(2) consider the types of information and level of detail that would be most beneficial for the Department to obtain for its scientific and management duties and capabilities;

(3) consider the advantages, disadvantages, and feasibility of implementing various methods for obtaining more accurate harvest data for the recreational striped bass fishery;

(4) recommend methods for obtaining more accurate harvest data for the recreational striped bass fishery; and

(5) recommend any enforcement measures that would need to be implemented to support any methods recommended under item (4) of this subsection.

(c) On or before December 1, 2020, the Department shall report its findings and recommendations with respect to obtaining more accurate harvest data for the recreational striped bass fishery to the Governor and, in accordance with to § 2-1257 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Environment and Transportation Committee.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020. It shall remain effective for a period of 1 year and, at the end of May 31, 2021, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

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

Chapter 588

(Senate Bill 960)

AN ACT concerning

~~Optional Retirement Program~~ ***State Retirement and Pension System – Membership and Benefits***

FOR the purpose of prohibiting certain individuals who are members of the Employees' Pension System of the State Retirement and Pension System from becoming a member of the Optional Retirement Program of the State Retirement and Pension System on or after a certain date; prohibiting certain individuals from continuing membership in the Optional Retirement Program on or after a certain date; requiring certain individuals to resume participation as a member of the Employees' Pension System on a certain date; providing that certain retirees of the Teachers' Pension System of the State Retirement and Pension System who meet certain criteria may continue employment with certain participating employers of the State Retirement and Pension System without incurring a certain break in service following retirement from the Teachers' Pension System; requiring certain members of the Employees' Pension System to cease membership in the Employees' Pension System under certain circumstances as of a certain date; providing that certain individuals shall receive a specified benefit from the Employees' Pension System as of a certain date after separating from certain employment with certain participating employers of the State Retirement and Pension System; and generally relating to membership and benefits in the ~~Optional Retirement Program of the~~ State Retirement and Pension System.

BY repealing and reenacting, without amendments,
 Article – State Personnel and Pensions
 Section ~~23-407(d)~~, 30-302, 30-303, and 30-307
 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

23-407.

(d) An individual who is receiving a service retirement allowance under this title may not be employed within 45 days of the date the individual retired, on a permanent, temporary, or contractual basis, by:

- (1) the State or other participating employer; or
- (2) a withdrawn participating governmental unit, if the retiree was an employee of the withdrawn participating governmental unit while the withdrawn governmental unit was a participating employer.

30–302.

(a) An election to participate in the program shall be made by an eligible employee at commencement of employment.

(b) An eligible employee's election to participate in the program is a one-time irrevocable election.

(c) An individual who previously participated in a State system as an employee of an employing institution or any other unit of State government may not elect to participate in the program.

30–303.

(a) An eligible employee shall elect to:

(1) join a pension or retirement system in accordance with the provisions of this Division II applicable to that system; or

(2) participate in the program.

(b) An eligible employee shall:

(1) make an election under this section in writing; and

(2) file the election with the Board of Trustees and the employing institution at commencement of employment.

(c) An eligible employee's election under this section is a one-time, irrevocable election.

(d) The effective date of the election shall be the day of commencement of employment.

30–307.

(a) (1) This subsection applies to an election to participate in the program made on or before June 30, 2017.

(2) Except as otherwise provided in this section, an election to participate in the program is a waiver of all rights and benefits provided by the retirement or pension system in which the participating employee was a member on the effective date of the election.

(3) For the purpose of determining eligibility for immediate vested rights or benefits in a retirement system or pension system, an eligible employee who is a member

of that State system when the employee elects to participate in the program is deemed to have separated from employment on the effective date of the election.

(4) The Board of Trustees may only compute retirement system or pension system benefits on the basis of years of creditable service as a member of that State system.

(5) (i) This paragraph applies only to a participating employee whose last employer prior to joining the program was a participating employer that does not participate in the employer pick-up program as defined in § 414(h)(2) of the Internal Revenue Code.

(ii) A participating employee may withdraw any accumulated contributions in the annuity savings fund on or after the effective date of the participating employee's election to join the program.

(iii) If a participating employee withdraws the accumulated contributions, the participating employee forfeits any right to a benefit in the State system from which the accumulated contributions were withdrawn.

(b) (1) A participating employee is ineligible for membership in a retirement system or pension system while the participating employee is employed in any eligible position by any employing institution.

(2) A participating employee who is subsequently appointed, promoted, or transferred to another position that is eligible for membership in a State system but is not eligible for participation in the program shall participate in a State system with respect to that position as a condition of employment.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) This section applies to an individual who:

(1) on or before July 1, 1986, began employment in the State Personnel Management System as an assistant attorney general assigned to the Maryland Department of Transportation headquarters and enrolled in the Employees' Pension System of the State Retirement and Pension System as a condition of employment;

(2) on or before August 1, 1993, transferred into the personnel system of the University System of Maryland while continuing employment as an assistant attorney general but reassigned to work on higher education issues and elected to participate in the Optional Retirement Program of the State Retirement and Pension System;

(3) on or before March 1, 1997, transferred into the State Personnel Management System while continuing employment as an assistant attorney general assigned to work on higher education issues and resumed participation in the Employees' Pension System of the State Retirement and Pension System as a condition of employment; and

(4) on or before April 1, 1997, withdrew their accumulated contributions from the Optional Retirement Program.

(b) Notwithstanding §§ 30–302, 30–303, and 30–307 of the State Personnel and Pensions Article, an individual described under subsection (a) of this section may not participate in the Optional Retirement Program on or after July 1, 2020.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) This section applies to an individual who:

(1) on or after January 1, 2007, began employment with the Carroll County Community College as a web designer and elected to participate in the Optional Retirement Program of the State Retirement and Pension System;

(2) on or after August 1, 2015, began employment with the Maryland Department of Health as a data processor programmer and enrolled in the Employees' Pension System of the State Retirement and Pension System as a condition of employment;

(3) on or after April 1, 2019, began employment with the Department of Human Services as an IT programming analyst and continued membership in the Employees' Pension System; and

(4) on or after December 1, 2019, began employment with the Maryland Higher Education Commission as an IT programmer analyst supervisor and was reenrolled in the Optional Retirement Program in accordance with § 30–307 of the State Personnel and Pensions Article.

(b) Notwithstanding §§ 30–302, 30–303, and 30–307 of the State Personnel and Pensions Article, an individual described under subsection (a) of this section may not participate in the Optional Retirement Program on or after June 1, 2020.

(c) An individual described under subsection (a) of this section shall resume membership in the Employees' Pension System on June 1, 2020.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) This section applies to an individual who:

(1) was employed as a teacher for the Frederick County Public School System and retired from the Teachers' Pension System under Title 23 of the State Personnel and Pensions Article on or after July 1, 2019;

(2) (i) was elected to the Town Commission for the Town of Walkersville in 2015 and again in 2018;

(ii) enrolled in the Employees' Pension System under Title 23 of the State Personnel and Pensions Article as a commissioner of the Town Commission for the Town of Walkersville on or after October 1, 2015; and

(iii) remains a commissioner of the Town Commission for the Town of Walkersville on June 1, 2020; and

(3) on or before July 1, 2020, has reached or exceeded normal retirement age in the Employees' Pension System and the Teachers' Pension System.

(b) Notwithstanding § 23-407(d) of the State Personnel and Pensions Article, an individual described under subsection (a) of this section is not subject to a 45-day break in service after retirement from the Teachers' Pension System.

(c) (1) An individual described under subsection (a) of this section shall cease membership in the Employees' Pension System as of June 30, 2019.

(2) After separating from employment as a commissioner of the Town Commission for the Town of Walkersville, the individual shall be entitled to:

(i) a return of accumulated contributions or any other benefit to which the individual is entitled on the basis of the individual's membership in the Employees' Pension System as of June 30, 2019; and

(ii) a return of accumulated contributions that were made by the individual to the Employees' Pension System from July 1, 2019, through May 31, 2020.

SECTION ~~3~~ 4 5. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~ June 1, 2020.

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

Chapter 589

(Senate Bill 966)

AN ACT concerning

Health Facilities – Assisted Living Programs – Referrals and Licenses

FOR the purpose of ~~authorizing the Office of the Attorney General to seek certain injunctive or other relief for a certain purpose under certain circumstances~~ providing that a certain violation of a certain provision of law shall be a violation of the Consumer Protection Act; prohibiting a person from knowingly and willfully referring another person to a certain assisted living program; establishing certain penalties for certain

violations of this Act; requiring the Secretary of Health to remit certain penalties to the Office of Health Care Quality for a certain purpose; requiring each assisted living referrer to register with the Office of Health Care Quality, make a certain disclosure to a certain client, affirm certain information under certain circumstances, and notify the Office of Health Care Quality of certain information; authorizing each assisted living referrer to refer a certain client only to a certain assisted living program under certain circumstances; prohibiting an assisted living referrer from receiving certain funding under certain circumstances and from making referrals only to certain licensed assisted living programs; authorizing the Office of the Attorney General to investigate a certain matter and seek appropriate relief under certain circumstances; defining a certain term; and generally relating to referrals to, and licenses for, assisted living programs.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 19–1804.1
Annotated Code of Maryland
(2019 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–1809
Annotated Code of Maryland
(2019 Replacement Volume)

BY adding to
Article – Health – General
Section 19–1813
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

19–1804.1.

(a) A person shall be licensed by the Department to conduct, operate, or maintain an assisted living program in the State.

(b) (1) A person shall submit an application for licensure to conduct, operate, or maintain an assisted living program to the Secretary on a form developed by the Secretary.

(2) (i) The Secretary shall develop the application for licensure required under paragraph (1) of this subsection.

(ii) The application shall include the name and address of each officer, manager, alternate manager, and delegating nurse or case manager of the assisted living program.

(3) In addition to the application, an applicant for initial licensure shall submit to the Secretary:

(i) Information concerning any license or certification held by the applicant under the Health Occupations Article or under this article, including the prior or current operation by the applicant of a health care facility, residential facility, or similar health care program;

(ii) Information demonstrating the financial and administrative ability of the applicant to operate an assisted living program in compliance with this subtitle;

(iii) The policies and procedures to be implemented by the assisted living program;

(iv) Identification of the personnel and relief personnel to be employed by the assisted living program; and

(v) Any other information that is relevant to the ability of the applicant to care for the residents of the assisted living program.

(c) (1) The Secretary shall:

(i) Review the application and information received under subsection (b) of this section; and

(ii) Conduct an independent investigation of the assisted living program applying for initial licensure.

(2) Based on the review and investigation conducted under paragraph (1) of this subsection, the Secretary shall:

(i) Authorize the unconditional approval of the application;

(ii) Authorize the conditional approval of the application; or

(iii) Deny the application.

(d) The Secretary may issue a probationary license that is valid for a period of time determined by the Secretary in accordance with regulations adopted by the Secretary.

(a) (1) A person may not knowingly and willfully operate, maintain, or own an assisted living program without a license.

(2) A person who violates paragraph (1) of this subsection is guilty of a felony and on conviction is subject to:

(i) For a first offense, a fine not exceeding \$10,000 or imprisonment not exceeding 5 years or both; or

(ii) For a subsequent offense, a fine not exceeding \$20,000 or imprisonment not exceeding 5 years or both.

(3) If the Department finds an assisted living program to be in violation of paragraph (1) of this subsection, the Department shall send written notice to the program 30 days before the State files charges under this section in order to give the program an opportunity to come into compliance with licensure requirements.

(4) A person may not be subject to paragraph (2) of this subsection if the person has:

(i) Applied in good faith to the Department for an assisted living program license;

(ii) Is awaiting a decision from the Department regarding the application; and

(iii) Has not been denied an assisted living program license on a prior occasion.

(5) In recommending the amount of the criminal penalty under paragraph (2) of this subsection, the State shall consider factors including the nature, number, and seriousness of the violations and the ability of the assisted living program to pay the penalty.

~~(6) IF A PERSON VIOLATES PARAGRAPH (1) OF THIS SUBSECTION FOR THE THIRD TIME, THE OFFICE OF THE ATTORNEY GENERAL MAY SEEK APPROPRIATE INJUNCTIVE OR OTHER RELIEF TO PREVENT THE PERSON FROM CONTINUING TO OPERATE, MAINTAIN, OR OWN AN ASSISTED LIVING PROGRAM WITHOUT A LICENSE, INCLUDING INJUNCTIVE RELIEF THAT:~~

~~(I) REQUIRES THE PERSON TO IMMEDIATELY CEASE OPERATING THE ASSISTED LIVING PROGRAM; AND~~

~~(II) PROHIBITS THE PERSON FROM OPERATING, MAINTAINING, OR OWNING AN ASSISTED LIVING PROGRAM IN THE FUTURE A VIOLATION OF~~

PARAGRAPH (1) OF THIS SUBSECTION SHALL BE A VIOLATION OF THE CONSUMER PROTECTION ACT.

(b) (1) (i) A person may not advertise, represent, or imply to the public that an assisted living program is authorized to provide a service that the program is not licensed, certified, or otherwise authorized by the Department to provide when the license, certificate, or authorization is required under this subtitle.

(ii) A person may not advertise an assisted living program in a misleading or fraudulent manner.

(2) (i) A person who violates paragraph (1) of this subsection is subject to a civil money penalty imposed by the Secretary not exceeding \$10,000 for each offense.

(ii) In setting the amount of a civil money penalty on the program under subparagraph (i) of this paragraph, the Secretary shall consider factors including the nature, number, and seriousness of the violations and the ability of the assisted living program to pay the penalty.

(C) (1) A PERSON MAY NOT WILLFULLY AND KNOWINGLY REFER ANOTHER PERSON TO AN ASSISTED LIVING PROGRAM THAT IS OPERATING WITHOUT A LICENSE.

(2) A PERSON WHO VIOLATES PARAGRAPH (1) OF THIS SUBSECTION IS SUBJECT TO THE FOLLOWING CIVIL PENALTIES:

(I) FOR A FIRST OFFENSE, A CIVIL PENALTY NOT EXCEEDING \$1,000;

(II) FOR A SECOND OFFENSE, A CIVIL PENALTY NOT EXCEEDING \$2,000; OR

(III) FOR A THIRD OR SUBSEQUENT OFFENSE, A CIVIL PENALTY NOT EXCEEDING \$3,000.

(3) THE SECRETARY SHALL REMIT ALL CIVIL PENALTIES COLLECTED UNDER THIS SUBSECTION TO THE OFFICE OF HEALTH CARE QUALITY FOR THE PURPOSES OF CARRYING OUT THE PROVISIONS OF § 19-1813 OF THIS SUBSECTION.

19-1813.

(A) IN THIS SECTION, “ASSISTED LIVING REFERRER” MEANS AN INDIVIDUAL OR AGENCY THAT:

(1) MAKES REFERRALS TO ASSISTED LIVING PROGRAMS WITHOUT COST TO THE PERSON RECEIVING THE REFERRAL; AND

(2) IS COMPENSATED BY AN ASSISTED LIVING PROGRAM OR OTHER THIRD PARTY FOR REFERRING INDIVIDUALS TO A LICENSED ASSISTED LIVING PROGRAM; ~~AND~~

~~(3) MAKES REFERRALS ONLY TO LICENSED ASSISTED LIVING PROGRAMS FOR WHICH THE REFERRER RECEIVES COMPENSATION UNDER ITEM (2) OF THIS SUBSECTION.~~

(B) EACH ASSISTED LIVING REFERRER:

(1) SHALL REGISTER WITH THE OFFICE OF HEALTH CARE QUALITY;

(2) SHALL DISCLOSE TO A CLIENT OR POTENTIAL CLIENT OF THE ASSISTED LIVING REFERRER ALL FINANCIAL RELATIONSHIPS THE ASSISTED LIVING REFERRER HAS WITH ASSISTED LIVING PROGRAMS;

(3) IF REFERRING A CLIENT OR POTENTIAL CLIENT TO AN ASSISTED LIVING PROGRAM, SHALL AFFIRM THAT THE ASSISTED LIVING PROGRAM IS LICENSED;

(4) IF REFERRING A CLIENT OR POTENTIAL CLIENT TO AN ASSISTED LIVING PROGRAM, MAY REFER THE CLIENT OR POTENTIAL CLIENT ONLY TO A LICENSED ASSISTED LIVING PROGRAM; AND

(5) SHALL NOTIFY THE OFFICE OF HEALTH CARE QUALITY IMMEDIATELY ON LEARNING THAT THE ASSISTED LIVING PROGRAM IS OPERATING WITHOUT A LICENSE.

(C) AN ASSISTED LIVING REFERRER MAY NOT ~~RECEIVE~~:

(1) RECEIVE FUNDING FROM THE DEPARTMENT IF THE ASSISTED LIVING REFERRER IS IN VIOLATION OF THIS SUBTITLE; OR

(2) MAKE REFERRALS ONLY TO LICENSED ASSISTED LIVING PROGRAMS FROM WHICH THE ASSISTED LIVING REFERRER RECEIVES COMPENSATION AS DESCRIBED IN SUBSECTION (A)(2) OF THIS SECTION.

(D) IF REQUESTED BY ANY PERSON OR ON ITS OWN INITIATIVE, THE OFFICE OF THE ATTORNEY GENERAL MAY INVESTIGATE WHETHER AN ASSISTED LIVING REFERRER VIOLATED THIS SUBTITLE AND MAY SEEK APPROPRIATE RELIEF.

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 590

(Senate Bill 987)

AN ACT concerning

Racing and Community Development Act of 2020

FOR the purpose of requiring the State Racing Commission to consider the health, safety, and welfare of certain horses; requiring the Commission to establish the Equine Health, Safety, and Welfare Advisory Committee; providing for the composition and chair of the Advisory Committee; requiring the Advisory Committee to report on certain activities and make certain recommendations; requiring the Commission to include certain information in a certain report; altering the number of live racing days the Commission is required to award each year; ~~requiring stating the intent of the General Assembly that~~ requiring the owner of the Bowie Race Course Training Center ~~to, on or before a certain date, to convey certain parts of the property to certain entities~~ the Bowie Race Course Training Center property to the City of Bowie in a certain manner on or before a certain date; providing that certain parts of the property conveyed may ~~only~~ be used only for certain purposes; requiring the City of Bowie, on or before a certain date, to enter ~~a certain~~ into a joint use agreement with Bowie State University for the future use of the property; requiring the City of Bowie and Bowie State University to report to the General Assembly on the final terms of the joint use agreement; requiring the Mayor of Baltimore City to ~~designate~~ appoint, subject to confirmation by the Baltimore City Council, the chair of the Pimlico Community Development Authority; providing that certain planning, zoning, and development regulations that apply to the Maryland Stadium Authority do not apply to certain racing facilities; authorizing, subject to the approval of the Board of Public Works, the Authority to issue up to a certain amount of bonds for certain racing facilities; requiring the Authority to provide certain committees of the General Assembly a certain report before seeking certain approval of the Board of Public Works; requiring that certain bonds contain certain statements; requiring the Authority to obtain certain approval of the Board of Public Works; requiring the Authority, before issuing certain bonds, to ensure that certain ~~long term~~ agreements are ~~finalized executed and certain property is conveyed~~; authorizing requiring the Authority to enter into a certain agreement with certain project entities; ~~prohibiting the Authority from having any responsibility for a racing facility after the completion of a racing facility~~; ~~authorizing the Authority to assist with enforcement of certain warranties and claims~~; ~~authorizing the Authority, if retained, to provide certain services~~; requiring the Authority to enter into certain agreements with certain

~~entities~~; requiring the Comptroller to deposit a certain amount into certain funds; ~~authorizing transfers between certain funds~~; establishing ~~the Racing and Community Development Fund~~ certain funds as a continuing, nonlapsing fund funds; specifying the purpose of the Fund funds; requiring the Authority to administer the Fund funds; requiring the State Treasurer to hold the Fund funds; specifying the contents of the Fund funds; specifying the purpose for which the Fund funds may be used; providing for the investment of money in and expenditures from the Fund funds; requiring interest earnings of the Fund funds to be credited to the Fund funds; exempting the Fund funds from a certain provision of law requiring interest earnings on State money to accrue to the General Fund of the State; requiring the Comptroller to pay a certain amount from a certain fund each year ~~that~~ *until* certain bonds ~~remain outstanding and unpaid~~ *have matured*; altering *certain conditions of eligibility for funding from and* the allocation of the Racetrack Facility Renewal Account; ~~authorizing the use of funds in the Account for certain purposes on or before a certain date~~; *requiring certain funds to be transferred each year to a certain entity*; altering the distribution of proceeds from video lottery terminals; requiring that certain local impact grants are distributed in a certain manner for certain fiscal years; allowing a subtraction modification under the Maryland income tax for gain ~~received~~ *recognized* as a result of the transfer of certain property and the amount of any income ~~realized~~ *recognized* as the result of an expenditure by certain governmental entities; providing an exemption from the sales and use tax for ~~the purchase of certain personal property~~ *certain sales of certain construction materials* used for certain purposes; providing an exemption from certain property taxes for certain improvements *or interests in certain real property* at certain locations; providing that transfers of certain property between certain entities are not subject to certain recordation and transfer taxes; *requiring certain housing facilities located at certain racing facility properties and used during certain periods of the racing facility development projects to meet certain health and housing requirements*; prohibiting the Authority from expending funds for construction of certain surfaces until certain entities provide the Legislative Policy Committee with a certain report; requiring certain entities to enter into a certain memorandum of understanding that contains certain provisions; prohibiting the Authority from beginning construction of a certain site until it receives a certain memorandum of understanding; requiring that a certain memorandum of understanding remain in place for a certain period of time; requiring the Maryland Stadium Authority to conduct a certain feasibility study; *requiring certain reports to be submitted to the Legislative Policy Committee in a certain manner*; making conforming changes; defining certain terms; providing for the application of certain provisions of this Act; and generally relating to ~~thoroughbred~~ horse racing in the State.

BY repealing and reenacting, with amendments,
 Article – Business Regulation
 Section 11–209, 11–213, 11–511, 11–519, and 11–1203(b)
 Annotated Code of Maryland
 (2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,

Article – Business Regulation
Section 11–520 and 11–521
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
Article – Economic Development
Section 10–601(a)
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 10–601(q), (x), (y), (z), (aa), (bb), (cc), (dd), (ee), (ff), (gg), (hh), and (ii),
10–620(e), and 10–628(c)(1)
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY adding to
Article – Economic Development
Section 10–601(x), (y), (z), (hh), (ii), (jj), (kk), (ll), (mm), ~~and (nn)~~, (nn), and (oo),
10–646.1, ~~and~~ 10–657.2, and 10–657.3
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)121. and 122.
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)123. and 124.
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–120, 9–1A–09, 9–1A–28(b), 9–1A–29, and 9–1A–31(a) and (b)(3)
Annotated Code of Maryland

(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–1A–27(a)(5) and 9–1A–28(a), (c), and (d)
Annotated Code of Maryland
(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–207(a) and 10–307(a)
Annotated Code of Maryland
(2016 Replacement Volume and 2019 Supplement)

BY adding to
Article – Tax – General
Section 10–207(hh) and 11–236
Annotated Code of Maryland
(2016 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–307(g)
Annotated Code of Maryland
(2016 Replacement Volume and 2019 Supplement)

BY adding to
Article – Tax – Property
Section 7–246, 12–108(hh), and 13–207(a)(26)
Annotated Code of Maryland
(2019 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 13–207(a)(24) and (25) and 13–410
Annotated Code of Maryland
(2019 Replacement Volume)

Preamble

WHEREAS, The thoroughbred horse racing and breeding industries in the State are historically, culturally, and economically significant, and date back to the founding of the Maryland Jockey Club in 1743; and

WHEREAS, The thoroughbred horse racing and breeding industries include the agribusiness of hundreds of horse farms throughout the State, which preserve over 700,000 acres of open space; and

WHEREAS, The thoroughbred horse racing and breeding industries also provide employment directly and indirectly for tens of thousands of Marylanders in various capacities, including:

(1) owners, trainers, breeders, and others who raise and care for and train horses for competition;

(2) employees at Pimlico Race Course in Baltimore City and Laurel Park in Anne Arundel County; and

(3) a myriad of individuals and vendors that service the horse racing and breeding industries, including veterinarians, farms, and others; and

WHEREAS, The Preakness Stakes, the middle jewel of thoroughbred racing's Triple Crown, historically conducted at Pimlico, is a civic and culturally significant event and brings national and international attention and substantial economic benefits to the State annually; and

WHEREAS, The need for modernization of the Pimlico and Laurel Park racing facilities has been recognized in master development plans adopted by the City of Baltimore in 2006 and 2008 and by Anne Arundel County in 2007, 2008, and 2009, which master development plans include but are not limited to a planned unit development plan and related planned unit development plan sketches for Pimlico, and the Park Heights Plan, and a 2008 approved sketch plan for Laurel Park; and

WHEREAS, The State has authorized funding and funded a number of the improvements contemplated pursuant to master development plans through the Racetrack Facilities Renewal Account in conjunction with industry and other funds; and

WHEREAS, The funding authorized by this Act will fund improvements arising from and related to the aforementioned master development plans, with amounts attributable to such funding being utilized pursuant to such master development plans; and

WHEREAS, It serves the State's interest in economic development, tourism, community development, and other civic, cultural, and public activities and developments to promote the Preakness Stakes and the thoroughbred horse racing and breeding industries, which in turn are highly dependent on modern, state-of-the-art thoroughbred racing facilities at Pimlico and Laurel Park; and

WHEREAS, The State's interest in advancing and promoting such activities will be served by authorizing the funding and development of the racing, training, community development, and related facilities, as set forth herein; now, therefore,

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

Article – Business Regulation

11–209.

(a) Besides its other powers under this title, the Commission has the powers necessary or proper to carry out fully all the purposes of this title.

(b) (1) The jurisdiction, supervision, powers, and duties of the Commission extend to each person who holds racing for a purse, reward, or stake.

(2) **IN EXERCISING THE JURISDICTION, SUPERVISION, POWERS, AND DUTIES OF THE COMMISSION UNDER THIS TITLE, THE COMMISSION SHALL CONSIDER, IN ADDITION TO ANY OTHER FACTOR THE COMMISSION CONSIDERS IMPORTANT, THE HEALTH, SAFETY, AND WELFARE OF HORSES ENGAGED IN RACING AND TRAINING AT TRACKS AND TRAINING FACILITIES IN THE STATE.**

(c) (1) **THE COMMISSION SHALL ESTABLISH AN EQUINE HEALTH, SAFETY, AND WELFARE ADVISORY COMMITTEE.**

(2) **THE EXECUTIVE DIRECTOR OF THE COMMISSION SHALL APPOINT A MEMBER OF THE COMMISSION TO CHAIR THE ADVISORY COMMITTEE.**

(3) **THE ADVISORY COMMITTEE CONSISTS OF THE FOLLOWING MEMBERS:**

(I) **THREE MEMBERS OF THE COMMISSION, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE COMMISSION;**

(II) **ONE REPRESENTATIVE OF ~~THE RACING LICENSEES,~~ APPOINTED BY AN ORGANIZATION THAT REPRESENTS THE RACING LICENSEES EACH RACING LICENSEE;**

(III) **ONE REPRESENTATIVE OF THE HORSEMEN, APPOINTED BY AN ORGANIZATION THAT REPRESENTS THE HORSEMEN;**

(IV) **ONE REPRESENTATIVE OF THE HORSE BREEDERS, APPOINTED BY AN ORGANIZATION THAT REPRESENTS THE HORSE BREEDERS;**

(V) **THE COMMISSION'S EQUINE MEDICAL DIRECTOR;**

(VI) **A VETERINARIAN LICENSED IN THE STATE; AND**

(VII) **ANY OTHER INDIVIDUAL WITH EXPERTISE IN EQUINE OR RACING INDUSTRIES THAT THE EXECUTIVE DIRECTOR OF THE COMMISSION APPOINTS.**

(4) THE EXECUTIVE DIRECTOR OF THE COMMISSION SHALL DETERMINE THE TIME AND LOCATION OF ADVISORY COMMITTEE MEETINGS.

(5) THE ADVISORY COMMITTEE SHALL SERVE AS AN ADVISORY BODY TO THE COMMISSION ON MATTERS RELATED TO THE HEALTH, SAFETY, AND WELFARE OF HORSES ENGAGED IN RACING AND TRAINING AT TRACKS AND TRAINING FACILITIES IN THE STATE.

(6) THE CHAIRMAN OF THE ADVISORY COMMITTEE SHALL REPORT REGULARLY TO THE COMMISSION ON THE ACTIVITIES OF THE ADVISORY COMMITTEE, INCLUDING ANY RECOMMENDATIONS FOR CHANGES TO RULES, REGULATIONS, LAWS, OR OTHER CONDITIONS OF RACING.

11-213.

(a) On or before September 15 of each year, the Commission shall submit a report to the Secretary and, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, the Legislative Policy Committee about the preceding calendar year.

(b) Each report shall include:

(1) a statement of receipts and disbursements of the Commission;

(2) a summary of major events that occurred the preceding year that affected horse racing in the State, including any significant changes at tracks in the region as well as a discussion of legislative initiatives in the State;

(3) a 5-year assessment of each track regarding:

(i) attendance;

(ii) purse distributions;

(iii) live racing days that are allocated and used;

(iv) betting on live racing that is held at that track broken down by the following categories:

1. betting conducted at the live track;

2. betting conducted at other Maryland tracks;

3. betting conducted at satellite simulcast facilities in the

State; and

4. betting conducted through out-of-state satellite simulcasting;

(v) betting that is conducted at the live track on races simulcast from other tracks in the State; and

(vi) betting that is conducted at the live track on races simulcast from out-of-state tracks;

(4) information on all simulcast betting at satellite simulcast facilities in the State, including information on how much is wagered on in-State races and how much is bet on out-of-state races;

(5) information on all simulcast betting that is conducted out of state on races being run live in this State;

(6) to the extent available, information on the breeding industry in the State, including:

(i) the number of breeders in the State;

(ii) the number of foals registered in the State;

(iii) the average sales prices of foals; and

(iv) any other information pertaining to the regional and national ranking of the State for breeding;

(7) all other information that is currently provided by the Commission in its annual report;

(8) additional information on satellite simulcast facilities, as required under § 11-831 of this title; [and]

(9) A SUMMARY OF THE ACTIVITIES OF THE EQUINE HEALTH, SAFETY, AND WELFARE ADVISORY COMMITTEE AND ANY RECOMMENDATIONS BY THE COMMISSION FOR CHANGES TO STATE LAW NECESSARY FOR THE ENHANCEMENT OF THE HEALTH, SAFETY, OR WELFARE OF HORSES ENGAGED IN RACING AND TRAINING AT TRACKS AND TRAINING FACILITIES IN THE STATE; AND

(10) any other information that is useful in explaining the financial viability of horse racing in the State and any recommendations to improve the industry.

(a) (1) On or before December 1, the Commission shall award all racing days for the next calendar year.

(2) However, the Commission may meet after December 1 to award racing days that are requested in applications.

(b) (1) Except as provided in paragraph (2) of this subsection, the Commission may award for any calendar year up to the number of racing days requested by an applicant.

(2) The Commission shall award at least [40] **180** live racing days [to be run at the] **COMBINED BETWEEN LAUREL PARK IN ANNE ARUNDEL COUNTY AND Pimlico Race Course in Baltimore City** in each calendar year unless:

(I) otherwise agreed to by ~~the racing licensee~~ **A MAJORITY OF THE RACING LICENSEES** [and], the organization that represents the majority of licensed thoroughbred owners and trainers in the State, **AND A GROUP THAT REPRESENTS A MAJORITY OF THE THOROUGHBRED BREEDERS IN THE STATE**; or [unless]

(II) the racing licensee is prevented by weather, acts of God, or other circumstances beyond the racing licensee's control.

(c) The decision of the Commission on the award of a racing day is final.

11-519.

(a) [The] **UNTIL THE CONVEYANCE REQUIRED ~~REQUIRED~~ UNDER SUBSECTION (D) OF THIS SECTION, THE** owner of the Bowie Race Course Training Center shall operate the Center as a thoroughbred training facility to provide more stall space for a race meeting that a licensee holds.

(b) [The] **UNTIL THE CONVEYANCE REQUIRED ~~REQUIRED~~ UNDER SUBSECTION (D) OF THIS SECTION, THE** owner of the Bowie Race Course Training Center is responsible for the cost to improve, maintain, and operate the Center.

(c) As long as the Bowie Race Course Training Center is used for the purpose specified in subsection (a) of this section, the Commission shall have general regulatory jurisdiction over the Center to:

(1) provide enough stalls;

(2) maintain safe operating conditions;

(3) require the owner of the Center to submit an annual operating financial statement; and

(4) order reasonable improvements.

~~(D) (1) ON OR BEFORE JULY 1, 2024, IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE OWNER OF THE BOWIE RACE COURSE TRAINING CENTER SHALL CONVEY:~~

~~(I) THE PORTION OF THE BOWIE RACE COURSE TRAINING CENTER PROPERTY THAT IS WITHIN 100 FEET OF THE TOP OF THE PATUXENT RIVER BANK TO THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION TO BE USED FOR PASSIVE RECREATIONAL ACTIVITIES, INCLUDING HIKING, WILDLIFE VIEWING, PICNICKING, AND WALKING; AND~~

~~(H) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE REMAINING PORTION OF THE BOWIE RACE COURSE TRAINING CENTER PROPERTY TO THE CITY OF BOWIE.~~

~~(2) (I) THE IF THE BOWIE RACE COURSE TRAINING CENTER IS TRANSFERRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE PROPERTY TRANSFERRED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION MAY ONLY:~~

~~1. BE USED FOR ACTIVE RECREATIONAL ACTIVITIES, INCLUDING BASEBALL, FOOTBALL, SOCCER, AND CRICKET; AND~~

~~2. HAVE ONE STRUCTURE THAT IS UP TO 50,000 SQUARE FEET CONSTRUCTED ON THE PROPERTY.~~

~~(II) THE CITY OF BOWIE SHALL ENTER INTO A JOINT USE AGREEMENT WITH THE BOWIE STATE UNIVERSITY FOR THE USE OF THE ACTIVE RECREATIONAL ACTIVITY FACILITIES ON THE PROPERTY.~~

(D) (1) (I) ON OR BEFORE DECEMBER 31, 2023, THE OWNER OF THE BOWIE RACE COURSE TRAINING CENTER SHALL CONVEY THE BOWIE RACE COURSE TRAINING CENTER PROPERTY TO THE CITY OF BOWIE "AS IS", WITH ALL DEFECTS THAT MAY EXIST, WHETHER KNOWN OR UNKNOWN, AND WITHOUT ANY EXPRESS OR IMPLIED WARRANTY, GUARANTEE BY, OR RECOURSE AGAINST THE CONVEYOR OF THE PROPERTY.

(II) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE CONVEYOR OF THE BOWIE RACE COURSE TRAINING CENTER PROPERTY SHALL BE HELD HARMLESS AGAINST ANY AND ALL CLAIMS AND RISKS, NOW OR IN THE FUTURE, ARISING DIRECTLY OR INDIRECTLY FROM, OR IN ANY WAY RELATED TO, THE CONDITION OF THE PROPERTY OR CONVEYANCE, WITH ALL THOSE CLAIMS AND RISKS ASSUMED BY THE CITY OF BOWIE.

(2) THE PORTION OF THE BOWIE RACE COURSE TRAINING CENTER PROPERTY TRANSFERRED TO THE CITY OF BOWIE THAT IS WITHIN 100 FEET OF THE TOP OF THE PATUXENT RIVER BANK SHALL BE USED FOR PASSIVE RECREATIONAL ACTIVITIES, INCLUDING HIKING, WILDLIFE VIEWING, PICNICKING, AND WALKING.

(3) THE PORTION OF THE BOWIE RACE COURSE TRAINING CENTER PROPERTY TRANSFERRED TO THE CITY OF BOWIE NOT DESCRIBED UNDER PARAGRAPH (2) OF THIS SUBSECTION MAY:

(I) BE USED ONLY FOR ACTIVE RECREATIONAL ACTIVITIES, INCLUDING BASEBALL, FOOTBALL, SOCCER, AND CRICKET; AND

(II) HAVE ONLY ONE STRUCTURE THAT IS UP TO 50,000 SQUARE FEET CONSTRUCTED ON THE PROPERTY.

(4) ON OR BEFORE JANUARY 1, 2021, THE CITY OF BOWIE SHALL ENTER INTO A JOINT USE AGREEMENT, INCLUDING AN EASEMENT, WITH BOWIE STATE UNIVERSITY FOR THE FUTURE USE OF THE PROPERTY DESCRIBED UNDER PARAGRAPH (3) OF THIS SUBSECTION.

(5) THE CITY OF BOWIE AND BOWIE STATE UNIVERSITY SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON THE FINAL TERMS OF THE JOINT USE AGREEMENT ENTERED INTO UNDER THIS SUBSECTION.

11-520.

(a) The requirements of this section are established in recognition of the significance of the Preakness Stakes to the State.

(b) The Preakness Stakes may be transferred to another track in the State only as a result of a disaster or emergency.

(c) If the Preakness Stakes is transferred out of the State, the Commission may:

(1) revoke any racing days awarded to the Maryland Jockey Club of Baltimore City, Inc., or its successor; and

(2) award these racing days to another licensee, notwithstanding § 11-511(b) of this subtitle.

(d) (1) If the Preakness Stakes is offered for sale, the State has the option to buy the Preakness Stakes for the amount of any offer that the licensee wishes to accept.

(2) Within 30 days after receiving an offer that it wishes to accept, the licensee shall give the State notice of the offer.

(3) If the State wishes to exercise the option, it shall so notify the licensee within 60 days after it receives the notice.

11-521.

(a) In addition to the other provisions of this subtitle, in accordance with the sovereign power of the State and the provisions of Article III, §§ 40 and 40A of the Maryland Constitution, and subject to subsections (b) and (c) of this section, the State may acquire by purchase or condemnation for public use with just compensation some or all of the following real, tangible, and intangible private property, including any contractual interests or intellectual property:

(1) Pimlico Race Course, a racetrack located in Baltimore City, including any and all property or property rights associated with it wherever located, whether tangible, intangible, real, personal, or mixed, and any business entity that owns it;

(2) Laurel Park, a racetrack located in Anne Arundel County, including any and all property or property rights associated with it wherever located, whether tangible, intangible, real, personal, or mixed, and any business entity that owns it;

(3) Bowie Race Course Training Center, a training center located in Prince George's County, including any and all property or property rights associated with it wherever located, whether tangible, intangible, real, personal, or mixed, and any business entity that owns it;

(4) the Preakness Stakes trophy that is known as the Woodlawn Vase, including any and all property or property rights associated with it, whether tangible, intangible, real, personal, or mixed, and any business entity that owns it;

(5) the name, common law and statutory copyrights, service marks, trademarks, trade names, contracts, horse racing events, and other intangible and intellectual property that are associated with the Preakness Stakes and the Woodlawn Vase;

(6) all property of the Maryland Jockey Club of Baltimore City, Inc., or its successors and assigns, including stock and equity interests in it, and including any and all property or property rights associated with it, whether tangible, intangible, real, personal, or mixed; and

(7) all property of the Laurel Racing Assoc., Inc., the Laurel Racing Association Limited Partnership, or their respective successors and assigns, including stock and equity interests, and including any and all property or property rights associated with them, whether tangible, intangible, real, personal, or mixed.

(b) All proceedings for the condemnation for public use of the private property described under subsection (a) of this section shall be in accordance with the provisions of Title 12 of the Real Property Article and Title 12, Chapter 200 of the Maryland Rules.

(c) Pursuant to the provisions of Article III, § 40A of the Maryland Constitution, as applicable, the private property described under subsection (a) of this section may be taken immediately on payment for the property consistent with the procedures of §§ 8–334 through 8–339 of the Transportation Article.

11–1203.

(b) The [Baltimore City Planning Director shall serve as] **MAYOR OF BALTIMORE CITY SHALL ~~DESIGNATE~~ APPOINT THE** Chair of the Authority, **SUBJECT TO CONFIRMATION BY THE BALTIMORE CITY COUNCIL.**

Article – Economic Development

10–601.

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

(q) “Facility” means:

- (1) a structure or other improvement developed at Camden Yards;
- (2) a convention facility;
- (3) the Hippodrome Performing Arts facility;
- (4) a sports facility; [or]
- (5) a Baltimore City public school facility; **OR**
- (6) A RACING FACILITY.**

(X) (1) “LAUREL PARK RACING FACILITY SITE” MEANS THE PORTION OF THE LAUREL PARK SITE DESIGNATED TO CONTAIN THE RACING FACILITY.

(2) “LAUREL PARK RACING FACILITY SITE” INCLUDES THE PORTION OF THE SITE DESIGNATED TO CONTAIN:

- (I) THE BARNS;**
- (II) THE CLUBHOUSE;**
- (III) THE DIRT, TURF, OR SYNTHETIC RACETRACKS;**

(IV) THE INFIELD AND IMMEDIATELY ADJACENT SURROUNDING PERIMETER OF THE RACETRACKS;

(V) THE BACKSTRETCH, DORMITORIES AND HOUSING, EQUINE DIAGNOSTIC AND HEALTH CENTER, STABLES, AND TRAINING FACILITIES;

(VI) THE TRACKSIDE APRONS; AND

(VII) THE ASSOCIATED ROADWAYS, WALKWAYS, SIDEWALKS, PARKING AREAS, GREEN SPACE, FENCING, AND RELATED STRUCTURES AND AREAS AS DESIGNATED IN THE PLANS APPROVED BY THE AUTHORITY.

(Y) “LAUREL PARK SITE” MEANS THE SITE IN ANNE ARUNDEL COUNTY GENERALLY BOUNDED BY STATE ROUTE 198, WHISKEY BOTTOM ROAD, BROCK RIDGE ROAD, AND THE CSX RAILWAY.

(Z) (1) “MJC ENTITIES” MEANS THE MARYLAND JOCKEY CLUB OF BALTIMORE CITY, INC., LAUREL RACING ASSOCIATION LIMITED PARTNERSHIP, LAUREL RACING ASSOCIATION, INC., AND TSG DEVELOPMENTS INVESTMENTS, INC.

(2) “MJC ENTITIES” INCLUDES AN AFFILIATE, AN ASSIGNEE, A DESIGNEE, A SUCCESSOR, OR A TRANSFEREE OF AN MJC ENTITY.

[(x)] (AA) “Montgomery County” includes the Montgomery County Revenue Authority.

[(y)] (BB) (1) “Montgomery County Conference facility” means the Conference Center facility located at the Montgomery County Conference site used for conferences, trade shows, meetings, displays, or similar events.

(2) “Montgomery County Conference facility” includes, at the Montgomery County Conference site, offices, parking lots and garages, access roads, food service facilities, and other functionally related property, structures, improvements, furnishings, or equipment.

(3) “Montgomery County Conference facility” does not include the privately owned hotel adjacent to the Montgomery County Conference Center.

[(z)] (CC) “Montgomery County Conference Fund” means the Montgomery County Conference Financing Fund established under § 10–654 of this subtitle.

[(aa)] (DD) “Montgomery County Conference site” means the site of the Montgomery County Conference Center located in Rockville at the address generally

known as 5701 Marinelli Road, identified in the State Department of Assessments and Taxation Real Property database as tax identification number District 04, Account Number 03392987.

[(bb)] (EE) (1) “Ocean City Convention facility” means:

(i) a convention center, trade show facility, meeting hall, or other structure in Ocean City used to hold conventions, trade shows, meetings, displays, or similar events; and

(ii) offices, parking lots or garages, access roads, food service facilities, and any other structures, improvements, equipment, furnishings, or other property functionally related to the facilities described in item (i) of this paragraph.

(2) “Ocean City Convention facility” includes the following, if used, useful, or usable in the future as, or in connection with, an Ocean City Convention facility:

(i) land, structures, equipment, property, property rights, property appurtenances, rights-of-way, franchises, easements, and other interests in land;

(ii) land and facilities that are functionally related to an Ocean City Convention facility; and

(iii) patents, licenses, and other rights necessary or useful to construct or operate an Ocean City Convention facility.

[(cc)] (FF) “Ocean City Convention Fund” means the Ocean City Convention Financing Fund established under § 10–655 of this subtitle.

[(dd)] (GG) “Ocean City Convention site” means the site of the Ocean City Convention Center located in Ocean City at the address generally known as 4001 Coastal Highway, identified in the State Department of Assessments and Taxation Real Property database as tax identification numbers District 10, Account Number 055237; District 10, Account Number 066301; District 10, Account Number 247942; and District 10, Account Number 280346.

(HH) (1) “PIMLICO RACING FACILITY SITE” MEANS THE PORTION OF THE PIMLICO SITE CONTAINING THE RACING FACILITIES.

(2) “PIMLICO RACING FACILITY SITE” INCLUDES THE PORTION OF THE SITE DESIGNATED TO CONTAIN:

(I) THE CLUBHOUSE AND EVENTS CENTER;

(II) THE DIRT, TURF, OR SYNTHETIC RACETRACKS;

(III) THE INFIELD AND IMMEDIATELY ADJACENT AREA SURROUNDING THE PERIMETER OF THE RACETRACKS THAT IS CONTAINED ON THE SITE;

(IV) THE STABLES, BARNS, AND TRAINING FACILITIES;

(V) THE TRACKSIDE APRONS; AND

(VI) ASSOCIATED ROADWAYS, WALKWAYS, PARKING AREAS, GREEN SPACE, FENCING, AND RELATED STRUCTURES AND AREAS AS DESIGNATED IN THE PLANS APPROVED BY THE AUTHORITY.

(II) “PIMLICO SITE” MEANS THE SITE IN BALTIMORE CITY GENERALLY BOUNDED BY NORTHERN PARKWAY, PARK HEIGHTS AVENUE, BELVEDERE AVENUE, AND PIMLICO ROAD.

(JJ) “PROJECT ENTITIES” MEANS EACH ENTITY OR ENTITIES OR A JOINT VENTURE ENTITY OR ENTITIES, THAT EXISTS OR IS FORMED BY ANY COMBINATION OF MJC ENTITIES, AN ENTITY OWNED BY THE CITY OF BALTIMORE (THE BALTIMORE CITY ENTITY), OR AN ENTITY OWNED BY ANNE ARUNDEL COUNTY (THE ANNE ARUNDEL COUNTY ENTITY) FOR:

(1) THE MJC ENTITIES’ CONVEYANCE OF THE PIMLICO SITE AND THE LAUREL PARK RACING FACILITY SITE;

(2) THE OPERATION OF THE PIMLICO RACING FACILITY SITE AND THE LAUREL PARK RACING FACILITY SITE; AND

(3) THE CONSTRUCTION, DEVELOPMENT, OWNERSHIP, MANAGEMENT, AND OPERATION OF THE RACING AND COMMUNITY DEVELOPMENT PROJECTS.

(KK) “RACING AND COMMUNITY DEVELOPMENT FACILITIES FUND” MEANS THE FUND ESTABLISHED UNDER § 10-657.3 OF THIS SUBTITLE.

(LL) “RACING AND COMMUNITY DEVELOPMENT FINANCING FUND” MEANS THE FUND ESTABLISHED UNDER § 10-657.2 OF THIS SUBTITLE.

~~(HH)~~ (MM) (1) “RACING AND COMMUNITY DEVELOPMENT PROJECTS” MEANS IMPROVEMENTS TO THE PIMLICO RACING FACILITY SITE, PIMLICO SITE, LAUREL PARK RACING FACILITY SITE, AND LAUREL PARK SITE.

(2) “RACING AND COMMUNITY DEVELOPMENT PROJECTS” INCLUDES:

- (I) PREDESIGN AND DESIGN WORK;
- (II) ARCHITECTURAL AND ENGINEERING SERVICES;
- (III) PROJECT CONSULTING SERVICES;
- (IV) DEMOLITION, CLEAN-UP, SITE WORK, AND GRADING AND SITE DRAINAGE;
- (V) LANDSCAPING;
- (VI) SIGNAGE;
- (VII) PARKING, ROADWAYS, FENCING, WALKWAYS, SIDEWALKS, AND GREEN SPACE;
- (VIII) SECURITY SYSTEMS;
- (IX) LIGHTING, SOUND, VIDEO, AND COMMUNICATION SYSTEMS;
- (X) PARI-MUTUEL AND TOTE SYSTEMS;
- (XI) PLUMBING, ELECTRIC, FIBER, CABLE, UTILITIES, AND OTHER INFRASTRUCTURE;
- (XII) WATER, SEWER, AND STORM WATER MANAGEMENT SYSTEMS;
- (XIII) CONSTRUCTION AND EQUIPPING OF BARNs, CLUBHOUSES, DORMITORIES OR OTHER HOUSING, AN EQUINE DIAGNOSTIC AND HEALTH FACILITY, A PIMLICO THOROUGHBRED RACING MUSEUM, STABLES, TRACKS, TRAINING FACILITIES, AND OTHER RACING AND COMMUNITY FACILITIES;
- (XIV) DESIGN AND PROJECT CONTINGENCIES, PROJECT ALLOWANCES, AND COST ESCALATORS AND OTHER SPECIFICATIONS FOR THE PROJECTS; AND
- (XV) TEMPORARY OR PERMANENT IMPROVEMENTS AND FACILITIES, INCLUDING AT ON- OR OFF-SITE LOCATIONS, USED TO MAINTAIN YEAR-ROUND RACING AND TRAINING.

~~(MM)~~ (NN) (1) “RACING AND COMMUNITY DEVELOPMENT PROJECT COSTS” MEANS COSTS AND EXPENSES ASSOCIATED WITH OR THAT RELATE TO THE RACING AND COMMUNITY DEVELOPMENT PROJECTS.

(2) “RACING AND COMMUNITY DEVELOPMENT PROJECT COSTS” INCLUDES:

~~(I)~~ (H) TRANSITION COSTS AND REIMBURSEMENTS AND THE RECYCLING OF PROJECT COST SAVINGS FOR THE BENEFIT OF THE RACING AND COMMUNITY DEVELOPMENT PROJECTS; ~~OR~~

~~(II)~~ ~~EXPENSES INCURRED BEFORE JUNE 1, 2020, IF APPROVED BY THE AUTHORITY.~~

~~(NN)~~ (OO) “RACING FACILITY” MEANS THE PIMLICO ~~RACING FACILITY~~ SITE AND THE LAUREL PARK RACING FACILITY SITE AND ANY FACILITIES OR OTHER IMPROVEMENTS ON THE PIMLICO ~~RACING FACILITY~~ SITE OR THE LAUREL PARK RACING FACILITY SITE.

[(ee)] ~~(OO)~~ (PP) (1) “Sports facility” means:

(i) a stadium primarily for professional football, major league professional baseball, or both, in the Baltimore metropolitan region, as defined in § 13–301 of this article;

(ii) practice fields or other areas where professional football or major league professional baseball teams practice or perform; and

(iii) offices for professional football and major league professional baseball teams or franchises.

(2) “Sports facility” includes parking lots, garages, and any other property adjacent and directly related to an item listed in paragraph (1) of this subsection.

[(ff)] ~~(PP)~~ (QQ) “Supplemental Facilities Fund” means the Supplemental Facilities Fund established under § 10–657.1 of this subtitle.

[(gg)] ~~(QQ)~~ (RR) (1) “Supplemental facility” means a structure or other improvement developed in Baltimore City outside Camden Yards.

(2) “Supplemental facility” does not include the Baltimore Convention facility or the Hippodrome Performing Arts facility.

[(hh)] ~~(RR)~~ (SS) “Supplemental facility site” means the site of any supplemental facility.

[(ii)] ~~(SS)~~ (TT) “Tax supported debt” has the meaning stated in § 8–104 of the State Finance and Procurement Article.

10–620.

(e) (1) This subsection does not apply to the Camden Yards site, Baltimore Convention site, Ocean City Convention site, Hippodrome Performing Arts site, any Baltimore City public school site, **ANY RACING FACILITY**, or any supplemental facility site.

(2) The Authority and any Authority affiliate is subject to applicable planning, zoning, and development regulations to the same extent as a private commercial or industrial enterprise.

10–628.

(c) (1) Unless authorized by the General Assembly, the Board of Public Works may not approve an issuance by the Authority of bonds, whether taxable or tax exempt, that constitute tax supported debt or nontax supported debt if, after issuance, there would be outstanding and unpaid more than the following face amounts of the bonds for the purpose of financing acquisition, construction, renovation, and related expenses for construction management, professional fees, and contingencies in connection with:

- (i) the Baltimore Convention facility – \$55,000,000;
- (ii) the Hippodrome Performing Arts facility – \$20,250,000;
- (iii) the Montgomery County Conference facility – \$23,185,000;
- (iv) the Ocean City Convention facility – \$24,500,000;
- (v) Baltimore City public school facilities – \$1,100,000,000; **[and]**
- (vi) supplemental facilities – \$25,000,000; **AND**
- (VII) RACING FACILITIES – \$375,000,000.**

10–646.1.

(A) EXCEPT AS ALLOWED BY § 10–639 OF THIS SUBTITLE, TO FINANCE THE ~~SITE ACQUISITION~~ PLANNING, DESIGN, AND CONSTRUCTION OF ANY SEGMENT OF A RACING FACILITY, THE AUTHORITY SHALL COMPLY WITH THIS SECTION.

(B) AT LEAST 45 DAYS BEFORE SEEKING APPROVAL OF THE BOARD OF PUBLIC WORKS FOR EACH BOND ISSUE OR OTHER BORROWING, THE AUTHORITY

SHALL PROVIDE, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, TO THE FISCAL COMMITTEES OF THE GENERAL ASSEMBLY:

(1) ~~A COMPREHENSIVE FINANCING PLAN FOR THE RELEVANT SEGMENT OF THE FACILITY, INCLUDING THE EFFECT OF THE FINANCING PLAN ON FINANCING OPTIONS FOR OTHER SEGMENTS OF THE FACILITY~~ RACING FACILITY THAT INCLUDES:

(I) THE AGGREGATE AMOUNT OF FUNDS NEEDED FOR THE RACING FACILITY TO BE FINANCED WITH THE PROPOSED BONDS;

(II) A DESCRIPTION OF THE RACING FACILITY TO BE CONSTRUCTED OR RENOVATED;

(III) THE ANTICIPATED TOTAL DEBT SERVICE FOR THE PROPOSED BOND ISSUE;

(IV) THE ANTICIPATED TOTAL DEBT SERVICE WHEN COMBINED WITH THE DEBT SERVICE FOR ALL PRIOR OUTSTANDING BOND ISSUES FOR RACING FACILITIES; AND

(V) ANTICIPATED PROJECT COSTS OF AT LEAST \$180,000,000 FOR THE PIMLICO RACING FACILITY OR \$155,000,000 FOR THE LAUREL PARK RACING FACILITY; AND

(2) FOR ANY PLANNED EXPENDITURES AT THE LAUREL PARK RACING FACILITY SITE, A PLAN FOR THE IMPROVEMENTS NECESSARY TO ENSURE THAT THE CONDITION OF ANY PART OF THE SITE WHERE INDIVIDUALS RESIDE IS SATISFACTORY FOR HUMAN HABITATION AND MEETS THE MINIMUM HOUSING AND SANITATION STANDARDS IN ANNE ARUNDEL COUNTY.

~~(c) (1) THE AUTHORITY SHALL OBTAIN THE APPROVAL OF THE BOARD OF PUBLIC WORKS OF THE PROPOSED BOND ISSUE AND THE FINANCING PLAN.~~

~~(2) THE FINANCING PLAN OR PLANS REQUIRED UNDER SUBSECTION (B)(1) OF THIS SECTION FOR RACING AND COMMUNITY DEVELOPMENT PROJECT COSTS SHALL PROVIDE FOR AT LEAST:~~

~~(i) \$180,000,000 AT THE PIMLICO SITE; AND~~

~~(ii) \$155,000,000 AT THE LAUREL PARK SITE.~~

(c) (1) A BOND ISSUED TO FINANCE PLANNING, DESIGN, AND CONSTRUCTION OR RENOVATIONS OF, OR IMPROVEMENTS TO A RACING FACILITY:

(I) IS A LIMITED OBLIGATION OF THE AUTHORITY PAYABLE SOLELY FROM MONEY PLEDGED BY THE AUTHORITY TO THE PAYMENT OF THE PRINCIPAL OF AND THE PREMIUM AND INTEREST ON THE BOND OR MONEY MADE AVAILABLE TO THE AUTHORITY FOR THAT PURPOSE;

(II) IS NOT A DEBT, LIABILITY, OR A PLEDGE OF THE FAITH AND CREDIT OR THE TAXING POWER OF THE STATE, THE AUTHORITY, OR ANY OTHER GOVERNMENTAL UNIT; AND

(III) MAY NOT GIVE RISE TO ANY PECUNIARY LIABILITY OF THE STATE, THE AUTHORITY, OR ANY OTHER GOVERNMENTAL UNIT.

(2) THE ISSUANCE OF A BOND TO FINANCE THE PLANNING, DESIGN, AND CONSTRUCTION OR RENOVATIONS OF, OR IMPROVEMENTS TO A RACING FACILITY IS NOT DIRECTLY, INDIRECTLY, OR CONTINGENTLY A MORAL OR OTHER OBLIGATION OF THE STATE, THE AUTHORITY, OR ANY OTHER GOVERNMENTAL UNIT TO LEVY OR PLEDGE ANY TAX OR TO MAKE AN ANY APPROPRIATION TO PAY THE BOND.

(3) EACH BOND SHALL STATE ON ITS FACE THE PROVISIONS OF PARAGRAPHS (1) AND (2) OF THIS SUBSECTION.

(D) (1) IN THIS SUBSECTION, “LONG-TERM AGREEMENT” INCLUDES A LEASE, OPERATING, JOINT VENTURE, OR MANAGEMENT AGREEMENT WITH A MINIMUM TERM THAT COINCIDES WITH OR EXCEEDS THE FINAL MATURITY INITIAL TERM OF THE BONDS ISSUED FOR A RACING FACILITY.

(2) BEFORE ISSUING ANY BONDS FOR ANY SEGMENT OF A RACING FACILITY, THE AUTHORITY SHALL ENSURE THAT³

~~(I)~~ (I) THE FOLLOWING ~~LONG-TERM~~ AGREEMENTS HAVE BEEN ~~FINALIZED~~ EXECUTED:

~~(I)~~ 1. (I) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A LONG-TERM AGREEMENT REGARDING MANAGEMENT AND OPERATIONS AT THE PIMLICO RACING FACILITY SITE; ~~AND~~

~~(II)~~ 2. (II) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A LONG-TERM AGREEMENT REGARDING MANAGEMENT AND OPERATIONS AT THE LAUREL PARK RACING FACILITY SITE; AND

~~3.~~ **(III) AGREEMENTS BETWEEN THE AUTHORITY AND PROJECT ENTITIES FOR THE PLANNING, DESIGN, AND CONSTRUCTION OF A RACING FACILITY; AND**

~~(H) THE OWNER OF THE BOWIE RACE COURSE TRAINING CENTER HAS CONVEYED THE TRAINING CENTER IN ACCORDANCE WITH § 11-519 OF THE BUSINESS REGULATION ARTICLE.~~

(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE LONG-TERM AGREEMENT REQUIRED UNDER PARAGRAPH ~~(2)(i)~~ ~~(2)(i)1~~ (2)(I) OF THIS SUBSECTION SHALL:

1. ENSURE THE CONTINUITY OF THE PREAKNESS STAKES AT THE PIMLICO RACING FACILITY SITE;

2. ENSURE THE MJC ENTITIES' SOLE, EXCLUSIVE, AND UNCONDITIONAL RIGHTS TO:

A. MANAGE AND OPERATE THE PIMLICO RACING FACILITY SITE SUBJECT TO THE EXCLUSIONS AND CONDITIONS IN THE LONG-TERM AGREEMENT;

B. CONDUCT AT THE PIMLICO RACING FACILITY SITE THOROUGHBRED TRAINING AND RACING, SATELLITE SIMULCAST WAGERING, ADVANCED DEPOSIT WAGERING, AND ANY OTHER LAWFUL ACTIVITIES;

C. DESIGNATE ANNUALLY EXCLUSIVE USE PERIODS FOR THE CONDUCT OF LIVE THOROUGHBRED TRAINING AND RACING;

D. MAINTAIN THE TRACK SURFACES;

E. OPERATE SATELLITE SIMULCAST WAGERING, ADVANCED DEPOSIT WAGERING, AND ANY OTHER LAWFUL ACTIVITIES; AND

F. AN OPTION TO REACQUIRE THE PIMLICO RACING FACILITY SITE AT THE TERMINATION OR EXPIRATION OF THE LONG-TERM AGREEMENT ON MUTUALLY AGREEABLE TERMS AND CONDITIONS ~~AND SUBJECT,~~ SUBJECT TO THE APPROVAL OF THE BOARD OF PUBLIC WORKS;

3. REQUIRE THE CONVEYANCE OR CONVEYANCES IN FEE SIMPLE OF THE PIMLICO SITE, IN WHOLE OR IN PART, TO BALTIMORE CITY ~~OR AN ENTITY OR ENTITIES DESIGNATED BY BALTIMORE CITY, INCLUDING, THE BALTIMORE DEVELOPMENT CORPORATION OR ITS SUCCESSOR OR ASSIGNS,~~ OR ANY DESIGNATED PROJECT ENTITY, AT THE TIME AND ON THE CONDITIONS

ESTABLISHED IN THE LONG-TERM AGREEMENT AND SUBJECT TO THE AUTHORITY SECURING ALL THE NECESSARY DEVELOPMENT APPROVALS AND FUNDING FOR THE RACING AND COMMUNITY DEVELOPMENT PROJECT COSTS;

4. ESTABLISH THE MJC ENTITIES' RIGHTS TO:

A. DESIGNATE ANNUALLY EXCLUSIVE USE PERIODS FOR THE CONDUCT OF LIVE THOROUGHBRED TRAINING AND RACING;

B. MAINTAIN THE TRACK SURFACES; AND

C. OPERATE SATELLITE SIMULCAST WAGERING, ADVANCED DEPOSIT WAGERING, AND ANY OTHER LAWFUL ACTIVITIES;

5. PRESERVE THE MJC ENTITIES' TANGIBLE, INTANGIBLE, MANAGEMENT, PERFORMANCE, DISTRIBUTION, INTELLECTUAL PROPERTY, ADVERTISING, CONCESSION, MERCHANDISING, SPONSORSHIP, MEDIA, STREAMING, NAMING, LICENSING, AND COMMERCIAL DEVELOPMENT RIGHTS, AND ANY OTHER RIGHTS IDENTIFIED BY THE MJC ENTITIES';

6. SUBJECT TO THE OPERATING AGREEMENTS OF THE PROJECT ENTITIES, PRESERVE THE MJC ENTITIES' RIGHT TO RETAIN OR DESIGNATE REVENUES AND PROFITS ASSOCIATED WITH THE MJC ENTITIES' RIGHTS AND LAWFUL ACTIVITIES; AND

7. SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, ESTABLISH:

A. THE RIGHT OF ~~BALTIMORE CITY~~ THE AUTHORITY OR AN ENTITY DESIGNATED BY ~~BALTIMORE CITY~~ THE AUTHORITY TO MANAGE AND OPERATE THE PIMLICO CLUBHOUSE AND EVENTS FACILITY, GROUNDS, AND ANY FACILITY NOT DESIGNATED FOR THE MJC ENTITIES' YEAR-ROUND USE;

B. THE OBLIGATION OF ~~BALTIMORE CITY~~ THE AUTHORITY OR AN ENTITY DESIGNATED BY ~~BALTIMORE CITY~~ THE AUTHORITY TO OPERATE, MAINTAIN AS A FIRST-CLASS FACILITY, IN GOOD CONDITION, REPAIR, AND SECURE THE PIMLICO RACING FACILITY SITE DURING PERIODS IDENTIFIED IN THE LONG-TERM AGREEMENT; AND

C. THE OBLIGATION OF ~~BALTIMORE CITY~~ THE AUTHORITY OR AN ENTITY DESIGNATED BY ~~BALTIMORE CITY~~ THE AUTHORITY TO COOPERATE WITH RESPECT TO THE PROVISION OF ADEQUATE PARKING AND EFFICIENT TRANSPORTATION PLANS AROUND THE PIMLICO RACING FACILITY SITE.

(II) 1. UNLESS THOROUGHBRED RACING IS NO LONGER A LAWFUL ACTIVITY, OR IS OTHERWISE RENDERED NOT COMMERCIALY VIABLE AS A RESULT OF A CHANGE IN LAW OR REGULATION, THE LONG-TERM AGREEMENT UNDER ~~THIS TITLE~~ PARAGRAPH ~~(2)(I)1~~ (2)(I) OF THIS SUBSECTION MAY NOT EXPIRE WHILE ANY BOND, DEBT, OR OTHER FINANCIAL INSTRUMENT ISSUED BY THE AUTHORITY FOR THE IMPROVEMENT OF A RACING FACILITY REMAINS UNPAID.

2. IF THOROUGHBRED RACING IS NO LONGER A LAWFUL ACTIVITY, OR IS OTHERWISE RENDERED NOT COMMERCIALY VIABLE AS A RESULT OF A CHANGE IN LAW OR REGULATION, THE PARTIES TO THE LONG-TERM AGREEMENT UNDER PARAGRAPH ~~(2)(I)1~~ OF THIS SUBSECTION SHALL NOTIFY THE BOARD OF PUBLIC WORKS AT LEAST 180 DAYS BEFORE THE EXPIRATION OR TERMINATION OF THE LONG-TERM AGREEMENT.

3. THE NOTICE REQUIRED UNDER SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH SHALL CONTAIN A WIND DOWN PLAN.

4. THE LONG-TERM AGREEMENT REQUIRED UNDER PARAGRAPH ~~(2)(I)1~~ (2)(I) OF THIS SUBSECTION SHALL ~~INCLUDE~~ CONTAIN DISPUTE RESOLUTION PROVISIONS, ~~THAT INCLUDE~~ INCLUDING EXPEDITED REVIEW, IN THE EVENT THAT THERE IS A DISPUTE AMONG THE PARTIES REGARDING THE EXISTENCE OF THE CONDITIONS DESCRIBED IN SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH OR THE CONTENTS OF THE WIND DOWN PLAN.

(III) THE MJC ENTITIES SHALL HAVE:

1. PRIORITY OF USE OVER THE PIMLICO CLUBHOUSE AND EVENTS FACILITY AND GROUNDS FOR MJC ENTITIES' PURPOSES RELATED TO RACING, WAGERING, OR OTHER AGREED-ON USES; AND

2. THE RIGHT TO ACCESS AND EGRESS FROM THE PIMLICO RACING FACILITY SITE DURING PERIODS IDENTIFIED IN THE AGREEMENT.

(4) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE LONG-TERM AGREEMENT REQUIRED UNDER PARAGRAPH ~~(2)(II)~~ ~~(2)(II)2~~ (2)(II) OF THIS SUBSECTION SHALL:

1. ENSURE THAT THE MARYLAND MILLION ~~RACE~~ IS RUN ANNUALLY AT LAUREL PARK EXCEPT:

A. DURING PERIODS OF CONSTRUCTION;

B. IF ~~THE RACING LICENSEE IS~~ PREVENTED FROM DOING SO BY WEATHER, ACTS OF GOD, OR OTHER CIRCUMSTANCES BEYOND THE CONTROL OF THE RACING LICENSEE; OR

C. IF THE RACING LICENSEE AND THE MARYLAND MILLION, LLC AGREE TO ANOTHER LOCATION THAT IS APPROVED BY THE STATE RACING COMMISSION;

2. ENSURE THE MJC ENTITIES' SOLE, EXCLUSIVE, AND UNCONDITIONAL RIGHTS TO:

A. MANAGE AND OPERATE THE LAUREL PARK RACING FACILITY SITE; AND

B. CONDUCT AT THE LAUREL PARK RACING FACILITY SITE YEAR-ROUND THOROUGHBRED TRAINING AND RACING, SATELLITE SIMULCAST WAGERING, ADVANCED DEPOSIT WAGERING, AND ANY OTHER LAWFUL ACTIVITIES;

~~2.~~ 3. PROVIDE FOR THE MJC ENTITIES:

A. GRANT OF AN INTEREST IN THE LAUREL PARK RACING FACILITY SITE, IN WHOLE OR IN PART, TO ANNE ARUNDEL COUNTY OR AN ENTITY OR ENTITIES DESIGNATED BY ANNE ARUNDEL COUNTY, INCLUDING ANY DESIGNATED PROJECT ENTITY, AT THE TIME FOR A SPECIFIED TERM, INCLUDING RENEWALS, AND ON THE CONDITIONS ESTABLISHED IN THE LONG-TERM AGREEMENT AND SUBJECT TO THE AUTHORITY SECURING ALL NECESSARY DEVELOPMENT APPROVALS AND FUNDING FOR THE RACING AND COMMUNITY DEVELOPMENT PROJECT COSTS;

B. ACCESS TO THE LAUREL PARK RACING FACILITY SITE FOR PARKING AND ROADWAYS;

C. ~~AN OPTION FOR THE RIGHT TO REACQUIRE~~ RIGHTS TO THE LAUREL PARK RACING FACILITY SITE AT THE EXPIRATION OR TERMINATION OF THE LONG-TERM AGREEMENTS ON MUTUALLY AGREEABLE TERMS AND CONDITIONS; AND

D. PAYMENT TO ANNE ARUNDEL COUNTY, OR AN ENTITY DESIGNATED BY ANNE ARUNDEL COUNTY, OF AN AMOUNT AT LEAST EQUAL TO THE PRORATED AMOUNT OF REAL PROPERTY TAXES PAID IN FISCAL YEAR 2020 FOR THE LAUREL PARK RACING FACILITY SITE AND ANY IMPROVEMENTS ON THE SITE, UNLESS OTHERWISE AGREED TO BY THE MJC ENTITIES AND ANNE ARUNDEL COUNTY; AND

~~**E. AN OBLIGATION TO MAINTAIN THE LAUREL PARK RACING FACILITY AS A FIRST-CLASS FACILITY AND IN GOOD CONDITION AND REPAIR;**~~

E. AN OBLIGATION TO MAINTAIN AS A FIRST-CLASS FACILITY, IN GOOD CONDITION, REPAIR, AND SECURE THE LAUREL PARK RACING FACILITY SITE DURING THE PERIODS IDENTIFIED IN THE LONG-TERM AGREEMENT;

~~**3.4.**~~ **4.** PRESERVE THE MJC ENTITIES' TANGIBLE, INTANGIBLE, MANAGEMENT, PERFORMANCE, DISTRIBUTION, INTELLECTUAL PROPERTY, ADVERTISING, CONCESSION, MERCHANDISING, SPONSORSHIP, MEDIA, STREAMING, NAMING, LICENSING, COMMERCIAL DEVELOPMENT, AND ANY OTHER RIGHTS IDENTIFIED BY THE MJC ENTITIES; AND

~~**4.5.**~~ **5.** SUBJECT TO THE OPERATING AGREEMENTS OF THE PROJECT ENTITIES, PRESERVE THE MJC ENTITIES' RIGHT TO RETAIN OR DESIGNATE REVENUES AND PROFITS ASSOCIATED WITH THE MJC ENTITIES' RIGHTS AND LAWFUL ACTIVITIES.

(ii) **1.** UNLESS THOROUGHBRED RACING IS NO LONGER A LAWFUL ACTIVITY, OR IS OTHERWISE RENDERED NOT COMMERCIALY VIABLE AS A RESULT OF A CHANGE IN LAW OR REGULATION, THE LONG-TERM AGREEMENT UNDER ~~THIS TITLE~~ **PARAGRAPH (2)(I)2 (2)(II)** OF THIS SUBSECTION MAY NOT EXPIRE WHILE ANY BOND, DEBT, OR OTHER FINANCIAL INSTRUMENT ISSUED BY THE AUTHORITY FOR THE IMPROVEMENT OF A RACING FACILITY REMAINS UNPAID.

2. **IF THOROUGHBRED RACING IS NO LONGER A LAWFUL ACTIVITY, OR IS OTHERWISE RENDERED NOT COMMERCIALY VIABLE AS A RESULT OF A CHANGE IN LAW OR REGULATION, THE PARTIES TO THE LONG-TERM AGREEMENT UNDER PARAGRAPH (2)(I)2 OF THIS SUBSECTION SHALL NOTIFY THE BOARD OF PUBLIC WORKS AT LEAST 180 DAYS BEFORE THE EXPIRATION OR TERMINATION OF THE LONG-TERM AGREEMENT.**

3. **THE NOTICE REQUIRED UNDER SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH SHALL CONTAIN A WIND DOWN PLAN.**

4. **THE LONG-TERM AGREEMENT REQUIRED UNDER PARAGRAPH (2)(I)2 (2)(II) OF THIS SUBSECTION SHALL INCLUDE CONTAIN DISPUTE RESOLUTION PROVISIONS, THAT INCLUDE INCLUDING EXPEDITED REVIEW, IN THE EVENT THAT THERE IS A DISPUTE AMONG THE PARTIES REGARDING THE EXISTENCE OF THE CONDITIONS DESCRIBED IN SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH OR THE CONTENTS OF THE WIND DOWN PLAN.**

~~(E) (1) THE AUTHORITY MAY ENTER INTO AN AGREEMENT WITH PROJECT ENTITIES FOR CONSTRUCTION OF THE RACING AND COMMUNITY DEVELOPMENT PROJECTS AT A RACING FACILITY SITE DURING THE PERIODS OF PLANNING, DESIGN, AND CONSTRUCTION OF THE RACING FACILITY.~~

~~(2) (i) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (ii) AND (iii) OF THIS PARAGRAPH, AFTER THE COMPLETION OF A RACING FACILITY, THE AUTHORITY MAY NOT HAVE ANY ROLE OR RESPONSIBILITY WITH REGARD TO THE RACING FACILITY.~~

~~(ii) THE AUTHORITY MAY ASSIST WITH ENFORCEMENT OF WARRANTIES, CLAIMS AGAINST CONTRACTORS OR SUPPLIERS, OR REPAIRING DEFECTS IN THE CONSTRUCTION AT A RACING FACILITY.~~

~~(iii) WITH THE CONSENT OF THE AUTHORITY, BALTIMORE CITY OR AN ENTITY DESIGNATED BY BALTIMORE CITY, OR ANNE ARUNDEL COUNTY OR AN ENTITY DESIGNATED BY ANNE ARUNDEL COUNTY, MAY RETAIN THE SERVICES OF THE AUTHORITY.~~

~~(3) IF THE AUTHORITY IS RETAINED TO PROVIDE SERVICES DIRECTLY RELATED TO RACING AND COMMUNITY DEVELOPMENT PROJECTS, THE AUTHORITY MAY BE PAID FROM THE RACING AND COMMUNITY DEVELOPMENT FUND FOR SERVICES PERFORMED AND EXPENSES INCURRED BEFORE JUNE 1, 2020.~~

(E) THE AUTHORITY SHALL ENTER INTO AGREEMENTS WITH PROJECT ENTITIES OR LOCAL ENTITIES FOR PLANNING, DESIGN, AND CONSTRUCTION OF THE RACING AND COMMUNITY DEVELOPMENT PROJECTS AT A RACING FACILITY SITE.

(F) (1) FOR FISCAL YEAR 2021, THE COMPTROLLER SHALL DEPOSIT INTO THE RACING AND DEVELOPMENT FINANCING FUND \$13,500,000 FROM THE STATE LOTTERY FUND ESTABLISHED UNDER § 9-120(B)(1)(IV) OF THE STATE GOVERNMENT ARTICLE.

(2) FOR FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER, UNTIL THE BONDS THAT HAVE BEEN ISSUED TO FINANCE THE RACING FACILITY RACING FACILITIES ARE NO LONGER OUTSTANDING AND UNPAID, THE COMPTROLLER SHALL DEPOSIT INTO THE RACING AND COMMUNITY DEVELOPMENT FINANCING FUND \$17,000,000 FROM THE STATE LOTTERY FUND ESTABLISHED UNDER § 9-120(B)(1)(IV) OF THE STATE GOVERNMENT ARTICLE.

(G) IF THE MONEY DEPOSITED IN THE RACING AND COMMUNITY DEVELOPMENT FINANCING FUND IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION IS NOT NEEDED FOR DEBT SERVICE OR DEBT SERVICE RESERVES, THE

AUTHORITY MAY TRANSFER THOSE FUNDS TO THE RACING AND COMMUNITY DEVELOPMENT FACILITIES FUND.

(H) IF FUNDS ARE NEEDED FOR DEBT SERVICE OR DEBT SERVICE RESERVES, THE AUTHORITY MAY TRANSFER MONEY IN THE RACING AND COMMUNITY DEVELOPMENT FACILITIES FUND TO THE RACING AND COMMUNITY DEVELOPMENT FINANCING FUND.

10-657.2.

(A) THERE IS A RACING AND COMMUNITY DEVELOPMENT FINANCING FUND.

(B) (1) THE RACING AND COMMUNITY DEVELOPMENT FINANCING FUND IS A CONTINUING, NONLAPSING FUND THAT SHALL BE AVAILABLE IN PERPETUITY TO IMPLEMENT THIS SUBTITLE CONCERNING RACING AND COMMUNITY DEVELOPMENT PROJECTS.

(2) THE AUTHORITY SHALL:

(I) USE THE RACING AND COMMUNITY DEVELOPMENT FINANCING FUND AS A REVOLVING FUND FOR IMPLEMENTING THIS SUBTITLE RELATING TO RACING AND COMMUNITY DEVELOPMENT PROJECTS; AND

(II) PAY ANY AND ALL EXPENSES FROM THE RACING AND COMMUNITY DEVELOPMENT FINANCING FUND THAT ARE INCURRED BY THE AUTHORITY, OR OTHERWISE SPECIFICALLY APPROVED BY THE AUTHORITY, CONCERNING RACING AND COMMUNITY DEVELOPMENT PROJECTS.

(C) (1) TO THE EXTENT CONSIDERED APPROPRIATE BY THE AUTHORITY, THE RECEIPTS OF THE RACING AND COMMUNITY DEVELOPMENT FINANCING FUND SHALL BE PLEDGED TO AND CHARGED WITH THE FOLLOWING RELATING TO RACING AND COMMUNITY DEVELOPMENT PROJECTS:

(I) THE PAYMENT OF DEBT SERVICE ON AUTHORITY BONDS;

(II) ALL REASONABLE CHARGES AND EXPENSES RELATED TO AUTHORITY BORROWING; AND

(III) THE MANAGEMENT OF AUTHORITY OBLIGATIONS.

(2) THE PLEDGE SHALL BE EFFECTIVE IN THE SAME MANNER AS PROVIDED IN § 10-634 OF THIS SUBTITLE.

(D) THE RACING AND COMMUNITY DEVELOPMENT FINANCING FUND CONSISTS OF:

(1) FUNDS APPROPRIATED FOR DEPOSIT TO THE RACING AND COMMUNITY DEVELOPMENT FINANCING FUND;

(2) PROCEEDS FROM THE SALE OF BONDS CONCERNING RACING AND COMMUNITY DEVELOPMENT PROJECTS;

(3) REVENUES COLLECTED OR RECEIVED FROM ANY SOURCE UNDER THIS SUBTITLE CONCERNING RACING AND COMMUNITY DEVELOPMENT PROJECTS;

(4) INVESTMENT AND INTEREST EARNINGS;

(5) MONEY PAID TO THE RACING AND COMMUNITY DEVELOPMENT FINANCING FUND UNDER § 9–120 OF THE STATE GOVERNMENT ARTICLE; AND

~~(6) THE UNENCUMBERED FUND BALANCE, INCLUDING ACCRUED INTEREST, EXISTING AS OF JUNE 1, 2020, THAT IS ALLOCATED TO THOROUGHBRED TRACKS UNDER THE RACETRACK FACILITY RENEWAL ACCOUNT; AND~~

~~(7)~~ ANY ADDITIONAL MONEY MADE AVAILABLE FROM ANY PUBLIC OR PRIVATE SOURCES FOR THE PURPOSES ESTABLISHED FOR THE RACING AND COMMUNITY DEVELOPMENT FINANCING FUND.

(E) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE RACING AND COMMUNITY DEVELOPMENT FINANCING FUND IN THE SAME MANNER AS OTHER STATE FUNDS.

(2) ANY INVESTMENT OR INTEREST EARNING SHALL BE CREDITED TO THE RACING AND COMMUNITY DEVELOPMENT FINANCING FUND.

(3) NO PART OF THE RACING AND COMMUNITY DEVELOPMENT FINANCING FUND MAY REVERT OR BE CREDITED TO THE GENERAL FUND OF THE STATE OR ANY SPECIAL FUND OF THE STATE.

10–657.3.

(A) THERE IS A RACING AND COMMUNITY DEVELOPMENT FACILITIES FUND.

(B) (1) THE RACING AND COMMUNITY DEVELOPMENT FACILITIES FUND IS A CONTINUING, NONLAPSING FUND THAT SHALL BE AVAILABLE IN PERPETUITY TO IMPLEMENT THIS SUBTITLE CONCERNING RACING FACILITIES.

(2) THE AUTHORITY SHALL:

(I) USE THE RACING AND COMMUNITY DEVELOPMENT FACILITIES FUND AS A REVOLVING FUND FOR CARRYING OUT THIS SUBTITLE CONCERNING RACING FACILITIES PROJECTS; AND

(II) TO THE EXTENT AUTHORIZED ~~UNDER FEDERAL~~ BY FEDERAL TAX LAW, PAY ANY AND ALL EXPENSES FROM THE RACING AND COMMUNITY DEVELOPMENT FACILITIES FUND THAT ARE INCURRED BY THE AUTHORITY, OR OTHERWISE SPECIFICALLY APPROVED BY THE AUTHORITY, ~~RELATING TO~~ CONCERNING ANY RACING FACILITIES.

(C) SUBJECT TO SUBSECTION (F) OF THIS SECTION AND TO THE EXTENT CONSIDERED APPROPRIATE BY THE ~~AUTHORITY~~ AUTHORITY, THE MONEY IN THE RACING AND COMMUNITY DEVELOPMENT FACILITIES FUND SHALL BE USED TO PAY THE FOLLOWING COSTS RELATING TO RACING FACILITIES PROJECTS:

(1) DEBT SERVICE ON AUTHORITY BONDS;

(2) DESIGN AND CONSTRUCTION COSTS RELATING TO RACING FACILITIES PROJECTS;

(3) TO THE EXTENT AUTHORIZED ~~UNDER FEDERAL~~ BY FEDERAL TAX LAW, TRANSITION COSTS AND REIMBURSEMENTS, COSTS OF START-UP, ADMINISTRATION, OVERHEAD, AND OPERATIONS RELATED TO THE MANAGEMENT OF IMPROVEMENTS TO RACING FACILITIES PROJECTS AUTHORIZED UNDER THIS SUBTITLE AND UNDERTAKEN BY THE AUTHORITY; AND

(4) ALL REASONABLE CHARGES AND EXPENSES RELATED TO THE AUTHORITY'S ADMINISTRATION OF THE RACING AND COMMUNITY DEVELOPMENT ~~FACILITIES~~ FINANCING FUND AND THE RACING AND COMMUNITY DEVELOPMENT ~~FINANCING~~ FACILITIES FUND AND THE MANAGEMENT OF THE AUTHORITY'S OBLIGATIONS.

(D) THE RACING AND COMMUNITY DEVELOPMENT FACILITIES FUND CONSISTS OF:

(1) FUNDS TRANSFERRED FROM THE RACING AND COMMUNITY DEVELOPMENT FINANCING FUND ~~IN ACCORDANCE WITH~~ AS AUTHORIZED UNDER § 10-646.1(G) OF THIS SUBTITLE;

(2) THE UNENCUMBERED FUND BALANCE, INCLUDING ACCRUED INTEREST, EXISTING AS OF JUNE 30, 2020, THAT IS ALLOCATED TO THOROUGHBRED TRACKS UNDER THE RACETRACK FACILITY RENEWAL ACCOUNT;

~~(3) FUNDS FROM THE RACING AND COMMUNITY DEVELOPMENT FINANCING FUND DISTRIBUTED UNDER § 10-657.2(E) OF THIS SUBTITLE;~~

(3) THE UNENCUMBERED FUND BALANCE, INCLUDING ACCRUED INTEREST, EXISTING AS OF JUNE 30, 2020, THAT IS AVAILABLE TO ROSECROFT RACEWAY UNDER THE RACETRACK FACILITY RENEWAL ACCOUNT;

(4) INVESTMENT AND INTEREST EARNINGS; AND

(5) ANY ADDITIONAL MONEY MADE AVAILABLE FROM ANY PUBLIC OR PRIVATE SOURCES FOR THE PURPOSES ESTABLISHED FOR THE RACING AND COMMUNITY DEVELOPMENT FACILITIES FUND.

(E) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE RACING AND COMMUNITY DEVELOPMENT FACILITIES FUND IN THE SAME MANNER AS OTHER STATE FUNDS.

(2) ANY INVESTMENT OR INTEREST EARNINGS SHALL BE CREDITED TO THE RACING AND COMMUNITY DEVELOPMENT FACILITIES FUND.

(3) NO PART OF THE RACING AND COMMUNITY DEVELOPMENT FACILITIES FUND MAY REVERT OR BE CREDITED TO THE GENERAL FUND OF THE STATE OR ANY SPECIAL FUND OF THE STATE.

(F) (1) BEFORE THE ISSUANCE OF ANY BONDS AUTHORIZED UNDER THIS SUBTITLE TO FINANCE IMPROVEMENTS TO A RACING FACILITY, THE AUTHORITY MAY PAY FOR ANY COSTS FOR ADMINISTRATION, OVERHEAD, AND OPERATIONS OF THE AUTHORITY OR COSTS OF ENGINEERING, ARCHITECTURAL, AND OTHER DESIGN PROFESSIONALS FROM THE RACING AND COMMUNITY DEVELOPMENT FACILITIES FUND.

(2) NO PART OF THE RACING AND COMMUNITY DEVELOPMENT FACILITIES FUND MAY BE USED FOR THE PURPOSES UNDER SUBSECTION ~~(D)~~ (C) OF THIS SECTION UNTIL THE AUTHORITY RECEIVES A REIMBURSEMENT FROM THE FUND FOR ANY COSTS UNDER PARAGRAPH (1) OF THIS SUBSECTION INCURRED BEFORE JUNE 1, 2020.

Article – State Finance and Procurement

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

121. the Markell Hendricks Youth Crime Prevention and Diversion Parole Fund; [and]

122. the Federal Government Shutdown Employee Assistance Loan Fund; ~~AND~~

123. THE RACING AND COMMUNITY DEVELOPMENT ~~FUND~~ FINANCING FUND; AND

124. THE RACING AND COMMUNITY DEVELOPMENT FACILITIES FUND.

Article – State Government

9–120.

(a) The Comptroller shall distribute, or cause to be distributed, the State Lottery Fund to pay:

(1) on a pro rata basis for the daily and nondaily State lottery games, the expenses of administering and operating the State lottery, as authorized under this subtitle and the State budget; and

(2) then, except as provided in § 10–113.1 of the Family Law Article, § 11–618 of the Criminal Procedure Article, and § 3–307 of the State Finance and Procurement Article, the holder of each winning ticket or share.

(b) (1) By the end of the month following collection, the Comptroller shall deposit or cause to be deposited:

(i) into the Maryland Stadium Facilities Fund established under § 7–312 of the State Finance and Procurement Article from the money that remains in the State Lottery Fund, after the distribution under subsection (a) of this section, an amount not to exceed \$20,000,000 in any fiscal year;

(ii) after June 30, 2014, into the Maryland Veterans Trust Fund 10% of the money that remains in the State Lottery Fund from the proceeds of sales of tickets from instant ticket lottery machines by veterans' organizations under § 9–112(d) of this subtitle, after the distribution under subsection (a) of this section;

(iii) after June 30, 2014, into the Baltimore City Public School Construction Financing Fund established under § 10–656 of the Economic Development Article the money that remains in the State Lottery Fund from the proceeds of all lotteries after the distributions under subsection (a) of this section and items (i) and (ii) of this paragraph, an amount equal to \$20,000,000 in each fiscal year that bonds are outstanding and unpaid, to be paid in two installments with at least \$10,000,000 paid no later than December 1 of each fiscal year; [and]

(IV) AFTER JUNE 30, ~~2020~~ 2021, INTO THE RACING AND COMMUNITY DEVELOPMENT FINANCING FUND ESTABLISHED UNDER § 10–657.2 OF THE ECONOMIC DEVELOPMENT ARTICLE FROM THE MONEY THAT REMAINS IN THE STATE LOTTERY FUND, AFTER THE DISTRIBUTION UNDER SUBSECTION (A) OF THIS SECTION, AN AMOUNT EQUAL TO ~~\$17,000,000 IN EACH FISCAL YEAR THAT BONDS ARE OUTSTANDING AND UNPAID \$13,500,000 IN FISCAL YEAR 2021; \$17,000,000 IN EACH FISCAL YEAR UNTIL THE BONDS ISSUED FOR A RACING FACILITY HAVE MATURED; AND~~

~~(V) AFTER JUNE 30, 2021, INTO THE RACING AND COMMUNITY DEVELOPMENT FACILITIES FUND ESTABLISHED UNDER § 10–657.3 OF THE ECONOMIC DEVELOPMENT ARTICLE FROM THE MONEY THAT REMAINS IN THE STATE LOTTERY FUND, AFTER THE DISTRIBUTION UNDER SUBSECTION (A) OF THIS SECTION, AN AMOUNT EQUAL TO \$17,000,000 IN FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER UNTIL THE BONDS ISSUED FOR A RACING FACILITY HAVE MATURED; AND~~

[(iv)] ~~(v)~~ ~~(vi)~~ (V) into the General Fund of the State the money that remains in the State Lottery Fund from the proceeds of all lotteries after the distributions under subsection (a) of this section and items (i), (ii), [and] (iii), ~~AND (IV) (IV), AND (V) AND (IV)~~ of this paragraph.

(2) The money paid into the General Fund under this subsection is available in the fiscal year in which the money accumulates in the State Lottery Fund.

(c) The regulations of the Agency shall apportion the money in the State Lottery Fund in accordance with subsection (b) of this section.

(a) In this section, “racing licensee” means the holder of a license issued by the State Racing Commission to hold a race meeting in the State under Title 11 of the Business Regulation Article.

(b) As a condition of eligibility for funding under § 9–1A–29 of this subtitle, a racing licensee shall:

(1) [(i)] (i) for Laurel Park and Pimlico Race Course, conduct a minimum of 220 annual live racing days combined between Laurel Park and Pimlico Race Course unless otherwise agreed to by the racing licensee and the organization that represents the majority of licensed thoroughbred owners and trainers in the State or unless the racing licensee is prevented by weather, acts of God, or other circumstances beyond the racing licensee’s control;]

[(ii)] (i) for Rosecroft Raceway, conduct a minimum of [90] 60 annual live racing days unless otherwise agreed to by the racing licensee and the organization that represents the majority of licensed standardbred owners and trainers in the State or unless the racing licensee is prevented by weather, acts of God, or other circumstances beyond the racing licensee’s control; and

[(iii)] (ii) for Ocean Downs Racetrack, conduct a minimum of 40 annual live racing days unless otherwise agreed to by the racing licensee and the organization that represents the majority of licensed standardbred owners and trainers in the State or unless the racing licensee is prevented by weather, acts of God, or other circumstances beyond the racing licensee’s control;

[(2)] if the racing licensee holds the racing license for Pimlico Race Course, retain in the State of Maryland the name, common law and statutory copyrights, service marks, trademarks, trade names, and horse racing events that are associated with the Preakness Stakes and the Woodlawn Vase;

(3) if the racing licensee holds the racing license for the Pimlico Race Course, promote and conduct the Preakness Stakes each year at:

(i) the Pimlico Race Course; or

(ii) if the Pimlico Race Course no longer exists, the Preakness Stakes Race is prevented from being conducted at the Pimlico Race Course, or the State Racing Commission, under § 11–513 of the Business Regulation Article, deems an emergency exists, another track located in the State that is approved by the State Racing Commission;

(4) if the racing licensee holds the racing license for Laurel Park, permit the event known as the Maryland Million to be run annually at Laurel Park unless:

(i) the racing licensee is prevented from doing so by weather, acts of God, or other circumstances beyond the control of the racing licensee; or

(ii) the racing licensee and the Maryland Million LLC agree to another location that is approved by the State Racing Commission;

(5)] (2) develop and submit to the State Racing Commission a multiyear plan to improve the quality and marketing of horse racing at racetrack locations owned or operated by the racing licensee in Maryland, which shall include:

(i) goals, indicators, and timelines for specific actions that will be taken by the racing licensee to improve the quality and marketing of the horse racing industry in Maryland; and

(ii) a master plan for capital improvements that reflects, at a minimum:

1. commitments that have been made to the State Racing Commission; ~~and~~

2. **UPDATES TO ANY PRIOR MASTER PLAN SPECIFICALLY IDENTIFYING CAPITAL IMPROVEMENTS AND EXPENDITURES MADE ON OR AFTER JANUARY 1, 2018; AND**

3. an ongoing investment in capital maintenance and improvements in the horse racing facilities;

[(6) develop with other racing industry representatives a multiyear plan to improve the quality and marketing of the horse racing industry in Maryland, which shall include goals, indicators, and timelines for specific actions that will be taken by the thoroughbred and harness racing industries to improve the quality and marketing of the horse racing industry in Maryland, including joint marketing efforts; and

(7)] (3) for each year that funding is requested, spend at least the following minimum amounts for capital maintenance and improvements, which may include amounts provided as a matching fund as required under § 9–1A–29(e)(2) of this subtitle:

(i) [for Laurel Park and Pimlico Race Course, a combined total of \$1,500,000;

(ii)] for Rosecroft Raceway, \$300,000; and

[(iii)] (II) for Ocean Downs Racetrack, \$300,000.

(c) As part of the capital maintenance and improvement items in the plan submitted under subsection **[(b)(5)] (B)(2)** of this section, a racing licensee shall include any improvements necessary to ensure that the condition of any part of the racetrack

facility where individuals reside is satisfactory for human habitation and meets minimum housing and sanitation standards in the county where the facility is located.

(d) The plans required under subsection (b) of this section shall also be provided to the Department of General Services and to the Legislative Policy Committee of the General Assembly.

[(e) (1) If a video lottery operation license has been issued for a racetrack location at Laurel Park, the video lottery operation license for the location shall be revoked if the name, common law and statutory copyrights, service marks, trademarks, trade names, or horse racing events that are associated with the Preakness Stakes Race or the Woodlawn Vase are transferred to a location outside the State.

(2) As an additional condition of a video lottery operation license, if a racetrack licensee holds a video lottery operation license for Laurel Park, the licensee shall be required to:

(i) promote and conduct the Preakness Stakes Race at the Pimlico Race Course each year; or

(ii) if the Pimlico Race Course no longer exists, the Preakness Stakes Race is prevented from being conducted at the Pimlico Race Course, or the State Racing Commission, under § 11-513 of the Business Regulation Article, deems an emergency exists, promote and conduct the Preakness Stakes Race each year at another track located in the State that is approved by the State Racing Commission.

(3) If a racetrack licensee has been issued a video lottery operation license for a racetrack location at Laurel Park, the licensee shall permit the event known as the Maryland Million to be run annually at Laurel Park unless:

(i) the licensee is prevented from doing so by weather, acts of God, or other circumstances beyond the control of the licensee; or

(ii) the licensee and the Maryland Million LLC agree to another location that is approved by the State Racing Commission.

(4) If a video lottery operation license is issued to a racetrack location at Laurel Park, the video lottery operation licensee shall:

(i) maintain the operation of the Bowie Training Center; or

(ii) if State law no longer requires the Bowie Training Center to operate as a training facility, convey the property associated with the Bowie Training Center to the State as preserved land under Program Open Space.]

(a) Except as provided in subsections (b) and (c) of this section and § 9–1A–26(a)(3) of this subtitle, on a properly approved transmittal prepared by the Commission, the Comptroller shall pay the following amounts from the proceeds of video lottery terminals at each video lottery facility:

(5) (i) until the issuance of a video lottery operation license in Baltimore City, 1.75% to the Racetrack Facility Renewal Account established under § 9–1A–29 of this subtitle and distributed in accordance with that section; and

(ii) on or after the issuance of a video lottery operation license in Baltimore City, 1% to the Racetrack Facility Renewal Account established under § 9–1A–29 of this subtitle and distributed in accordance with that section, not to exceed a total of \$20,000,000 to the Account annually;

9–1A–28.

(a) There is a Purse Dedication Account under the authority of the State Racing Commission.

(b) (1) The Account shall receive money as required under § 9–1A–27 of this subtitle.

(2) Money in the Account shall be invested and reinvested by the Treasurer and interest and earnings shall accrue to the Account.

(3) The Comptroller shall:

(i) account for the Account; [and]

(ii) **FOR FISCAL YEAR 2021, TRANSFER \$5,000,000, FROM THE PORTION OF THE PROCEEDS IN THE ACCOUNT ALLOCATED TO THOROUGHBRED PURSES UNDER SUBSECTION (C)(1) OF THIS SECTION, TO THE RACING AND COMMUNITY DEVELOPMENT FACILITIES FUND ESTABLISHED UNDER § 10–657.3 OF THE ECONOMIC DEVELOPMENT ARTICLE;**

(III) FOR FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER, ON A PROPERLY APPROVED TRANSMITTAL PREPARED BY THE MARYLAND STADIUM AUTHORITY, ISSUE A WARRANT TO PAY OUT \$5,000,000, FROM THE PORTION OF THE PROCEEDS IN THE ACCOUNT ALLOCATED TO THOROUGHBRED PURSES UNDER SUBSECTION (C)(1) OF THIS SECTION, TO THE STATE LOTTERY FUND ESTABLISHED UNDER § 9–120 OF THIS ~~ARTICLE~~ TITLE UNTIL ANY BONDS, DEBT, OR OTHER FINANCIAL INSTRUMENTS ISSUED OR MADE AVAILABLE BY THE MARYLAND STADIUM AUTHORITY FOR A RACING FACILITY UNDER TITLE 10, SUBTITLE 6 OF THE ECONOMIC DEVELOPMENT ARTICLE ~~ARE PAID IN FULL~~ REACH FINAL MATURITY; AND

~~(HH)~~ **(IV)** on a properly approved transmittal prepared by the State Racing Commission, issue a warrant to pay out money from the Account in the manner provided under this section.

(4) The Account is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(5) [Expenditures] **EXCEPT AS PROVIDED IN PARAGRAPH (3)(II) AND (III) OF THIS SUBSECTION, EXPENDITURES** from the Account shall only be made on a properly approved transmittal prepared by the State Racing Commission as provided under subsection (c) of this section.

(c) Subject to subsections (d) and (e) of this section, the State Racing Commission shall allocate funds in the Account as follows:

- (1) 80% to the thoroughbred industry; and
- (2) 20% to the standardbred industry.

(d) The amount of funds allocated to thoroughbred purses and the Maryland–bred Race Fund shall be allocated as follows:

- (1) 89% to thoroughbred purses at the Pimlico Race Course, Laurel Park, the racecourse in Allegany County, and the racecourse at Timonium; and
- (2) 11% to the Maryland–bred Race Fund.

9–1A–29.

(a) There is a Racetrack Facility Renewal Account under the authority of the State Racing Commission.

(b) (1) The Account shall receive money as required under § 9–1A–27 of this subtitle for the first 16 years of operations at each video lottery facility.

(2) Money in the Account shall be invested and reinvested by the Treasurer and interest and earnings shall accrue to the Account.

(3) The Comptroller shall:

(i) account for the Account; and

(ii) on a properly approved transmittal prepared by the State Racing Commission, issue a warrant to pay out money from the Account in the manner provided under this section.

(4) The Account is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(5) Expenditures from the Account shall only be made on a properly approved transmittal prepared by the State Racing Commission as provided under subsection (c) of this section.

(6) (i) Subject to subparagraph (ii) of this paragraph, the State Racing Commission may use the services of a certified public accountant to review an eligible request for a grant under this section.

(ii) The holder of a license to hold a race meeting in the State that has requested a grant under this section shall reimburse the State Racing Commission for any expenditures for services under subparagraph (i) of this paragraph.

(c) **[Funds] EXCEPT AS PROVIDED IN SUBSECTION (D)(1) OF THIS SECTION, FUNDS** from the Account shall be used to provide a grant to the holder of a license to hold a race meeting in the State for racetrack facility capital construction and improvements.

(d) **(1)** The amount of funds made available from the Racetrack Facility Renewal Account shall be allocated as follows:

~~(a)~~ **(I) 1. FOR FISCAL YEAR 2021, 80% TO BE DEPOSITED IN THE RACING AND COMMUNITY DEVELOPMENT FACILITIES FUND ESTABLISHED UNDER § 10–657.3 OF THE ECONOMIC DEVELOPMENT ARTICLE; AND**

2. FOR FISCAL YEAR 2022 AND THEREAFTER, 80% to [the Pimlico Race Course, Laurel Park, and the racecourse at Timonium] THE STATE LOTTERY FUND ESTABLISHED UNDER § 9–120 OF THIS ~~ARTICLE~~ TITLE; and

~~(b)~~ **(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, 20% to Rosecroft Raceway and Ocean Downs Race Course ACCORDING TO A FORMULA ESTABLISHED IN REGULATIONS ADOPTED BY THE STATE RACING COMMISSION.**

(2) OF THE AMOUNT AVAILABLE TO ROSECROFT RACEWAY FROM THE RACETRACK FACILITY RENEWAL ACCOUNT UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION:

(I) THE UNENCUMBERED FUND BALANCE, INCLUDING ACCRUED INTEREST, EXISTING AS OF JUNE 30, 2020, SHALL BE TRANSFERRED TO THE RACING AND COMMUNITY DEVELOPMENT FACILITIES FUND ESTABLISHED UNDER § 10–646.3 OF THE ECONOMIC DEVELOPMENT ARTICLE; AND

(II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER, \$200,000 SHALL BE

TRANSFERRED ANNUALLY TO EMPLOY PRINCE GEORGE'S, INC. FOR WORKFORCE DEVELOPMENT AND SMALL, MINORITY, AND WOMEN-OWNED BUSINESS DEVELOPMENT.

(3) (I) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE FUNDS TRANSFERRED TO EMPLOY PRINCE GEORGE'S, INC. SHALL SUPPLEMENT, AND NOT SUPPLANT, FUNDS OTHERWISE AVAILABLE FOR EMPLOY PRINCE GEORGE'S, INC.

(II) IF EMPLOY PRINCE GEORGE'S, INC. IS UNABLE TO EXPEND THE FUNDS TRANSFERRED UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION DURING THE 12-MONTH PERIOD AFTER WHICH EMPLOY PRINCE GEORGE'S, INC. RECEIVED THE FUNDS, EMPLOY PRINCE GEORGE'S, INC. SHALL PARTNER WITH SIMILAR ORGANIZATIONS LOCATED WITHIN PRINCE GEORGE'S COUNTY TO EXPEND THE BALANCE OF THE FUNDS FROM THAT PERIOD TO ENCOURAGE WORKFORCE DEVELOPMENT AND SMALL, MINORITY, AND WOMEN-OWNED BUSINESS DEVELOPMENT.

(e) In order to obtain a grant, a holder of a license to hold a race meeting in the State shall:

(1) submit a capital construction plan to be implemented within a specified time frame to the State Racing Commission for approval; and

(2) [except as provided in subsection (f) of this section,] provide and expend a matching fund.

[(f) (1) Of the amount provided from the Racetrack Facility Renewal Account under subsection (d)(1) of this section, the racecourse at Timonium shall be provided the following amounts for racetrack facility capital construction and improvements:

(i) for fiscal year 2012, \$1,125,000;

(ii) for fiscal year 2013, \$1,250,000;

(iii) for fiscal year 2014, \$1,125,000;

(iv) for fiscal year 2015, \$1,000,000; and

(v) for fiscal year 2016, \$1,000,000.

(2) A matching fund is not required for the amount provided for the racecourse at Timonium under paragraph (1) of this subsection.

(3) (i) From the amounts provided in paragraph (1) of this subsection, the holder of a racing license to race at the racecourse at Timonium may use up to \$350,000 per year to support a minimum of 7 live racing days.

(ii) Use of funds authorized under subparagraph (i) of this paragraph must be approved by the Secretary of Labor under terms and a process consistent with the provisions of subsection (j) of this section.

(g) Of the amount provided from the Racetrack Facility Renewal Account under subsection (d)(1) of this section, the State Racing Commission may provide direct grant funding for the establishment of a horse racing museum as part of the Pimlico Race Course.

(h)] (F) After a grant has been provided under this section, the State Racing Commission shall:

(1) in consultation with the Department of General Services, monitor the implementation of the approved capital construction plan; and

(2) make provisions for recapture of grant moneys if the capital construction plan is not implemented within the time frame approved by the State Racing Commission.

[(i)] (G) Any unencumbered funds remaining in the Racetrack Facility Renewal Account after a video lottery facility has been in operation for 16 years shall be paid to the Education Trust Fund established under § 9–1A–30 of this subtitle.

[(j)] (H) The State Racing Commission shall adopt regulations to implement the provisions of this subsection, including regulations to:

(1) address minimum criteria for the types of improvements to be made by the holder of a license; AND

(2) **ESTABLISH A FORMULA TO ALLOCATE FUNDS UNDER SUBSECTION (D)(2) OF THIS SECTION BETWEEN ROSECROFT RACEWAY AND OCEAN DOWNS RACE COURSE.**

[(k)] (I) The provisions of this section may not be construed to apply to the racecourse in Allegany County.

9–1A–31.

(a) (1) Except as provided in paragraph (8) of this subsection, the local impact grants provided under § 9–1A–27 of this subtitle shall be distributed as provided in this subsection.

(2) The following amounts shall be distributed to the following jurisdictions:

- (i) Allegany County – \$200,000;
- (ii) Cecil County – \$130,000;
- (iii) Town of Forest Heights – \$120,000;
- (iv) Town of Perryville – \$70,000; and
- (v) Worcester County – \$200,000.

(3) The remaining funds for local impact grants shall be distributed in the following manner:

(i) 82% to the local jurisdictions with video lottery facilities, based on each jurisdiction's percentage of overall gross revenues from video lottery terminals; and

(ii) except as provided in paragraph (4) of this subsection, for operations at a video lottery facility starting in fiscal year 2012 and ending in fiscal year 2032, 18% to Baltimore City with the Pimlico Community Development Authority acting as the local development council in accordance with subsection (d) of this section, to be distributed primarily for capital projects benefiting economic and community development in the following manner:

1. at least 75% in a manner that is consistent with the Park Heights Master Plan; and

2. the remainder dedicated to the needs of:

A. any census blockgroup that Baltimore City identifies as being located partly or entirely within 1 mile of Pimlico Race Course but not within the boundaries of the Park Heights Master Plan in a manner that is consistent with adopted neighborhood priorities;

B. any neighborhood included in the Northwest Community Planning Forum Strategic Neighborhood Action Plan in a manner that is consistent with the adopted Northwest Community Planning Forum Strategic Neighborhood Action Plan priorities; and

C. beginning after a video lottery operation license is issued to a video lottery facility in Baltimore City, any neighborhood within an area bounded by Liberty Heights Avenue, Northern Parkway, Druid Park Drive, and Wabash Avenue in a manner that is consistent with adopted neighborhood priorities.

(4) (i) Of the amount specified under paragraph (3)(ii) of this subsection:

1. \$1,000,000 shall be provided annually to Prince George's County to be used for public safety projects in the community within 5 miles surrounding Rosecroft Raceway; [and]

2. \$500,000 shall be provided annually for impact aid to be distributed as provided under § 11-404(d) of the Business Regulation Article to help pay for facilities and services in communities within 3 miles of the Laurel Race Course;

3. **FOR FISCAL YEARS ~~2021~~ 2022 THROUGH 2032, \$3,500,000 SHALL BE PROVIDED ANNUALLY TO THE STATE LOTTERY FUND ESTABLISHED UNDER § 9-120 OF THIS ~~ARTICLE~~ TITLE; AND**

4. **FOR FISCAL YEARS 2021 THROUGH 2032, THE GREATER OF \$2,400,000 OR 24% OF THE TOTAL AMOUNT DISTRIBUTED FOR THE FISCAL YEAR UNDER PARAGRAPH (3)(II) OF THIS SUBSECTION SHALL BE PROVIDED ANNUALLY TO PARK HEIGHTS RENAISSANCE, INC.**

(ii) The Legislative Policy Committee shall report its findings and recommendations concerning the advisability of the continuation of the distribution of funds after fiscal year 2032 to the Comptroller and, in accordance with § 2-1257 of this article, the General Assembly, on or before November 1, 2030.

(5) Anne Arundel County, Howard County, Prince George's County, and the City of Laurel shall report to the Legislative Policy Committee, **IN ACCORDANCE WITH § 2-1257 OF THIS ARTICLE**, by December 31 of each year as to the distribution of the funds provided under this section.

(6) Baltimore City shall:

(i) except as provided in subsection (b)(3)(i) of this section, establish a schedule for the distribution and expenditure of funds provided under this section; and

(ii) provide a quarterly report to the Legislative Policy Committee, **IN ACCORDANCE WITH § 2-1257 OF THIS ARTICLE**, on the distribution of the funds provided under this section.

(7) (i) The distribution under paragraph (3)(i) of this subsection to Anne Arundel County, Baltimore City, and Prince George's County equals the sum of the amounts to be distributed to Anne Arundel County, Baltimore City, and Prince George's County divided by three.

(ii) Notwithstanding subparagraph (i) of this paragraph, the amount distributed to Anne Arundel County and Baltimore City under paragraph (3)(i) of this

subsection may not be less than the amount received in the fiscal year before the video lottery operation license for a video lottery facility in Prince George's County was issued.

(8) Beginning after a video lottery operation license is issued to a video lottery facility in Baltimore City, 100% of the local impact grants provided under § 9-1A-27 of this subtitle from the proceeds of the video lottery facilities located in Allegany, Cecil, and Worcester counties shall be distributed to the local jurisdictions in which those video lottery facilities are located.

(b) (3) **(I)** In Baltimore City **FROM THE LOCAL IMPACT GRANTS PROVIDED UNDER SUBSECTION (A)(3)(I) OF THIS SECTION:**

[(i)] 1. beginning in fiscal year 2018, at least 50% [of the local impact grants provided under subsection (a)(3)(i) of this section] shall be distributed directly to the South Baltimore Gateway Community Impact District Management Authority; and

2. BEGINNING IN FISCAL YEAR 2033 AND EACH FISCAL YEAR THEREAFTER, \$3,500,000 SHALL BE PAID ANNUALLY TO THE STATE LOTTERY FUND ESTABLISHED UNDER § 9-120 OF THIS ~~ARTICLE~~ TITLE UNTIL ANY BONDS, DEBT, OR OTHER FINANCIAL INSTRUMENTS ISSUED OR MADE AVAILABLE BY THE MARYLAND STADIUM AUTHORITY FOR A RACING FACILITY UNDER TITLE 10, SUBTITLE 6 OF THE ECONOMIC DEVELOPMENT ARTICLE ~~ARE PAID IN FULL~~ REACH FINAL MATURITY.

(ii) EXCEPT AS PROVIDED IN SUBPARAGRAPH (I)2 OF THIS PARAGRAPH, local impact grants provided under subsection (a)(3)(i) of this section shall be used for improvements in the communities in immediate proximity to the video lottery facility and may be used for the following purposes:

1. infrastructure improvements;
2. facilities;
3. public safety;
4. sanitation;
5. economic and community development, including housing;
6. other public services and improvements.

and

SECTION 2. AND BE IT FURTHER ENACTED, 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) (1) IN THIS SUBSECTION, “LAUREL PARK SITE” AND “PIMLICO SITE” HAVE THE MEANINGS STATED IN § 10–601 OF THE ECONOMIC DEVELOPMENT ARTICLE.

(2) THE SUBTRACTION UNDER SUBSECTION (A) OF THIS SECTION INCLUDES:

(I) THE AMOUNT OF GAIN ~~RECEIVED~~ RECOGNIZED AS A RESULT OF THE DIRECT OR INDIRECT TRANSFER OR CONVEYANCE OF:

1. ANY PROPERTY LOCATED, OR USED, AT OR WITHIN THE LAUREL PARK SITE OR PIMLICO SITE; AND

2. ANY PORTION OF THE BOWIE RACE COURSE TRAINING CENTER PROPERTY; AND

(II) THE AMOUNT OF INCOME ~~REALIZED~~ RECOGNIZED AS A RESULT OF ANY EXPENDITURE OF FUNDS DIRECTLY OR INDIRECTLY BY THE STATE, BALTIMORE CITY, OR ANNE ARUNDEL COUNTY WITH RESPECT TO THE LAUREL PARK SITE OR PIMLICO SITE.

10–307.

(a) To the extent included in federal taxable income, the amounts under this section are subtracted from the federal taxable income of a corporation to determine Maryland modified income.

(g) The subtraction under subsection (a) of this section includes the amounts allowed to be subtracted for an individual under:

(1) § 10–207(i) of this title (Profits on sale or exchange of State or local bonds);

(2) § 10–207(k) of this title (Relocation and assistance payments);

(3) § 10–207(m) of this title (State or local income tax refunds); [or]

(4) § 10-207(c-1) of this title (State tax-exempt interest from mutual funds); OR

(5) § 10-207(HH) OF THIS TITLE (GAIN ON THE TRANSFER OF PROPERTY WITHIN THE LAUREL PARK SITE OR PIMLICO SITE OR BOWIE RACE COURSE TRAINING CENTER PROPERTY AND INCOME REALIZED AS RESULT OF GOVERNMENTAL EXPENDITURES).

11-236.

~~(A) IN THIS SECTION, “LAUREL PARK SITE” AND “PIMLICO SITE” HAVE THE MEANINGS STATED IN § 10-601 OF THE ECONOMIC DEVELOPMENT ARTICLE.~~

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

(2) (I) “CONSTRUCTION MATERIAL” MEANS AN ITEM OF TANGIBLE PERSONAL PROPERTY THAT IS USED TO CONSTRUCT OR RENOVATE A BUILDING, A STRUCTURE, OR AN IMPROVEMENT ON LAND AND THAT TYPICALLY LOSES ITS SEPARATE IDENTITY AS PERSONAL PROPERTY ONCE INCORPORATED INTO THE REAL PROPERTY.

(II) “CONSTRUCTION MATERIAL” INCLUDES BUILDING MATERIALS, BUILDING SYSTEMS EQUIPMENT, LANDSCAPING MATERIALS, AND SUPPLIES.

(3) “LAUREL PARK RACING FACILITY SITE” HAS THE MEANING STATED IN § 10-601 OF THE ECONOMIC DEVELOPMENT ARTICLE.

(4) “PIMLICO SITE” HAS THE MEANING STATED IN § 10-601 OF THE ECONOMIC DEVELOPMENT ARTICLE.

(B) THE SALES AND USE TAX DOES NOT APPLY TO ~~THE PURCHASE OF TANGIBLE PERSONAL PROPERTY TO BE USED~~ A SALE OF CONSTRUCTION MATERIAL, IF:

(1) THE CONSTRUCTION MATERIAL IS PURCHASED BY A PERSON SOLELY FOR USE IN FURTHERANCE OF THE PROVISIONS OF TITLE 10, SUBTITLE 6 OF THE ECONOMIC DEVELOPMENT ARTICLE FOR THE CONSTRUCTION, FURNISHING, EQUIPPING, OR REDEVELOPMENT AT THE LAUREL PARK RACING FACILITY SITE OR PIMLICO SITE;

(2) THE SALE IS MADE BEFORE JANUARY 1, 2026; AND

(3) THE BUYER PROVIDES THE VENDOR WITH ~~EVIDENCE OF~~ ELIGIBILITY ~~FOR~~ OF THE EXEMPTION ISSUED BY THE COMPTROLLER.

(C) THE COMPTROLLER SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – Property

7–246.

(A) IN THIS SECTION, “LAUREL PARK RACING FACILITY SITE” AND “PIMLICO RACING FACILITY SITE” HAVE THE MEANINGS STATED IN § 10–601 OF THE ECONOMIC DEVELOPMENT ARTICLE.

(B) AN INTEREST OF A PERSON IN AN IMPROVEMENT ~~MADE AFTER JUNE 1, 2020,~~ AT THE LAUREL PARK RACING FACILITY SITE OR PIMLICO RACING FACILITY SITE OR AN INTEREST OF A PERSON IN THE REAL PROPERTY OF THE LAUREL PARK RACING FACILITY SITE OR PIMLICO RACING FACILITY SITE IS NOT SUBJECT TO PROPERTY TAX FOR THE DURATION OF:

(1) WITH RESPECT TO THE PIMLICO RACING FACILITY SITE, THE LONG–TERM AGREEMENT DESCRIBED UNDER § 10–646.1(D)(2)(I) OF THE ECONOMIC DEVELOPMENT ARTICLE; OR

(2) WITH RESPECT TO THE LAUREL PARK RACING FACILITY SITE, THE LONG–TERM AGREEMENT DESCRIBED UNDER § 10–646.1(D)(2)(II) OF THE ECONOMIC DEVELOPMENT ARTICLE.

12–108.

(HH) (1) IN THIS SUBSECTION, “LAUREL PARK RACING FACILITY SITE”, “MJC ENTITIES”, “PIMLICO RACING FACILITY SITE”, “PIMLICO SITE”, AND “PROJECT ENTITIES” HAVE THE MEANINGS STATED IN § 10–601 OF THE ECONOMIC DEVELOPMENT ARTICLE.

(2) AN INSTRUMENT OF WRITING IS NOT SUBJECT TO RECORDATION TAX IF THE INSTRUMENT OF WRITING TRANSFERS OR GRANTS A SECURITY INTEREST IN PROPERTY THAT IS:

(I) LOCATED AT OR WITHIN THE LAUREL PARK RACING FACILITY SITE, PIMLICO RACING FACILITY SITE, OR PIMLICO SITE AND THE

TRANSFER OR GRANT IS BY ANY COMBINATION OF PROJECT ENTITIES, MJC ENTITIES, BALTIMORE CITY, AN ENTITY DESIGNATED BY BALTIMORE CITY, ANNE ARUNDEL COUNTY, OR AN ENTITY DESIGNATED BY ANNE ARUNDEL COUNTY; OR

(II) THE PROPERTY IDENTIFIED AS THE BOWIE RACE COURSE TRAINING CENTER UNDER § 11-519 OF THE BUSINESS REGULATION ARTICLE THAT IS TRANSFERRED BY THE OWNER OF THE PROPERTY TO A GOVERNMENT ENTITY.

13-207.

(a) An instrument of writing is not subject to transfer tax to the same extent that it is not subject to recordation tax under:

(24) § 12-108(ff) of this article (Transfer from a certified community development financial institution); [or]

(25) § 12-108(gg) of this article (Transfer of principal residence surrendered in bankruptcy); **OR**

(26) § 12-108(HH) OF THIS ARTICLE (TRANSFER OF REAL PROPERTY WITHIN THE LAUREL PARK RACING FACILITY SITE, PIMLICO RACING FACILITY SITE, ~~OR~~ PIMLICO SITE, OR BOWIE RACE COURSE TRAINING CENTER PROPERTY).

13-410.

An instrument of writing [that is exempt from recordation tax under § 12-108(cc) of this article (Certain transfers to land trusts)] is not subject to the county transfer tax **TO THE SAME EXTENT THAT IT IS NOT SUBJECT TO THE RECORDATION TAX UNDER:**

(1) § 12-108(CC) OF THIS ARTICLE (CERTAIN TRANSFERS TO LAND TRUSTS); OR

(2) § 12-108(HH) OF THIS ARTICLE (TRANSFER OF REAL PROPERTY WITHIN THE LAUREL PARK RACING FACILITY SITE, PIMLICO RACING FACILITY SITE, ~~OR~~ PIMLICO SITE, OR BOWIE RACE COURSE TRAINING CENTER PROPERTY).

SECTION 4. AND BE IT FURTHER ENACTED, That any housing facilities for track workers located at Pimlico Race Course, Laurel Park, or the Bowie Race Course Training Center and used during the transition or construction periods of the development of the projects under this Act shall meet the applicable health and housing requirements of the applicable local jurisdiction.

SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That, except for planning, design, engineering, architectural, professional, demolition, site work, other pre-construction services, or maintenance and repairs, the Maryland Stadium Authority

may not expend funds under this Act for construction or reconstruction of racing surfaces, at Pimlico or Laurel Park, until:

~~(4)~~ the State Racing Commission, in conjunction with the Maryland Jockey Club and the Maryland Thoroughbred Horsemen's Association;

(1) consults with national experts in thoroughbred racetrack surfaces and equine safety; and

(2) provides a report to the Legislative Policy Committee, *in accordance with § 2-1257 of the State Government Article*, describing the proposed racetrack surfaces and measures taken to enhance equine safety.

SECTION ~~5~~ 6. AND BE IT FURTHER ENACTED, That:

(a) On or before August 1, 2020, the Baltimore Development Corporation, the Maryland Jockey Club, and LifeBridge Health shall enter into a memorandum of understanding that contains the following provisions:

(1) reasonable collaboration activity among the parties during the early stages of development of the Pimlico site;

(2) reasonable notification requirements among the parties to identify material construction schedules related to planned infrastructure and improvements, including timing and types of work contemplated by the ~~parties and~~ *parties*, any potential interruption to utilities serving the properties, *and mutual parking needs*;

(3) an agreement to cooperate during construction to avoid, as much as practical, disruption to the business activities and operations of the parties; ~~and~~

(4) *an agreement to consult with the Pimlico Community Development Authority and the communities within the boundaries of the Park Heights Master Plan regarding development and construction on any part of the Pimlico site that is not part of the racing facility; and*

~~(4)~~ (5) any other provisions agreed to by the parties.

(b) (1) The Maryland Stadium Authority may not begin construction on the Pimlico site unless the memorandum of understanding required under subsection (a) of this section is entered into.

(2) The parties required to enter the memorandum of understanding shall provide the Maryland Stadium Authority with a copy of the memorandum of understanding that the parties enter into.

(c) The memorandum of understanding required under subsection (a) of this section shall continue until the completion of:

- (1) construction at the Pimlico site; and
- (2) development and construction on the LifeBridge Health property adjacent to the Pimlico site.

SECTION ~~6~~ 7. AND BE IT FURTHER ENACTED, That:

(a) On or before February 15, 2021, the Maryland Stadium Authority, after consulting with the State Racing Commission, the owner of Laurel Park, representatives of the thoroughbred racing industry, and other advisors determined by the Authority, shall report on the feasibility of creating an Equine Health, Safety, and Research Center at Laurel Park.

(b) The report required under this section shall include:

- (1) an estimate of the costs of constructing, equipping, and operating the center;
- (2) a summary of the activities to be conducted at the center, including diagnostic tests, data collection, and research;
- (3) identification of parties capable of and interested in operating the center or engaging in research activities, including academic research centers;
- (4) a timeline for the development of the center; and
- (5) any other information the Authority determines is important.

SECTION 8. AND BE IT FURTHER ENACTED, That, in addition to the funds otherwise available for racing and community development project costs under this Act and notwithstanding the limitations under § 10-657.3 of the Economic Development Article, as enacted by Section 1 of this Act, at least \$1,000,000 but not exceeding \$1,500,000 of the funds transferred to the Racing and Community Development Facilities Fund established under § 10-657.3 of the Economic Development Article in accordance with § 9-1A-29(d)(2) of the State Government Article, as enacted by Section 1 of this Act, shall be transferred to the City of Bowie for remediation costs of the Bowie Race Course Training Center property, provided that a joint use agreement has been executed between the City of Bowie and Bowie State University in accordance with § 11-519 of the Business Regulation Article, as enacted by Section 1 of this Act.

SECTION 9. AND BE IT FURTHER ENACTED, That:

(a) In addition to the funds otherwise available for racing and community development project costs under this Act and notwithstanding the limitations under § 10-657.3 of the Economic Development Article, as enacted by Section 1 of this Act, \$2,000,000 of the funds transferred to the Racing and Community Development Facilities

Fund established under § 10–657.3 of the Economic Development Article in accordance with § 9–1A–29(d)(2) of the State Government Article, as enacted by Section 1 of this Act, may be used only to reimburse the racing licensees’ costs attributable to maintaining ongoing year–round racing operations, ensuring the continued running of the Preakness Stakes at the Pimlico site during construction, and expenses related to the Bowie Race Course Training Center before the conveyance of the property in accordance with § 11–519 of the Business Regulation Article, as enacted by Section 1 of this Act.

(b) The Maryland Stadium Authority shall cooperate with the racing licensee to identify the costs described under subsection (a) of this section and establish an approval process before any reimbursement is provided in accordance with subsection (a) of this section.

SECTION 10. AND BE IT FURTHER ENACTED, That, in addition to the funds otherwise available for racing and community development project costs under this Act, notwithstanding the limitations under § 10–657.3 of the Economic Development Article and except as provided in Sections 8 and 9 of this Act, the balance of the funds transferred to the Racing and Community Development Facilities Fund established under § 10–657.3 of the Economic Development Article in accordance with § 9–1A–29(d)(2) of the State Government Article, as enacted by Section 1 of this Act, may be expended only by the Maryland Stadium Authority:

(1) after the Maryland Stadium Authority provides the Senate Budget and Taxation Committee, the House Appropriations Committee, and the House Committee on Ways and Means at least 90 days to review the feasibility study required under Section 7 of this Act; and

(2) for the costs of planning, design, construction, and equipping of the Equine Health, Safety, and Research Center at Laurel Park.

SECTION ~~7~~ 11. AND BE IT FURTHER ENACTED, ~~That,~~ That:

(a) Subject to subsection (b) of this section and notwithstanding any other provision of law, on or before June 30, 2020, the unencumbered fund balance, including accrued interest, existing as of ~~May 31, 2020~~ June 30, 2020, that is allocated to thoroughbred tracks under the Racetrack Facility Renewal Account shall be transferred to the Racing and Community Development ~~Facilities~~ Fund established under ~~§ 10–657.2~~ § 10–657.3 of the Economic Development Article, as enacted by Section 1 of this Act.

(b) (1) On or before June 15, 2020, the State Racing Commission shall notify the Comptroller of the amount of anticipated requests for reimbursement under the Racetrack Facility Renewal Account under § 9–1A–29 of the State Government Article, ~~as those provisions existed and were applicable before the effective date of this Act.~~

(2) Before making a request for reimbursement from the Racetrack Facility Renewal Account, a licensee that previously filed a master plan under § 9–1A–09(b) of the State Government Article shall update the licensee’s master plan in accordance with the

provisions of § 9-1A-09(b)(2)(ii) of the State Government Article, as enacted by Section 1 of this Act.

~~(2)~~ (3) The Comptroller shall encumber the amount identified under paragraph (1) of this subsection.

~~(3)~~ (4) On or before December 31, 2020, the State Racing Commission shall approve or deny the requests for reimbursement that meet the requirements of the Racetrack Facility Renewal Account as those requirements existed and were applicable before the effective date of this Act from mile thoroughbred licensees.

~~(4)~~ (5) Any funds not disbursed for eligible requests from mile thoroughbred licensees as of December 31, 2020, shall be transferred to the Racing and Community Development Facilities Fund established under § 10-657.3 of the Economic Development Article, as enacted by Section 1 of this Act.

SECTION 12. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that, after the completion of the construction at the Pimlico site by the Maryland Stadium Authority, the construction of improvements on any part of the Pimlico site that is not part of the racing facility site shall, to the extent possible and permitted by federal and State law, comply with:

(1) (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) 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; or

(2) requirements under Article 5, Subtitle 28 of the Baltimore City Code regarding participation of minority and women's business enterprises and small local business enterprises.

SECTION ~~8~~ 13. AND BE IT FURTHER ENACTED, That:

(a) Section 2 of this Act applies to all taxable years beginning after December 31, 2019.

(b) Section 3 of this Act applies to all taxable years beginning after June 30, 2020.

SECTION ~~9~~ 14. 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 591

(Senate Bill 994)

AN ACT concerning

Maryland Electricians Act of 2020 Department of Labor – Electricians – State Licensing Workgroup

~~FOR the purpose of altering the composition, powers, and duties of the State Board of Master Electricians; changing the name of the State Board of Master Electricians to the State Board of Electricians; establishing a low-voltage electrician license as a State license to be awarded to qualifying electricians; requiring the Maryland Department of Labor to adopt regulations to establish the education requirements and qualifications for a State apprentice electrician license and a State registered apprentice electrician license; prohibiting, beginning on a certain date, local jurisdictions from issuing certain licenses under certain circumstances; authorizing local jurisdictions that issued certain licenses before a certain date to continue to issue the licenses under certain circumstances; prohibiting a certain local jurisdiction, beginning on a certain date, from licensing a master-level or journeyman-level electrician unless it applies for and receives authorization from the State Board; requiring the Department to adopt guidelines to govern a certain authorization process; requiring certain local jurisdictions to report certain information to the Department on or before a certain date each year; allowing a local jurisdiction to take certain actions against certain licensees under certain circumstances; requiring certain local jurisdictions to administer a certain examination in a certain manner; requiring each county and each municipal corporation to enforce certain provisions of law and adopt certain regulations or require certain State licenses under certain circumstances; altering certain licensing and examination requirements; authorizing a local board to apply to be a certain testing service; altering a certain provision of law stating that certain provisions of law do not require certain individuals to hold a State license to refer to “low-voltage electricians” rather than a “master electrician”; altering certain reciprocity requirements for certain individuals authorized to provide electrical services in other states; establishing certain continuing education requirements; authorizing the State Board to waive certain examination requirements and certain experience requirements for certain licensees in certain circumstances; altering the circumstances under which the State Board may deny a license to an applicant, reprimand a licensee, or suspend or revoke a license; authorizing the State Board to set certain fees; providing for the construction of a certain provision of law; requiring a master electrician to display certain information in a certain manner; requiring a licensee to give the State Board certain notice of a change in certain information; prohibiting a person from taking certain actions without a license; establishing certain penalties for certain violations; requiring the State Board to provide a certain notice to each local board in the State; altering, adding, and repealing certain defined terms; making stylistic and conforming changes; and generally relating to the State Board of Electricians and the licensing and regulation of electricians~~

FOR the purpose of requiring the Maryland Department of Labor to convene a workgroup to study certain issues regarding the provision of electrical services and low-voltage electrical services in the State; requiring a certain workgroup to include certain representatives; requiring the Department to provide certain notice of certain meetings to certain persons and consider the comments of certain stakeholders; requiring the Department to submit a certain report to certain committees of the General Assembly on or before a certain date; and generally relating to a workgroup on the provision of electrical services and low-voltage electrical services in the State.

~~BY repealing and reenacting, with amendments,~~

~~Article — Business Occupations and Professions~~

~~Section 6-101 through 6-103; 6-201, 6-202(a), (c)(1), (d), (e), and (h)(2), and 6-205 to be under the amended subtitle “Subtitle 2. State Board of Electricians”; and 6-301, 6-302 through 6-306, 6-306.1, 6-307, 6-308, 6-310(e)(4) and (e), 6-311(b)(2) and (3), (c), and (d)(1), 6-312, 6-315, 6-316, 6-319(e) and (d)(1), 6-321(a)(2) and (b), 6-401, 6-601, 6-602, 6-603, 6-604(a) and (b), and 6-701~~

~~Annotated Code of Maryland~~

~~(2018 Replacement Volume and 2019 Supplement)~~

~~BY adding to~~

~~Article — Business Occupations and Professions~~

~~Section 6-104, 6-307.1, and 6-605 through 6-608~~

~~Annotated Code of Maryland~~

~~(2018 Replacement Volume and 2019 Supplement)~~

~~BY repealing~~

~~Article — Business Occupations and Professions~~

~~Section 6-605~~

~~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:~~

(a) The Maryland Department of Labor shall convene a workgroup to study and make recommendations on the following issues regarding the provision of electrical services and low-voltage electrical services in the State:

(1) the licensing of master, journeyman, and apprentice electricians by the State Board of Master Electricians, including uniform education, experience, and examination requirements;

(2) the licensing, regulation, and qualifications for individuals who provide low-voltage electrical services in the State, including exempting individuals who work with residential integrators on low-voltage technology systems, if necessary;

(3) the role of local governments in the licensing and code enforcement of and pulling of permits by electricians and individuals who provide low-voltage electrical services;

(4) the adoption of the National Electric Code across all jurisdictions in the State;

(5) an examination of the costs and benefits of adopting the licensing scheme proposed in Senate Bill 994 and House Bill 1127 of 2020; and

(6) any other relevant issues as determined by the Department.

(c) The workgroup shall include:

(1) a representative of the State Board of Master Electricians;

(2) representatives from electrician licensing authorities in local governments;

(3) State licensed electricians and locally licensed electricians with varying years of experience;

(4) an electrical inspector;

(5) low-voltage electricians;

(6) a representative from the solar photovoltaic technology industry;

(7) a representative of a labor organization that represents licensed electricians; and

(8) any other stakeholders as determined by the Department.

(d) The Maryland Department of Labor shall:

(1) provide notice of each meeting of the workgroup to each person who provided written or oral testimony to a committee of the General Assembly for a hearing on either SB 994 or HB 1127 during the 2020 legislative session; and

(2) consider comments from interested stakeholders in developing any recommendations.

(e) On or before December 1, 2020, the Maryland Department of Labor shall, in accordance with § 2-1257 of the State Government Article, submit a report to the Senate Education, Health, and Environmental Affairs Committee and the House Economic Matters Committee on the findings and recommendations of the workgroup convened under subsection (a) of this section.

~~Article — Business Occupations and Professions~~

~~6-101.~~

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

(b) (1) ~~“Assignment of local license” means any procedure by which a licensee grants to another person a right to use a local license to enable that person to engage in the business of providing electrical services.~~

(2) ~~“Assignment of local license” includes any procedure by which:~~

(i) ~~a licensee agrees to be the representative of another person; and~~

(ii) ~~by virtue of that agreement, the other person is authorized to engage in the business of providing electrical services.~~

(c) ~~“Engage in the business of providing electrical services” means to engage in providing electrical services for compensation.~~

(d) (1) ~~“License” means, unless the context requires otherwise, a license issued by the State Board or a local jurisdiction to provide OR ASSIST IN PROVIDING electrical services.~~

(2) ~~“LICENSE” INCLUDES, UNLESS THE CONTEXT REQUIRES OTHERWISE:~~

(i) ~~A MASTER ELECTRICIAN LICENSE; AND~~

(ii) ~~A JOURNEYPERSON ELECTRICIAN LICENSE.~~

(E) ~~“LICENSED JOURNEYPERSON ELECTRICIAN” MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, AN ELECTRICIAN WHO IS LICENSED BY THE STATE BOARD OR A LOCAL JURISDICTION TO PROVIDE OR ASSIST IN PROVIDING ELECTRICAL SERVICES.~~

(F) ~~“LICENSED LOW VOLTAGE ELECTRICIAN” MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, AN ELECTRICIAN WHO IS LICENSED BY THE STATE BOARD OR A LOCAL JURISDICTION TO PROVIDE LOW VOLTAGE ELECTRICAL SERVICES.~~

~~[(c)](G) “Licensed master electrician” means, unless the context requires otherwise, a master electrician who is licensed by the State Board or a local jurisdiction to provide electrical services.~~

~~[(f)] (H) “Local board” means a board that a local jurisdiction of the State creates to regulate any aspect of the electrical trade.~~

~~[(g)] (I) “Local license” means, unless the context requires otherwise, a license that is issued by a local board to provide electrical services as a master electrician.~~

~~(J) “LOW VOLTAGE ELECTRICIAN” MEANS AN INDIVIDUAL WHO HAS THE EXPERIENCE, KNOWLEDGE, AND SKILL TO PROVIDE LOW VOLTAGE ELECTRICAL SERVICES IN A MANNER THAT COMPLIES WITH APPLICABLE PLANS, SPECIFICATIONS, CODES, OR LAW.~~

~~[(h)] (K) “Master electrician” means an individual who has the experience, knowledge, and skill to provide electrical services in all aspects of the electrical trade, in a manner that complies with applicable plans, specifications, codes, or law.~~

~~[(i)] (L) (1) “Provide electrical services” means to provide any service in the electrical trade:~~

~~(2) “Provide electrical services” includes installing, repairing, MAINTAINING, ERECTING, or altering any electrical EQUIPMENT, wiring, fixture, appliance, apparatus, raceway, [or] conduit, OR SYSTEM that:~~

~~(i) generates, transmits, transforms, or uses electrical energy in any form for light, heat, power, or communication; and~~

~~(ii) is located within a plant, substation, or elsewhere.~~

~~(M) “PROVIDE LOW VOLTAGE ELECTRICAL SERVICES” MEANS TO DESIGN, INSTALL, ERECT, REPAIR, MAINTAIN, OR ALTER ANY ELECTRICAL WIRING, FIXTURE, APPLIANCE, APPARATUS, RACEWAY, OR CONDUIT THAT:~~

~~(1) FOR AUDIO SIGNAL PROCESSING, AMPLIFICATION, AND REPRODUCTION EQUIPMENT, IS OPERATED AT NOT MORE THAN 70 VOLTS NOMINAL OF ELECTRICAL POTENTIAL;~~

~~(2) RELATES TO FIRE ALARM SYSTEMS IN A SINGLE FAMILY RESIDENTIAL DWELLING; OR~~

~~(3) FOR ALL OTHER SERVICES, IS OPERATED AT NOT MORE THAN 50 VOLTS NOMINAL OF ELECTRICAL POTENTIAL.~~

~~[(j)] (N) “State Board” means the State Board of [Master] Electricians.~~

~~[(k)] (O) “State license” means a license that is issued by the State Board to [a master] AN electrician.~~

~~(P) (1) "VOLTS NOMINAL" MEANS, FOR ANY ELECTRICAL EQUIPMENT, THE STATED VOLTAGE MEASUREMENT AT WHICH THE EQUIPMENT IS DESIGNED TO OPERATE.~~

~~(2) "VOLTS NOMINAL" INCLUDES A RANGE OF ELECTRICAL POTENTIAL THAT FOR ANY ELECTRICAL EQUIPMENT IS WITHIN 10 VOLTS BELOW AND 10 VOLTS ABOVE THE STATED VOLTAGE MEASUREMENT AT WHICH THE EQUIPMENT IS DESIGNED TO OPERATE.~~

~~6-102.~~

~~The [policy of the State] PURPOSE OF THIS TITLE is to [regulate, throughout the State, those persons who provide electrical services or engage in the business of providing] ESTABLISH A LICENSING PROGRAM FOR INDIVIDUALS WHO PROVIDE OR ASSIST IN PROVIDING electrical services, IN ORDER to safeguard the life, health, property, and public welfare of the citizens of the State.~~

~~6-103.~~

~~(a) This title does not affect the right of any local jurisdiction of the State:~~

~~(1) to regulate LOCALLY the quality and character of work of a person who engages in the business of providing electrical services by establishing a system of licenses, permits, fees, and inspections designed to:~~

~~(i) ensure compliance with and implementation of State and local building laws; or~~

~~(ii) enforce other local laws protecting public health and safety;~~

~~(2) to require a person who engages in the business of providing electrical services to submit any plan or specification for approval before the electrical services are provided;~~

~~(3) to establish a local board TO:~~

~~(H) CARRY OUT ITEMS (1) AND (2) OF THIS SUBSECTION;~~

~~(H) TAKE ANY DISCIPLINARY ACTION, EXCEPT FOR REVOCATION OF A LICENSE ISSUED BY THE STATE BOARD, AGAINST THE HOLDER OF A LOCAL LICENSE OR THE HOLDER OF A LOCAL PERMIT WHO VIOLATES ANY PROVISION OF THIS TITLE OR ANY LOCAL LAW; AND~~

~~(H) REPORT ANY ENFORCEMENT ACTIVITY TO THE STATE BOARD;~~

~~(4) except as provided in §§ 6-504 and 6-602 of this title AND SUBJECT TO THE REQUIREMENTS OF THIS SECTION, to require an examination before issuing a license to provide electrical services within the local jurisdiction; or~~

~~(5) to collect, from a person who is licensed with a local board, fees for:~~

~~(i) an examination for a license to provide electrical services;~~

~~(ii) issuance and renewal of the license; or~~

~~(iii) an inspection.~~

~~(b) If a local jurisdiction licenses any class of electricians other than master electricians OR JOURNEYPerson electricians, that class is also under the control and supervision of the local board.~~

~~(c) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, BEGINNING JULY 1, 2020, A LOCAL JURISDICTION MAY NOT ISSUE LICENSES FOR JOURNEYPerson, LOW VOLTAGE, OR MASTER ELECTRICIANS.~~

~~(2) A LOCAL JURISDICTION THAT LICENSED JOURNEYPerson LEVEL, LOW VOLTAGE, OR MASTER LEVEL ELECTRICIANS BEFORE JULY 1, 2020, MAY CONTINUE TO ISSUE THE LICENSES ISSUED BEFORE JULY 1, 2020, IF THE LOCAL JURISDICTION COMPLIES WITH SUBSECTIONS (D) AND (E) OF THIS SECTION.~~

~~(3) (i) A LOCAL JURISDICTION THAT DID NOT LICENSE JOURNEYPerson LEVEL, LOW VOLTAGE, OR MASTER LEVEL ELECTRICIANS BEFORE JULY 1, 2020, MAY NOT LICENSE A JOURNEYPerson LEVEL, LOW VOLTAGE, OR MASTER LEVEL ELECTRICIAN UNLESS IT APPLIES TO THE STATE BOARD FOR AUTHORIZATION TO LICENSE JOURNEYPerson LEVEL, LOW VOLTAGE, OR MASTER LEVEL ELECTRICIANS LOCALLY.~~

~~(H) THE DEPARTMENT SHALL ADOPT GUIDELINES TO GOVERN THE AUTHORIZATION BY THE STATE BOARD OF LOCAL JURISDICTIONS TO ISSUE LICENSES UNDER THIS PARAGRAPH.~~

~~(D) IF A LOCAL JURISDICTION QUALIFIES TO CONTINUE LICENSING JOURNEYPerson LEVEL, LOW VOLTAGE, OR MASTER LEVEL ELECTRICIANS UNDER SUBSECTION (C)(2) OF THIS SECTION OR RECEIVES AUTHORIZATION TO LICENSE JOURNEYPerson LEVEL, LOW VOLTAGE, OR MASTER LEVEL ELECTRICIANS UNDER SUBSECTION (C)(3) OF THIS SECTION, THE LOCAL BOARD~~

~~SHALL ADMINISTER THE SAME EXAMINATION AS THE STATE BOARD AS PROVIDED UNDER § 6-306 OF THIS TITLE.~~

~~(E) ON OR BEFORE JULY 1, 2021, AND ON OR BEFORE JULY 1 EACH YEAR THEREAFTER, A LOCAL JURISDICTION THAT LICENSES JOURNEYPERSON LEVEL, LOW VOLTAGE, OR MASTER LEVEL ELECTRICIANS SHALL REPORT TO THE DEPARTMENT:~~

~~(1) EACH JOURNEYPERSON ELECTRICIAN LICENSE ISSUED IN THE PREVIOUS YEAR;~~

~~(2) EACH LOW VOLTAGE ELECTRICIAN LICENSE ISSUED IN THE PREVIOUS YEAR;~~

~~(3) EACH MASTER ELECTRICIAN LICENSE ISSUED IN THE PREVIOUS YEAR;~~

~~(4) EACH INDIVIDUAL WHO SAT FOR A JOURNEYPERSON ELECTRICIAN EXAMINATION IN THE PREVIOUS YEAR;~~

~~(5) EACH INDIVIDUAL WHO SAT FOR A LOW VOLTAGE ELECTRICIAN EXAMINATION IN THE PREVIOUS YEAR;~~

~~(6) EACH INDIVIDUAL WHO SAT FOR A MASTER ELECTRICIAN EXAMINATION IN THE PREVIOUS YEAR; AND~~

~~(7) ANY OTHER INFORMATION THE DEPARTMENT REQUIRES.~~

~~[(e)] (F) This title may not be construed to waive any requirement of an ordinance or regulation that sets out the type of work to be performed by a person who engages in the business of providing electrical services as required under State or local building laws.~~

~~6-104.~~

~~THE DEPARTMENT SHALL ADOPT REGULATIONS TO ESTABLISH THE EDUCATION REQUIREMENTS AND QUALIFICATIONS NECESSARY FOR:~~

~~(1) A STATE APPRENTICE ELECTRICIAN LICENSE; AND~~

~~(2) A STATE REGISTERED APPRENTICE ELECTRICIAN LICENSE.~~

~~Subtitle 2. State Board of [Master] Electricians.~~

~~6-201.~~

~~There is a State Board of [Master] Electricians in the Department.~~

~~6-202.~~

~~(a) (1) The State Board consists of 9 members appointed by the Governor with the advice and consent of the Senate.~~

~~(2) Of the 9 members of the State Board:~~

~~(i) 6 shall be licensed master electricians; [and]~~

~~(II) 1 SHALL BE AN ELECTRICAL INSPECTOR;~~

~~(III) 1 SHALL BE A LICENSED LOW VOLTAGE ELECTRICIAN; AND~~

~~[(ii)] (IV) [3] 1 shall be A consumer [members] MEMBER.~~

~~(3) Of the 6 master electrician members:~~

~~(i) 1 shall be from Baltimore City;~~

~~(ii) 1 shall be from the area that consists of Caroline, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester counties;~~

~~(iii) 1 shall be from the area that consists of Baltimore, Cecil, and Harford counties;~~

~~(iv) 1 shall be from the area that consists of Anne Arundel, Calvert, Charles, PRINCE GEORGE'S, and St. Mary's counties;~~

~~(v) 1 shall be from [the area that consists of] Montgomery [and Prince George's counties] COUNTY; and~~

~~(vi) 1 shall be from the area that consists of Allegany, Carroll, Frederick, Garrett, Howard, and Washington counties.~~

~~(4) THE ELECTRICAL INSPECTOR MEMBER SHALL BE FROM THE STATE AT LARGE.~~

~~(5) THE LOW VOLTAGE ELECTRICIAN MEMBER SHALL BE FROM THE STATE AT LARGE.~~

~~[(4)] (6) The consumer [members] MEMBER shall be from the State at large.~~

~~[(5)] (7) A member of the State Board may not reside in the same county as another member.~~

~~(e) Each master electrician member of the State Board shall:~~

~~(1) hold an active [State] AND CURRENT license UNDER THIS TITLE; and~~

~~(d) [Each] THE consumer member of the State Board:~~

~~(1) shall be a member of the general public;~~

~~(2) may not be a licensee or otherwise be subject to regulation by the State Board;~~

~~(3) may not be required to meet the qualifications for the professional members of the State Board; and~~

~~(4) may not, within 1 year before appointment, have had a financial interest in or have received compensation from a person regulated by the State Board.~~

~~(e) While a member of the State Board, [a] THE consumer member may not:~~

~~(1) have a financial interest in or receive compensation from a person regulated by the State Board; or~~

~~(2) grade an examination given by or for the State Board.~~

~~(h) (2) Except as provided in paragraph (3) of this subsection and subject to paragraph (4) of this subsection, a member shall be considered to have resigned if the member did not attend at least two thirds of the STATE Board meetings held during any consecutive 12-month period while the member was serving on the STATE Board.~~

~~6-205.~~

~~(A) In addition to any powers and duties set forth elsewhere, the State Board shall:~~

~~(1) twice a year hold a seminar and invite members from each local licensing jurisdiction to discuss any industry or licensing problems; [and]~~

~~(2) adopt regulations to establish:~~

~~(i) application and examination fees;~~

~~(ii) continuing education requirements; and~~

~~(iii) application deadlines;~~

~~(3) ENFORCE, WITHIN 18 MONTHS OF ISSUANCE, MINIMUM STANDARDS FOR THE PROVISION OF ELECTRICAL SERVICES CONSISTENT WITH THE MOST RECENTLY ISSUED VERSION OF THE NATIONAL FIRE PROTECTION ASSOCIATION 70: NATIONAL ELECTRICAL CODE;~~

~~(4) ISSUE LICENSES;~~

~~(5) KEEP RECORDS OF ITS PROCEEDINGS; AND~~

~~(6) ADOPT ANY OTHER REGULATIONS NECESSARY TO CARRY OUT THIS TITLE.~~

~~(B) THE CONTINUING EDUCATION REQUIREMENTS ADOPTED UNDER THIS SECTION SHALL:~~

~~(1) BE BASED ON THE NATIONAL ELECTRICAL CODE OR ANY LOCAL VARIANTS ADOPTED BY A LOCAL BOARD;~~

~~(2) CONSIST OF A COURSE OR TRAINING ON PRACTICAL TECHNIQUES, INSTALLATION PROCEDURES, OR OTHER RELEVANT TOPICS; AND~~

~~(3) BE ADMINISTERED BY:~~

~~(I) A COLLEGE OR AN APPRENTICESHIP PROGRAM APPROVED BY THE MARYLAND APPRENTICESHIP AND TRAINING COUNCIL OR THE FEDERAL COMMITTEE ON APPRENTICESHIP;~~

~~(II) A STATE OR NATIONALLY RECOGNIZED TRAINING PROGRAM; OR~~

~~(III) ANOTHER PERSON APPROVED BY THE STATE BOARD.~~

~~6-301.~~

~~(a) Each county shall:~~

~~(1) (I) adopt regulations that have qualifications [comparable to] THAT ARE AT LEAST AS STRINGENT AS THE QUALIFICATIONS UNDER § 6-304 of this subtitle, to provide for the licensing and regulation of master electricians OR JOURNEYPERSON ELECTRICIANS; AND~~

~~(H) 1. APPLY TO AND RECEIVE AUTHORIZATION FROM THE STATE BOARD TO LICENSE JOURNEYPerson ELECTRICIANS OR MASTER ELECTRICIANS IF REQUIRED TO DO SO UNDER § 6-103 OF THIS TITLE; OR~~

~~2. CONTINUE ISSUING JOURNEYPerson ELECTRICIAN OR MASTER ELECTRICIAN LICENSES IF THE COUNTY QUALIFIES UNDER § 6-103(C)(2) OF THIS TITLE TO CONTINUE ISSUING LOCAL LICENSES; OR~~

~~(2) (i) require a State license for providing electrical services as a master electrician OR JOURNEYPerson ELECTRICIAN; and~~

~~(ii) enforce the provisions of this title.~~

~~(b) Each municipal corporation shall:~~

~~(1) (H) adopt regulations that have qualifications [comparable to, or more stringent than,] THAT ARE AT LEAST AS STRINGENT AS THE QUALIFICATIONS UNDER § 6-304 of this subtitle to provide for the licensing and regulation of JOURNEYPerson OR master electricians; AND~~

~~(H) 1. APPLY TO AND RECEIVE AUTHORIZATION FROM THE STATE BOARD TO LICENSE JOURNEYPerson ELECTRICIANS OR MASTER ELECTRICIANS AS REQUIRED TO DO SO UNDER § 6-103 OF THIS TITLE; OR~~

~~2. CONTINUE ISSUING JOURNEYPerson ELECTRICIAN OR MASTER ELECTRICIAN LICENSES IF THE MUNICIPAL CORPORATION QUALIFIES UNDER § 6-103(C)(2) OF THIS TITLE TO CONTINUE ISSUING LOCAL LICENSES;~~

~~(2) adopt the electrical rules and regulations of the county in which the municipal corporation is located; or~~

~~(3) (i) require a State license for providing electrical services as a JOURNEYPerson OR master electrician; and~~

~~(ii) enforce the provisions of this title.~~

~~(c) Each licensed master electrician shall display the State license number [or], the county license number, OR THE MUNICIPAL CORPORATION LICENSE NUMBER of the licensee on each vehicle used on the job for providing electrical services.~~

~~(d) A county or municipal corporation may not adopt a resolution or enact a law that requires a person licensed under this subtitle who is compliant with subsection (c) of this section to display additional license numbers on each vehicle used on the job for providing electrical services.~~

~~6-302.~~

~~(a) In a local jurisdiction that requires a local license AND HAS QUALIFIED TO CONTINUE ISSUING LOCAL LICENSES UNDER § 6-103(C)(2) OF THIS TITLE OR RECEIVED AUTHORIZATION FROM THE STATE BOARD UNDER § 6-103 OF THIS TITLE, the State license, while the State license is in effect, serves only as a mechanism that helps a licensee in obtaining a local license under §§ 6-601 and 6-602 of this title.~~

~~(b) If a county or municipal corporation does not require a local license, the State license, while the State license is in effect, authorizes the licensee to:~~

~~(1) provide electrical services [as a master electrician]; or~~

~~(2) be the representative of another person who engages in the business of providing electrical services.~~

~~6-303.~~

~~(a) This subtitle does not require an individual to hold a State license while the individual provides LOW-VOLTAGE electrical services as an employee or subordinate of a [master] LOW-VOLTAGE electrician licensed by the State Board if:~~

~~(1) the individual provides electrical services while under the control and supervision of the licensee; and~~

~~(2) the licensee is responsible for the electrical services that the individual provides.~~

~~(b) This subtitle does not require:~~

~~(1) a public utility company to employ [a master electrician] AN ELECTRICIAN LICENSED BY THE STATE BOARD to represent the company while the company is engaging in the business of providing electrical services to a facility of the company that:~~

~~(i) is regulated by the Public Service Commission; and~~

~~(ii) is located on any premises, roadway, or right of way in which the company has a lawful interest; [or]~~

~~(2) an employee of a public utility company to hold a State license while the employee provides electrical services to a facility of the company that:~~

~~(i) is regulated by the Public Service Commission; and~~

(ii) ~~is located on any premises, roadway, or right of way in which the company has a lawful interest; OR~~

~~(3) A PERSON TO HOLD A LICENSE ISSUED BY THE STATE BOARD IF THE PERSON:~~

~~(I) IS LICENSED OR REGISTERED UNDER TITLE 18 OF THIS ARTICLE TO PROVIDE SECURITY SYSTEM SERVICES AND IS ACTING WITHIN THE SCOPE OF THAT LICENSE;~~

~~(II) HOLDS A LICENSE ISSUED UNDER TITLE 12 OF THIS ARTICLE AND IS ACTING WITHIN THE SCOPE OF THAT LICENSE;~~

~~(III) HOLDS A LICENSE ISSUED UNDER TITLE 9A OF THE BUSINESS REGULATION ARTICLE AND IS ACTING WITHIN THE SCOPE OF THAT LICENSE; OR~~

~~(IV) PROVIDES WIRELESS SECURITY SYSTEMS IN COMPLIANCE WITH TITLE 19, SUBTITLE 9 OF THE BUSINESS REGULATION ARTICLE.~~

~~6-304.~~

~~(a) (1) [To] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, TO qualify for a State license, an applicant shall [be an individual who meets] MEET the requirements of this section.~~

~~(2) IN ORDER TO OBTAIN A LICENSE TO PROVIDE ELECTRICAL SERVICES FOR FIRE ALARM SYSTEMS IN ANY BUILDING THAT IS NOT A SINGLE FAMILY RESIDENTIAL DWELLING, AN APPLICANT SHALL RECEIVE A LEVEL II CERTIFICATE FROM THE NATIONAL INSTITUTE FOR CERTIFICATION IN ENGINEERING TECHNOLOGIES IN FIRE ALARM SYSTEMS.~~

~~(b) (1) Subject to paragraph (2) of this subsection, [the] AN applicant FOR A MASTER ELECTRICIAN LICENSE shall have been engaged or employed regularly and principally in providing electrical services for all types of electrical equipment and [apparatus] APPARATUSES for at least 7 years while under the direction and supervision of:~~

~~(i) a master electrician; or~~

~~(ii) a similarly qualified employee of a governmental unit.~~

~~(2) The State Board may allow an applicant up to 3 years of credit toward the experience required under paragraph (1) of this subsection, if the State Board~~

~~determines that the applicant has completed a formal course of study or professional training in electrical installation comparable to the required experience.~~

~~(C) AN APPLICANT FOR A JOURNEYPERSON ELECTRICIAN LICENSE SHALL HAVE BEEN ENGAGED OR EMPLOYED REGULARLY AND PRINCIPALLY IN PROVIDING ELECTRICAL SERVICES FOR ALL TYPES OF ELECTRICAL EQUIPMENT AND APPARATUSES FOR AT LEAST 4 YEARS WHILE UNDER THE DIRECTION AND SUPERVISION OF:~~

~~(1) A MASTER ELECTRICIAN; OR~~

~~(2) AN EMPLOYEE OF A GOVERNMENTAL UNIT WHO IS SIMILARLY QUALIFIED AS A MASTER ELECTRICIAN LICENSED UNDER THIS TITLE.~~

~~(D) AN APPLICANT FOR A LOW VOLTAGE ELECTRICIAN LICENSE SHALL HAVE BEEN ENGAGED OR EMPLOYED REGULARLY AND PRINCIPALLY IN PROVIDING LOW VOLTAGE ELECTRICAL SERVICES FOR ALL TYPES OF ELECTRICAL EQUIPMENT AND APPARATUSES FOR AT LEAST 3 YEARS.~~

~~[(e)] (E) Except as otherwise provided in this subtitle, the applicant shall pass an examination given by the State Board under this subtitle.~~

~~[(d)] (F) The State Board may investigate the qualifications of each applicant to determine whether the applicant meets the requirements of this section.~~

~~6-305.~~

~~An applicant for a State license shall:~~

~~(1) submit to the State Board an application on the form that the State Board provides; and~~

~~(2) pay to the State Board [or the State Board's designee an examination] AN APPLICATION fee set by the STATE Board in an amount not to exceed the cost of the required examination.~~

~~6-306.~~

~~(a) Except as otherwise provided in § 6-306.1 of this subtitle, an applicant who otherwise qualifies for a State license is entitled to be examined as provided in this section.~~

~~(b) The State Board shall give examinations to qualified applicants at least twice a year, at the dates, times, and places that the State Board determines.~~

~~(c) (1) At least 15 days before the examination, the State Board shall notify each applicant whether the applicant is eligible to be examined under this section.~~

~~(2) The notice shall specify the passing score for [the examination].~~
~~EXAMINATIONS GIVEN UNDER THIS SUBTITLE.~~

~~(d) (1) The State Board shall determine the subjects [and], scope, AND, SUBJECT TO SUBSECTION (E) OF THIS SECTION, FORM of the examination from a list of questions submitted by the Maryland Uniform Electrical Licensing Examination Committee, Inc.~~

~~(2) The State Board shall choose examination questions that:~~

~~(i) test the applicant's knowledge of all applicable codes, laws, or principles of electrical installation; and~~

~~(ii) are constructed to determine the fitness of the applicant for a State license.~~

~~(3) The State Board may appoint a committee to develop examination questions FOR EXAMINATIONS GIVEN UNDER THIS SUBTITLE.~~

~~(e) The form of [the] EACH examination shall be objective and written.~~

~~(f) The passing score for [the] EACH examination shall be 70%.~~

~~(G) AN APPLICANT SHALL PAY TO THE STATE BOARD OR THE STATE BOARD'S DESIGNEE AN EXAMINATION FEE SET BY THE STATE BOARD NOT TO EXCEED THE COST OF THE REQUIRED EXAMINATION.~~

~~[(g)] (H) Within 45 days after the examination, the State Board shall mail or electronically transmit to each applicant notice of the applicant's examination score.~~

~~[(h)] (I) On written request to the State Board, an applicant who failed an examination may review the answers that the applicant gave and the scores for those answers, at a time and place that the State Board determines.~~

~~[(i)] (J) (1) If an applicant fails to appear for a scheduled examination, the applicant may reapply for an examination.~~

~~(2) The applicant:~~

~~(i) shall submit to the State Board an application for reexamination on the form that the State Board provides; and~~

~~(ii) unless, for good cause, the State Board waives payment of the examination fee, shall again pay the examination fee under [§ 6-305] SUBSECTION (G) of this [sub]title] SECTION.~~

~~6-306.1.~~

~~(a) (1) The State Board may use a testing service to administer the examinations given under this title.~~

~~(2) A LOCAL BOARD MAY APPLY TO BE A TESTING SERVICE.~~

~~(b) If the State Board uses a testing service, the testing service, subject to the requirements set by the State Board, may:~~

~~(1) set the time and place of examinations;~~

~~(2) give qualified applicants notice of the time and place of examinations;~~

and

~~(3) furnish any other information that the State Board may require the testing service to provide.~~

~~6-307.~~

~~(a) Subject to the limitations in this section, the State Board shall waive [the] ANY examination requirements of this [subtitle] TITLE for an individual who:~~

~~(1) holds [a] AN ACTIVE local JOURNEYPERSON ELECTRICIAN, LOW VOLTAGE ELECTRICIAN, OR MASTER ELECTRICIAN license; AND~~

~~(2) SUBMITS AN APPLICATION FOR A LICENSE TO THE STATE BOARD ON OR BEFORE DECEMBER 31, 2021.~~

~~(b) The State Board shall grant a waiver under this section only if the applicant:~~

~~(1) pays the application fee established by the STATE Board under [§ 6-205] § 6-305 of this [title] SUBTITLE;~~

~~(2) provides adequate evidence that the applicant:~~

~~(i) meets the qualifications otherwise required by this [subtitle] TITLE; and~~

~~(ii) [is] WAS licensed in a local jurisdiction BEFORE DECEMBER 31, 2021, after:~~

~~1. passing, in that local jurisdiction, an examination that is equivalent to the examination for which the applicant is seeking the waiver; and~~

~~2. meeting, in that local jurisdiction, requirements that are equivalent to the licensing requirements of this [subtitle] TITLE; and~~

~~(3) submits a statement from the local jurisdiction certifying:~~

~~(i) the applicant is in good standing with the local jurisdiction;~~

~~(ii) the applicant obtained the local license by taking an examination equivalent to [the] ANY examination given by the State Board; and~~

~~(iii) the date of the local examination.~~

~~(e) An initial State license that is obtained under this section may not be reinstated unless the requirements of § 6-312 of this subtitle are met.~~

~~6-307.1.~~

~~(A) THE STATE BOARD SHALL WAIVE THE EXPERIENCE REQUIREMENTS FOR AN APPLICANT FOR A JOURNEYPerson ELECTRICIAN LICENSE IF THE APPLICANT:~~

~~(1) (I) PROVIDES WRITTEN PROOF OF 7 YEARS OF WORK EXPERIENCE PROVIDING ELECTRICAL SERVICES; AND~~

~~(II) SUBMITS AN APPLICATION FOR A LICENSE TO THE STATE BOARD ON OR BEFORE DECEMBER 31, 2021; OR~~

~~(2) PROVIDES WRITTEN PROOF THAT THE APPLICANT HAS SUCCESSFULLY COMPLETED AN ELECTRICIAN APPRENTICESHIP PROGRAM APPROVED BY THE MARYLAND APPRENTICESHIP AND TRAINING COUNCIL OR THE FEDERAL OFFICE OF APPRENTICESHIP THAT CONSISTS OF:~~

~~(I) AT LEAST 576 CLASSROOM HOURS; AND~~

~~(II) 8,000 HOURS OF WORK EXPERIENCE.~~

~~(B) THE STATE BOARD SHALL WAIVE THE EXPERIENCE AND EXAMINATION REQUIREMENTS FOR AN APPLICATION FOR A LOW VOLTAGE ELECTRICIAN LICENSE IF THE APPLICANT:~~

~~(1) (I) PROVIDES WRITTEN PROOF OF 3 YEARS OF WORK EXPERIENCE PROVIDING LOW VOLTAGE ELECTRICAL SERVICES; AND~~

~~(II) SUBMITS AN APPLICATION FOR A LICENSE TO THE STATE BOARD ON OR BEFORE DECEMBER 31, 2021; OR~~

~~(2) PROVIDES WRITTEN PROOF THAT THE APPLICANT HAS SUCCESSFULLY COMPLETED A LOW VOLTAGE ELECTRICIAN APPRENTICESHIP PROGRAM APPROVED BY THE MARYLAND APPRENTICESHIP AND TRAINING COUNCIL OR THE FEDERAL OFFICE OF APPRENTICESHIP THAT CONSISTS OF AT LEAST:~~

~~(I) 432 CLASSROOM HOURS; AND~~

~~(II) 6,000 HOURS OF WORK EXPERIENCE.~~

~~6-308.~~

~~(a) Subject to the limitations in this section, on the affirmative vote of at least a majority of the authorized membership of the State Board, the State Board may waive the examination requirements of this subtitle for an individual who is licensed to provide electrical services as a master electrician, LOW VOLTAGE ELECTRICIAN, OR JOURNEYPERSON ELECTRICIAN in another state.~~

~~(b) The State Board may grant a waiver under this section only if the applicant:~~

~~(1) pays the appropriate application fee set by the Board under [§ 6-205(2)] § 6-305 of this [title] SUBTITLE; and~~

~~(2) provides adequate evidence that the applicant:~~

~~(i) meets the qualifications otherwise required by this [subtitle] TITLE;~~

~~(ii) holds an active license in good standing in the other state;~~

~~(iii) holds a license that is equivalent to the [State] license ISSUED BY THE STATE BOARD; [and]~~

~~(iv) FOR A MASTER ELECTRICIAN LICENSE APPLICANT, meets a 7-year experience requirement in providing electrical services, at least 4 years of which must have been gained prior to licensure in the other state, while under the supervision of a master electrician or similarly qualified employee of a governmental unit;~~

~~(v) FOR A JOURNEYPERSON ELECTRICIAN LICENSE APPLICANT, MEETS A 4-YEAR EXPERIENCE REQUIREMENT IN PROVIDING ELECTRICAL SERVICES, AT LEAST 2 YEARS OF WHICH MUST HAVE BEEN GAINED PRIOR TO LICENSURE IN THE OTHER STATE, WHILE UNDER THE SUPERVISION OF A MASTER ELECTRICIAN OR SIMILARLY QUALIFIED EMPLOYEE OF A GOVERNMENTAL UNIT;~~

~~(VI) FOR A LOW VOLTAGE ELECTRICIAN LICENSE APPLICANT, HAS BEEN ENGAGED OR EMPLOYED REGULARLY AND PRINCIPALLY IN PROVIDING LOW VOLTAGE ELECTRICAL SERVICES FOR LOW VOLTAGE ELECTRICAL EQUIPMENT AND APPARATUSES FOR AT LEAST 3 YEARS; AND~~

~~(VII) WAS LICENSED IN THE OTHER STATE BY EXAMINATION, AFTER MEETING REQUIREMENTS IN THAT STATE THAT ARE SUBSTANTIALLY EQUIVALENT TO THE LICENSING REQUIREMENTS OF THIS STATE.~~

~~(e) The State Board may grant a waiver only if the state in which the applicant is licensed waives the examination of licensees of this State to a similar extent as this State waives the examination requirements for individuals licensed in that state.~~

~~[(d) The Board may allow an applicant up to 3 years credit toward the experience required under subsection (b)(2) of this section, if the State Board determines that the applicant has completed a formal course of study or professional training in electrical installation comparable to the required experience.]~~

~~(D) THE STATE BOARD MAY NOT GRANT A WAIVER UNDER THIS SECTION TO AN APPLICANT WHO IS LICENSED SOLELY IN A COUNTRY OTHER THAN THE UNITED STATES.~~

~~(E) THE STATE BOARD SHALL PURSUE A POLICY OF RECIPROCAL RECOGNITION OF ELECTRICIAN LICENSES AWARDED IN OTHER STATES.~~

~~6-310.~~

~~(e) Before a State license expires, the State licensee periodically may renew it for an additional 2 year term, if the State licensee:~~

~~(4) submits to the State Board a renewal application on the form that the State Board provides AND ADEQUATE EVIDENCE OF COMPLETION OF THE CONTINUING EDUCATION REQUIREMENTS FOR LICENSE RENEWAL ESTABLISHED BY THE STATE BOARD.~~

~~(e) A State license to provide OR ASSIST IN PROVIDING electrical services is not transferable.~~

~~6-311.~~

~~(b) The State Board shall place an applicant for an initial State license on inactive status and issue an inactive status certificate to the applicant, if the applicant:~~

~~(2) pays to the State Board an inactive status application fee [of an amount equal to the State license fee under § 6-309 of this subtitle] SET BY THE STATE BOARD; and~~

~~(3) except for the CONTINUING EDUCATION REQUIREMENT OF § 6-310(C) OF THIS SUBTITLE AND THE insurance requirements of § 6-604 of this title, qualifies for an active State license.~~

~~(e) (1) A MASTER ELECTRICIAN licensee on inactive status may not use a State license to obtain a local license for providing electrical services as a master electrician in a local jurisdiction of the State.~~

~~(2) In a county that requires a State MASTER ELECTRICIAN license, a licensee on inactive status may not provide electrical services as a master electrician.~~

~~(d) (1) Unless the individual applies for another 2-year term as provided in this subsection, an individual on inactive status loses that status [on the first June 30 that comes:~~

~~(i) after the inactive status registration certificate is issued to the licensee; and~~

~~(ii) in an odd-numbered year] ON THE EXPIRATION OF THE INACTIVE STATUS.~~

~~6-312.~~

~~(a) The State Board shall reinstate the State license of [a master electrician] AN INDIVIDUAL who is not on inactive status and who has failed to renew the State license for any reason, if the [master electrician] INDIVIDUAL:~~

~~(1) applies to the State Board for reinstatement within 2 years after the State license expires;~~

~~(2) meets the renewal requirements of § 6-310 of this subtitle; and~~

~~(3) in addition to the renewal fee required under § 6-310 of this subtitle, pays to the State Board a reinstatement fee set by the State Board.~~

~~(b) If [a master electrician] AN INDIVIDUAL who has failed to renew the State license for any reason applies for reinstatement more than 2 years after the State license has expired, the State Board shall require the [master electrician] INDIVIDUAL to pay a reinstatement fee set by the State Board, and comply with the requirements for obtaining a State license under §§ 6-304 and 6-307 of this subtitle and § 6-503 of this title.~~

~~6-315.~~

~~The State Board may investigate or act in a disciplinary proceeding against a [licensed master electrician] LICENSEE notwithstanding:~~

- ~~(1) a lapse, by operation of law, of the State license of the [master electrician] LICENSEE;~~
- ~~(2) a suspension of the State license of the [master electrician] LICENSEE by order of the State Board or a court; or~~
- ~~(3) a voluntary surrender of the State license of the [master electrician] LICENSEE to the State Board.~~

~~6-316.~~

~~(a) Subject to the hearing provisions of § 6-317 of this subtitle, the State Board may deny a State license to any applicant, reprimand any State licensee, or suspend or revoke a State license if the applicant or State licensee:~~

- ~~(1) fraudulently or deceptively obtains or attempts to obtain a State license for the applicant, State licensee, or another person;~~
- ~~(2) fraudulently or deceptively uses a State license;~~
- ~~(3) transfers the authority granted by a State license to another person;~~
- ~~(4) engages in an unfair or deceptive trade practice, as defined in § 13-301 of the Commercial Law Article;~~
- ~~(5) willfully or deliberately disregards and violates a building code, electrical code, or law of the State or a local jurisdiction;~~
- ~~(6) under the laws of the United States or of any state, is convicted of:

 - ~~(i) a felony; or~~
 - ~~(ii) a misdemeanor that is directly related to the fitness and qualification of the applicant or licensee to provide electrical services;~~~~
- ~~(7) aids or abets a person to evade a provision of this title;~~
- ~~(8) willfully or deliberately disregards disciplinary action taken by a local jurisdiction AGAINST THE INDIVIDUAL IN CONNECTION WITH THE PROVISION OF ELECTRICAL SERVICES OR LOW-VOLTAGE ELECTRICAL SERVICES;~~
- ~~(9) fails in a material respect to comply with a provision of this title;~~

~~(10) fails to train and control adequately a person who, while under the supervision of the State licensee, sells or estimates electrical work OR PROVIDES OR ASSISTS IN PROVIDING ELECTRICAL SERVICES OR LOW VOLTAGE ELECTRICAL SERVICES;~~

~~(11) fails to maintain a local license, IF REQUIRED, under § 6-601 of this title; [or]~~

~~(12) fails to maintain the general liability and property damage insurance required under § 6-604 of this title;~~

~~(13) OFFERS OR PROVIDES ELECTRICAL SERVICES OR LOW VOLTAGE ELECTRICAL SERVICES OUTSIDE THE SCOPE OF THE LICENSE HELD BY THE LICENSEE;~~

~~(14) PERMITS ANOTHER LICENSEE EMPLOYED BY THE INDIVIDUAL TO PROVIDE ELECTRICAL SERVICES OR LOW VOLTAGE ELECTRICAL SERVICES OUTSIDE THE SCOPE OF THAT INDIVIDUAL'S LICENSE;~~

~~(15) WITHOUT JUSTIFICATION, FAILS TO PERFORM A CONTRACT OR ABANDONS A PROJECT TO PROVIDE ELECTRICAL SERVICES OR LOW VOLTAGE ELECTRICAL SERVICES;~~

~~(16) PROVIDES ELECTRICAL SERVICES OR LOW VOLTAGE ELECTRICAL SERVICES THAT ARE INADEQUATE OR INCOMPLETE, ACCORDING TO THE TERMS OF A CONTRACT OR A PROJECT;~~

~~(17) DIRECTLY OR INDIRECTLY PUBLISHES AN ADVERTISEMENT RELATING TO THE PROVISION OF ELECTRICAL SERVICES OR LOW VOLTAGE ELECTRICAL SERVICES THAT CONTAINS A REPRESENTATION OR STATEMENT THAT IS FALSE, DECEPTIVE, OR MISLEADING;~~

~~(18) CERTIFIES ON A LICENSE RENEWAL APPLICATION THAT THE CONTINUING EDUCATION REQUIREMENT OF LICENSE RENEWAL HAS BEEN COMPLETED IF THE LICENSEE HAS NOT FULLY COMPLETED THE CONTINUING EDUCATION REQUIREMENT AT THE TIME THE LICENSE RENEWAL APPLICATION IS SUBMITTED;~~

~~(19) VIOLATES ANY OTHER PROVISION OF THIS TITLE; OR~~

~~(20) VIOLATES ANY REGULATION ADOPTED UNDER THIS TITLE.~~

~~(b) Allowing a State license to be used by another person is, in a disciplinary proceeding under this section, prima facie evidence that a State licensee transferred the authority granted by a State license to another person.~~

~~(e) The STATE Board shall consider the following facts in the granting, denial, renewal, suspension, or revocation of a State license or the reprimand of a State licensee when an applicant or State licensee is convicted of a felony or misdemeanor described in subsection (a)(6) of this section:~~

~~(1) the nature of the crime;~~

~~(2) the relationship of the crime to the activities authorized by the State license;~~

~~(3) with respect to a felony, the relevance of the conviction to the fitness and qualification of the applicant or State licensee to provide electrical services;~~

~~(4) the length of time since the conviction; and~~

~~(5) the behavior and activities of the applicant or State licensee before and after the conviction.~~

~~(D) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE ABILITY OF A LOCAL BOARD TO TAKE DISCIPLINARY ACTION AGAINST THE HOLDER OF A LOCAL LICENSE OR THE HOLDER OF A LOCAL PERMIT IN THAT JURISDICTION UNDER § 6-103 OF THIS TITLE.~~

~~6-310.~~

~~(e) If [a State license is suspended,] the State Board, AFTER A HEARING, SUSPENDS A LICENSE, THE STATE BOARD may allow the licensee to complete a contract to provide electrical services that is in progress and uncompleted at the time of suspension.~~

~~(d) (1) If a State license is revoked, the State Board may reinstate the State license after NOT LESS THAN 1 year.~~

~~6-321.~~

~~(a) (2) When the State Board receives notice of a local disciplinary action against a licensed [master] electrician, the State Board shall provide notice of the disciplinary action to each local licensing jurisdiction.~~

~~(b) Each local licensing jurisdiction shall submit a report to the State Board on the number of complaints against [master] electricians licensed in the local jurisdiction on or before December 1 of each year.~~

~~6-401.~~

~~(a) Subject to the limitations in this subtitle, an individual who holds a State MASTER ELECTRICIAN license or qualifies for a State MASTER ELECTRICIAN license may use the State license to:~~

~~(1) obtain a local license; and~~

~~(2) assign that local license to another person, IF AUTHORIZED BY THAT LOCAL JURISDICTION, including a sole proprietorship, who engages in the business of providing electrical services.~~

~~(b) (1) Subject to the limitations in this section, if an individual obtains a State license on the basis of a local license under Subtitle 5 of this title and that local license has been assigned to a person who engages in the business of providing electrical services, the individual shall identify on the State license the person to whom that local license has been assigned.~~

~~(2) Subject to the limitations in this section, if an individual obtains a local license on the basis of a State MASTER ELECTRICIAN license and intends to assign that local license to a person who engages in the business of providing electrical services, the individual shall identify on the State license the person to whom that local license is to be assigned.~~

~~(c) (1) If, at the time of application for a State MASTER ELECTRICIAN license, an individual intends to assign a local license obtained on the basis of the State license, the individual shall:~~

~~(i) meet the requirements for issuance of a State license under § 6-309 of this title;~~

~~(ii) include, on the application form submitted to the State Board, the name of the person to whom the local license is to be assigned;~~

~~(iii) pay the appropriate State license fee under § 6-309 of this title;~~
~~and~~

~~(iv) submit to the State Board proof of general liability and property damage insurance as required under § 6-604 of this title.~~

~~(2) If an individual obtains a State license on the basis of a local license that has been assigned, the individual shall:~~

~~(i) meet the requirements for issuance of a State license under § 6-309 of this title;~~

~~(ii) include, on an application form submitted to the State Board, the name of the person to whom the local license has been assigned;~~

~~(iii) pay the appropriate State license fee under § 6-309 of this title;~~
and

~~(iv) submit to the State Board proof of general liability and property damage insurance, IF APPLICABLE, as required under § 6-604 of this title.~~

~~(3) If, after issuance of a State MASTER ELECTRICIAN license to an individual, the individual intends to assign a local license obtained on the basis of the State MASTER ELECTRICIAN license, the individual shall:~~

~~(i) meet the notification requirements of § 6-314 of this title;~~

~~(ii) submit to the State Board an application for identification of the assignment on the State license;~~

~~(iii) pay to the State Board an identification fee set by the State Board;~~

~~(iv) submit to the State Board proof of general liability and property damage insurance as required under § 6-604 of this title; and~~

~~(v) return the State license.~~

~~(d) (1) If an individual obtains a local license by the use of the State MASTER ELECTRICIAN license of the individual, the local license may be assigned at any 1 time to only 1 person who engages in the business of providing electrical services.~~

~~(2) If at any time an individual holds 2 or more current local licenses that were obtained by the use of a State MASTER ELECTRICIAN license, the individual may assign those local licenses only if the assignment is made to the same person.~~

~~6-601.~~

~~(A) THIS SECTION APPLIES ONLY TO A LOCAL JURISDICTION THAT HAS APPLIED FOR AND RECEIVED AUTHORIZATION TO OFFER LOCAL MASTER OR JOURNEYPerson LICENSES UNDER § 6-103 OF THIS TITLE.~~

~~(B) Within 60 days after the issuance of a State license to an individual, the individual shall hold a local license issued by the local jurisdiction where the individual:~~

~~(1) resides;~~

~~(2) has a principal business office; or~~

~~(3) has a resident agent.~~

~~6-602.~~

~~(a) Subject to the limitations in this section, a local jurisdiction shall waive its examination requirements for an individual who is licensed by the State Board to provide electrical services [as a master electrician].~~

~~(b) A local jurisdiction shall grant a waiver under this section only if the applicant:~~

~~(1) pays any license fee that the local jurisdiction requires; and~~

~~(2) provides adequate evidence that the applicant:~~

~~(i) is licensed as [a master] AN electrician under this title [after passing an examination given by the State Board or complies with § 6-307 of this title];~~

~~(ii) holds an active State license; and~~

~~(iii) in place of any bond requirement of a local jurisdiction, meets the insurance requirements of § 6-604 of this subtitle.~~

~~(c) Within 10 working days after payment of any local license fee, a local jurisdiction shall issue a local license to each applicant who meets the requirements of this section.~~

~~6-603.~~

~~(a) [A master] AN electrician may obtain an electrical permit, **A LOW-VOLTAGE ELECTRICAL PERMIT**, or any other similar permit from a local jurisdiction, if the [master] electrician:~~

~~(1) holds an active local license, if required, or a State license;~~

~~(2) shows proof of the State license; and~~

~~(3) pays any permit fee that the local jurisdiction requires.~~

~~(b) Before a local jurisdiction issues an electrical permit, **A LOW-VOLTAGE ELECTRICAL PERMIT**, or similar permit to [a master] AN electrician under this section, the local jurisdiction shall give the [master] electrician notice of any local electrical requirements with which the [master] electrician shall comply while providing electrical services **OR LOW-VOLTAGE ELECTRICAL SERVICES** in that local jurisdiction.~~

~~(e) On payment of the permit fee that the local jurisdiction requires, the local jurisdiction shall issue the appropriate permit to each applicant who meets the requirements of this section.~~

~~6-604.~~

~~(a) This section does not apply to a State licensee on inactive status OR A LICENSED LOW VOLTAGE ELECTRICIAN WHO IS PROVIDING LOW VOLTAGE ELECTRICAL SERVICES UNDER THE CONTROL AND SUPERVISION OF A LICENSED MASTER ELECTRICIAN.~~

~~(b) A master electrician who is licensed by the State Board and provides electrical services, A LOW VOLTAGE ELECTRICIAN WHO IS LICENSED BY THE STATE BOARD AND PROVIDES LOW VOLTAGE ELECTRICAL SERVICES, or a person to whom [the] A master electrician LICENSED BY THE STATE BOARD assigns a local license under this title shall:~~

- ~~(1) maintain general liability insurance in the amount of at least \$300,000;~~
- ~~(2) maintain property damage insurance in the amount of at least \$100,000; and~~
- ~~(3) submit proof of the required insurance to the State Board.~~

~~[6-605.~~

~~A licensed master electrician or a person to whom a master electrician assigns a local license may employ an individual who is not a licensed master electrician under this title to provide electrical services if the individual provides the services only while under the supervision and control of a licensed master electrician.]~~

~~6-605.~~

~~(A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT EMPLOY AN INDIVIDUAL TO PROVIDE OR ASSIST IN PROVIDING ELECTRICAL SERVICES UNLESS THE INDIVIDUAL:~~

~~(1) IS LICENSED BY THE STATE BOARD AS A MASTER ELECTRICIAN;~~
OR

~~(2) (I) IS LICENSED BY THE STATE BOARD AS A JOURNEYPERSON ELECTRICIAN; AND~~

~~(II) PROVIDES OR ASSISTS IN PROVIDING ELECTRICAL SERVICES WITHIN THE SCOPE OF THE INDIVIDUAL'S LICENSE.~~

~~(B) AT LEAST ONE LICENSED MASTER ELECTRICIAN OR JOURNEYPERSON ELECTRICIAN SHALL BE PRESENT AT EACH JOB SITE IN WHICH ELECTRICAL SERVICES ARE PROVIDED.~~

~~(C) AT LEAST ONE LICENSED MASTER ELECTRICIAN, JOURNEYPERSON ELECTRICIAN, OR LOW VOLTAGE ELECTRICIAN WHO IS PROPERLY CERTIFIED SHALL BE PRESENT, OR IN CLOSE PROXIMITY AND ACCESSIBLE BY TELEPHONE, AT EACH JOB SITE IN WHICH ELECTRICAL SERVICES ON FIRE ALARM SYSTEMS ARE PROVIDED.~~

~~6-606.~~

~~(A) A MASTER ELECTRICIAN SHALL DISPLAY THE MASTER ELECTRICIAN'S LICENSE AND THE LICENSE NUMBER CONSPICUOUSLY IN THE PRINCIPAL PLACE OF BUSINESS OF THE MASTER ELECTRICIAN.~~

~~(B) A LICENSEE SHALL GIVE THE STATE BOARD WRITTEN NOTICE OF ANY CHANGE OF NAME, ADDRESS, OR EMPLOYMENT FROM WHAT APPEARS ON THE CURRENT LICENSE AT LEAST 10 WORKING DAYS BEFORE THE CHANGE IS TO TAKE EFFECT.~~

~~6-607.~~

~~EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL MAY NOT:~~

~~(1) PROVIDE, ATTEMPT TO PROVIDE, OR OFFER TO PROVIDE ELECTRICAL SERVICES FOR COMPENSATION IN THE STATE WITHOUT AN APPROPRIATE LICENSE ISSUED UNDER THIS TITLE;~~

~~(2) ASSIST, ATTEMPT TO ASSIST, OR OFFER TO ASSIST IN PROVIDING ELECTRICAL SERVICES FOR COMPENSATION IN THE STATE WITHOUT AN APPROPRIATE LICENSE ISSUED UNDER THIS TITLE;~~

~~(3) PROVIDE ELECTRICAL SERVICES FOR COMPENSATION WITHOUT OBTAINING A PERMIT FOR SUCH SERVICES IF REQUIRED BY A LOCAL JURISDICTION; OR~~

~~(4) PROVIDE ELECTRICAL SERVICES BEYOND THE SCOPE OF THE LICENSE ISSUED TO THE INDIVIDUAL UNDER THIS TITLE.~~

~~6-608.~~

~~(A) IN THIS SECTION, "OFFICER" INCLUDES A SUPERINTENDENT, A MANAGER, OR AN AGENT OF A BUSINESS ENTITY, REGARDLESS OF WHETHER THE BUSINESS ENTITY ENGAGES IN THE BUSINESS OF PROVIDING ELECTRICAL SERVICES.~~

~~(B) ANY PERSON, INCLUDING AN OFFICER, WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:~~

~~(1) ON A FIRST CONVICTION, A FINE NOT EXCEEDING \$1,000; AND~~

~~(2) ON A SECOND OR SUBSEQUENT CONVICTION, A FINE NOT EXCEEDING \$5,000.~~

~~(C) ANY PERSON WHO VIOLATES § 6-604 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.~~

~~(D) (1) IN ADDITION TO ANY OTHER PENALTIES IMPOSED UNDER THIS TITLE, THE STATE BOARD MAY IMPOSE ON A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE A CIVIL PENALTY NOT EXCEEDING \$5,000 FOR EACH VIOLATION.~~

~~(2) IN DETERMINING THE PENALTY IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE STATE BOARD SHALL CONSIDER:~~

~~(I) THE SERIOUSNESS OF THE VIOLATION;~~

~~(II) THE GOOD FAITH OF THE VIOLATOR;~~

~~(III) ANY PREVIOUS VIOLATIONS BY THE VIOLATOR;~~

~~(IV) THE HARMFUL EFFECT OF THE VIOLATION; AND~~

~~(V) ANY OTHER RELEVANT FACTORS.~~

~~(E) THE STATE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER SUBSECTION (D) OF THIS SECTION INTO THE GENERAL FUND OF THE STATE.~~

~~6-701.~~

This title may be cited as the "Maryland [Master] Electricians Act".

~~SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of Electricians shall provide notice to each local board in the State of the provisions of this Act and the effect this Act will have on electricians licensed by local boards, including~~

~~information regarding how electricians with local licenses may obtain licenses issued by the Board.~~

SECTION ~~2~~ 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 592

(Senate Bill 1010)

AN ACT concerning

Public Safety – Maryland Code of Military Justice

FOR the purpose of establishing a Maryland Code of Military Justice; providing for jurisdiction and applicability of this Act; providing for authority of certain judge advocates; establishing the rights of certain victims; providing for the apprehension and restraint of certain offenders; providing for certain non-judicial punishment; establishing the jurisdiction for certain courts-martial; providing for the appointment and composition of certain courts-martial; establishing certain pre-trial procedures; providing for certain sentences; establishing certain post-trial procedures; establishing certain procedures for review of certain courts-martial; prohibiting the commission of certain acts; establishing certain penalties; providing for certain courts of inquiry; authorizing certain persons to administer certain oaths; requiring that certain sections of this Act be explained to certain persons at certain times; authorizing a certain person to file a certain complaint about a certain wrong under certain circumstances; providing for the redress of certain injuries to property; authorizing the Governor to delegate certain authority; providing for the payment and collection of certain fines; providing for the interpretation of this Act; providing for immunity for certain persons for taking certain actions under this Act; providing that the provisions of this Act are severable; providing that this Act supersedes certain other laws; defining certain terms; providing that certain catchlines are not law and may not be considered to have been enacted as part of this Act; and generally relating to the Maryland Code of Military Justice.

BY repealing

Article – Public Safety

Section 13–801 through 13–814 and the subtitle “Subtitle 8. Courts – Martial”

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY adding to

Article – Public Safety

Section 13A–101 through 13A–1112 to be under the new title “Title 13A. Maryland Code of Military Justice”
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 13–801 through 13–814 and the subtitle “Subtitle 8. Courts – Martial” of Article – Public Safety of the Annotated Code of Maryland be repealed.

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

Article – Public Safety

TITLE 13A. MARYLAND CODE OF MILITARY JUSTICE.

SUBTITLE 1. GENERAL PROVISIONS.

13A–101. DEFINITIONS.

(A) IN THIS TITLE, UNLESS THE CONTEXT OTHERWISE REQUIRES, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “ACCUSER” MEANS:

(1) A PERSON WHO SIGNS AND SWEARS TO CHARGES;

(2) A PERSON WHO DIRECTS THAT CHARGES NOMINALLY BE SIGNED AND SWORN TO BY ANOTHER; OR

(3) ANY OTHER PERSON WHO HAS AN INTEREST OTHER THAN AN OFFICIAL INTEREST IN THE PROSECUTION OF THE ACCUSED.

(C) “CADET” OR “CANDIDATE” MEANS A PERSON WHO IS ENROLLED IN OR ATTENDING A STATE MILITARY ACADEMY, A REGIONAL TRAINING INSTITUTE, OR ANY OTHER FORMAL EDUCATION PROGRAM FOR THE PURPOSE OF BECOMING A COMMISSIONED OFFICER IN THE STATE MILITARY FORCES.

(D) “CLASSIFIED INFORMATION” MEANS:

(1) INFORMATION OR MATERIAL THAT HAS BEEN DETERMINED BY AN OFFICIAL OF THE UNITED STATES OR A STATE PURSUANT TO LAW, AN EXECUTIVE ORDER, OR REGULATION TO REQUIRE PROTECTION AGAINST UNAUTHORIZED DISCLOSURE FOR REASONS OF NATIONAL OR STATE SECURITY; AND

(2) RESTRICTED DATA, AS DEFINED IN § 11(Y) OF THE ATOMIC ENERGY ACT OF 1954, 42 U.S.C. § 2014(Y).

(E) “COMMANDER” MEANS COMMANDING OFFICER.

(F) “COMMANDING OFFICER” INCLUDES:

(1) COMMISSIONED OFFICERS OF THE STATE MILITARY FORCES; AND

(2) OFFICERS IN CHARGE ONLY WHEN ADMINISTERING NON-JUDICIAL PUNISHMENT UNDER § 13A-301 OF THIS CODE.

(G) “CONVENING AUTHORITY” INCLUDES:

(1) THE PERSON WHO CONVENEDED THE COURT; AND

(2) (I) A COMMISSIONED OFFICER COMMANDING FOR THE TIME BEING; OR

(II) A SUCCESSOR IN COMMAND TO THE CONVENING AUTHORITY.

(H) “DAY” MEANS:

(1) CALENDAR DAY AND IS NOT SYNONYMOUS WITH THE TERM “UNIT TRAINING ASSEMBLY.”

(2) AS IT RELATES TO ANY PUNISHMENT AUTHORIZED BY THIS ARTICLE THAT IS MEASURED IN TERMS OF DAYS, WHEN SERVED IN A STATUS OTHER THAN ANNUAL FIELD TRAINING, SUCCEEDING DUTY DAYS.

(I) (1) “DUTY STATUS OTHER THAN STATE ACTIVE DUTY” MEANS ANY OTHER TYPE OF DUTY NOT IN FEDERAL SERVICE AND NOT FULL-TIME DUTY IN THE ACTIVE SERVICE OF THE STATE UNDER AN ORDER ISSUED BY AUTHORITY OF LAW.

(2) “DUTY STATUS OTHER THAN STATE ACTIVE DUTY” INCLUDES TRAVEL TO AND FROM SUCH DUTY.

(J) “ENLISTED MEMBER” MEANS A PERSON IN AN ENLISTED GRADE.

(K) “JUDGE ADVOCATE” MEANS A COMMISSIONED OFFICER OF THE ORGANIZED STATE MILITARY FORCES WHO IS A MEMBER IN GOOD STANDING OF THE

BAR OF THE HIGHEST COURT OF A STATE:

(1) (I) CERTIFIED OR DESIGNATED AS A JUDGE ADVOCATE IN THE JUDGE ADVOCATE GENERAL'S CORPS OF THE ARMY, AIR FORCE, NAVY, OR THE MARINE CORPS OR DESIGNATED AS A LAW SPECIALIST AS AN OFFICER OF THE COAST GUARD, OR A RESERVE COMPONENT OF ONE OF THESE; OR

(II) CERTIFIED AS A NON-FEDERALLY RECOGNIZED JUDGE ADVOCATE, UNDER REGULATIONS ADOPTED PURSUANT TO THIS PROVISION, BY THE SENIOR JUDGE ADVOCATE OF THE COMMANDER OF THE FORCE IN THE STATE MILITARY FORCES OF WHICH THE ACCUSED IS A MEMBER, AS COMPETENT TO PERFORM SUCH MILITARY JUSTICE DUTIES REQUIRED BY THIS CODE; OR

(2) IF NO JUDGE ADVOCATE CERTIFIED UNDER ITEM (1) OF THIS SUBSECTION IS AVAILABLE, CERTIFIED BY A SENIOR JUDGE ADVOCATE OF THE COMMANDER OF ANOTHER FORCE IN THE STATE MILITARY FORCES, AS THE CONVENING AUTHORITY DIRECTS.

(L) "MILITARY COURT" MEANS:

(1) A COURT-MARTIAL; OR

(2) A COURT OF INQUIRY.

(M) "MILITARY JUDGE" MEANS AN OFFICIAL OF A GENERAL OR SPECIAL COURT-MARTIAL DETAILED IN ACCORDANCE WITH § 13A-505 OF THIS TITLE.

(N) "MILITARY OFFENSES" MEANS THE OFFENSES PRESCRIBED UNDER THE PUNITIVE PROVISIONS OF THE CODE.

(O) "NATIONAL SECURITY" MEANS THE NATIONAL DEFENSE AND FOREIGN RELATIONS OF THE UNITED STATES.

(P) "OFFICER" MEANS A COMMISSIONED OR WARRANT OFFICER.

(Q) "RECORD," WHEN USED IN CONNECTION WITH THE PROCEEDINGS OF A COURT-MARTIAL, MEANS:

(1) AN OFFICIAL WRITTEN TRANSCRIPT, WRITTEN SUMMARY, OR OTHER WRITING RELATING TO THE PROCEEDINGS; OR

(2) AN OFFICIAL AUDIOTAPE, VIDEOTAPE, DIGITAL IMAGE OR FILE, OR SIMILAR MATERIAL FROM WHICH SOUND, OR SOUND AND VISUAL IMAGES

DEPICTING THE PROCEEDINGS, MAY BE REPRODUCED.

(R) “SENIOR FORCE COMMANDER” MEANS THE COMMANDER OF THE SAME FORCE OF THE STATE MILITARY FORCES AS THE ACCUSED.

(S) “SENIOR FORCE JUDGE ADVOCATE” MEANS THE SENIOR JUDGE ADVOCATE OF THE COMMANDER OF THE SAME FORCE OF THE STATE MILITARY FORCES AS THE ACCUSED AND WHO IS THAT COMMANDER’S CHIEF LEGAL ADVISOR.

(T) (1) “STATE ACTIVE DUTY” MEANS FULL-TIME DUTY IN THE STATE MILITARY FORCES UNDER AN ORDER OF THE GOVERNOR OR OTHERWISE ISSUED BY AUTHORITY OF LAW, AND PAID BY STATE FUNDS.

(2) “STATE ACTIVE DUTY” INCLUDES TRAVEL TO AND FROM SUCH DUTY.

(U) (1) “STATE MILITARY FORCES” MEANS THE NATIONAL GUARD OF THE STATE, AS DEFINED IN TITLE 32 OF THE UNITED STATES CODE, WHEN NOT IN A STATUS SUBJECTING THEM TO EXCLUSIVE JURISDICTION UNDER 10 U.S.C. 47.

(2) “STATE MILITARY FORCES” DOES NOT INCLUDE THE UNORGANIZED MILITIA, MARYLAND DEFENSE FORCE, OR ANY OTHER STATE FORCE THAT DOES NOT MEET THE DEFINITION UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(V) “SUPERIOR COMMISSIONED OFFICER” MEANS A COMMISSIONED OFFICER SUPERIOR IN RANK OR COMMAND.

(W) “VICTIM OF AN OFFENSE UNDER THIS CODE” MEANS AN INDIVIDUAL WHO HAS SUFFERED DIRECT PHYSICAL, EMOTIONAL, OR PECUNIARY HARM AS A RESULT OF THE COMMISSION OF AN OFFENSE UNDER THIS CODE.

13A-102. PERSONS SUBJECT TO THIS TITLE; JURISDICTION.

(A) THIS TITLE APPLIES TO ALL MEMBERS OF THE STATE MILITARY FORCES AT ALL TIMES.

(B) (1) SUBJECT MATTER JURISDICTION IS ESTABLISHED IF A NEXUS EXISTS BETWEEN AN OFFENSE, EITHER MILITARY OR NON-MILITARY, AND THE STATE MILITARY FORCE.

(2) COURTS-MARTIAL HAVE PRIMARY JURISDICTION OF MILITARY OFFENSES.

(3) (I) A PROPER CIVILIAN COURT HAS PRIMARY JURISDICTION OF A NON-MILITARY OFFENSE WHEN AN ACT OR OMISSION VIOLATES BOTH THIS TITLE AND LOCAL CRIMINAL LAW, FOREIGN OR DOMESTIC.

(II) IN A CASE DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH, A COURT-MARTIAL MAY BE INITIATED ONLY AFTER THE CIVILIAN AUTHORITY DECLINED TO PROSECUTE OR DISMISSED THE CHARGE, PROVIDED JEOPARDY HAS NOT ATTACHED.

(4) JURISDICTION OVER ATTEMPTED CRIMES, CONSPIRACY CRIMES, SOLICITATION, AND ACCESSORY CRIMES MUST BE DETERMINED BY THE UNDERLYING OFFENSE.

13A-103. JURISDICTION TO TRY CERTAIN PERSONNEL.

(A) (1) EACH PERSON DISCHARGED FROM THE STATE MILITARY FORCES WHO IS LATER CHARGED WITH HAVING FRAUDULENTLY OBTAINED A DISCHARGE IS, SUBJECT TO §13A-708 OF THIS TITLE, SUBJECT TO TRIAL BY COURT-MARTIAL ON THAT CHARGE AND IS, AFTER APPREHENSION, SUBJECT TO THIS TITLE WHILE IN CUSTODY UNDER THE DIRECTION OF THE STATE MILITARY FORCES FOR THAT TRIAL.

(2) ON CONVICTION OF THAT CHARGE, THAT PERSON IS SUBJECT TO TRIAL BY COURT-MARTIAL FOR ALL OFFENSES UNDER THIS TITLE COMMITTED BEFORE THE FRAUDULENT DISCHARGE.

(B) NO PERSON WHO HAS DESERTED FROM THE STATE MILITARY FORCES MAY BE RELIEVED FROM AMENABILITY TO THE JURISDICTION OF THIS TITLE BY VIRTUE OF A SEPARATION FROM ANY LATER PERIOD OF SERVICE.

13A-104. TERRITORIAL APPLICABILITY OF THE TITLE.

(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THIS TITLE HAS APPLICABILITY AT ALL TIMES AND IN ALL PLACES, PROVIDED THAT EITHER THE PERSON SUBJECT TO THIS TITLE IS IN A DUTY STATUS OR, IF NOT IN A DUTY STATUS, THAT THERE IS A NEXUS BETWEEN THE ACT OR OMISSION CONSTITUTING THE OFFENSE AND THE EFFICIENT FUNCTIONING OF THE STATE MILITARY FORCES.

(2) THIS GRANT OF MILITARY JURISDICTION SHALL NEITHER PRECLUDE NOR LIMIT CIVILIAN JURISDICTION OVER AN OFFENSE, WHICH IS LIMITED ONLY BY THE PROHIBITION OF DOUBLE JEOPARDY.

(B) (1) COURTS–MARTIAL AND COURTS OF INQUIRY MAY BE CONVENED AND HELD IN UNITS OF THE STATE MILITARY FORCES WHILE THOSE UNITS ARE SERVING OUTSIDE THE STATE WITH THE SAME JURISDICTION AND POWERS AS TO PERSONS SUBJECT TO THIS TITLE AS IF THE PROCEEDINGS WERE HELD INSIDE THE STATE.

(2) OFFENSES COMMITTED OUTSIDE THE STATE MAY BE TRIED AND PUNISHED EITHER INSIDE OR OUTSIDE THE STATE.

13A–105. JUDGE ADVOCATES.

(A) THE SENIOR FORCE JUDGE ADVOCATES IN EACH OF THE STATE’S MILITARY FORCES OR THAT JUDGE ADVOCATE’S DELEGATES SHALL MAKE FREQUENT INSPECTIONS IN THE FIELD IN SUPERVISION OF THE ADMINISTRATION OF MILITARY JUSTICE IN THAT FORCE.

(B) (1) CONVENING AUTHORITIES SHALL AT ALL TIMES COMMUNICATE DIRECTLY WITH THEIR JUDGE ADVOCATES IN MATTERS RELATING TO THE ADMINISTRATION OF MILITARY JUSTICE.

(2) THE JUDGE ADVOCATE OF A COMMAND IS ENTITLED TO COMMUNICATE DIRECTLY WITH THE JUDGE ADVOCATE OF A SUPERIOR OR SUBORDINATE COMMAND, OR WITH THE STATE JUDGE ADVOCATE.

(C) A PERSON WHO HAS ACTED AS MEMBER, MILITARY JUDGE, TRIAL COUNSEL, DEFENSE COUNSEL, OR INVESTIGATING OFFICER, OR WHO HAS BEEN A WITNESS IN A CASE MAY NOT LATER ACT AS A JUDGE ADVOCATE TO A REVIEWING AUTHORITY ON THE SAME CASE.

13A–106. RIGHTS OF THE VICTIM OF AN OFFENSE UNDER THIS TITLE.

(A) A VICTIM OF AN OFFENSE UNDER THIS TITLE HAS ALL RIGHTS CONFERRED BY STATE LAW IN NON–MILITARY COURTS, INCLUDING:

(1) THE RIGHT TO BE REASONABLY PROTECTED FROM THE ACCUSED;

(2) THE RIGHT TO REASONABLE, ACCURATE, AND TIMELY NOTICE PROVIDED BY MILITARY TRIAL COUNSEL OF:

(I) A PUBLIC HEARING CONCERNING THE CONTINUATION OF CONFINEMENT PRIOR TO TRIAL OF THE ACCUSED;

(II) A PRELIMINARY HEARING UNDER § 13A–603 OF THE TITLE

RELATING TO THE OFFENSE;

(III) A COURT-MARTIAL RELATING TO THE OFFENSE, INCLUDING ALL RELATED MOTIONS, HEARINGS, PLEAS, SENTENCING HEARINGS, ALTERATIONS OR SUSPENSION, AND ALL RELATED FILED DOCUMENTS, INCLUDING THOSE RELATED TO § 13A-606 OF THE TITLE;

(IV) A PUBLIC PROCEEDING OF THE SERVICE CLEMENCY AND PAROLE BOARD RELATING TO THE OFFENSE; AND

(V) THE RELEASE OR ESCAPE OF THE ACCUSED, UNLESS SUCH NOTICE MAY ENDANGER THE SAFETY OF ANY PERSON;

(3) THE RIGHT NOT TO BE EXCLUDED FROM ANY PUBLIC HEARING OR PROCEEDING DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION, UNLESS THE MILITARY JUDGE OR PRELIMINARY HEARING OFFICER, AS APPLICABLE, AFTER RECEIVING CLEAR AND CONVINCING EVIDENCE, DETERMINES THAT TESTIMONY BY THE VICTIM OF AN OFFENSE UNDER THIS TITLE WOULD BE MATERIALLY ALTERED IF THE VICTIM HEARD OTHER TESTIMONY AT THAT HEARING OR PROCEEDING;

(4) THE RIGHT TO BE REASONABLY HEARD AT:

(I) A PUBLIC HEARING CONCERNING THE CONTINUATION OF CONFINEMENT PRIOR TO TRIAL OF THE ACCUSED;

(II) A SENTENCING HEARING RELATING TO THE OFFENSE;

(III) A PROCEEDING INVOLVING CLEMENCY AND PAROLE RELATED TO THE OFFENSE; AND

(IV) ANY PUBLIC MILITARY PROCEEDINGS, INCLUDING APPEALS, IN CONNECTION WITH THE VICTIM'S LEGAL RIGHTS WHERE THOSE RIGHTS ARE IMPLICATED;

(5) THE REASONABLE RIGHT TO CONFER BEFOREHAND WITH THE COUNSEL REPRESENTING THE GOVERNMENT AT A PROCEEDING DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION AND AT A PROCEEDING UNDER § 13A-301, § 13A-405, § 13A-601.1, AND § 13A-902;

(6) THE RIGHT TO RECEIVE FULL RESTITUTION BEFORE A FORFEITURE MAY BE RECEIVED BY THE MILITARY AS PROVIDED BY LAW;

(7) THE RIGHT TO PROCEEDINGS FREE FROM UNREASONABLE DELAY;

AND

(8) THE RIGHT TO BE TREATED WITH FAIRNESS AND WITH RESPECT FOR THE DIGNITY AND PRIVACY OF THE VICTIM OF AN OFFENSE UNDER THIS TITLE.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN THE CASE OF A VICTIM OF AN OFFENSE UNDER THIS TITLE WHO IS UNDER 18 YEARS OF AGE BUT NOT A MEMBER OF THE ARMED FORCES, INCOMPETENT, INCAPACITATED, OR DECEASED, THE MILITARY JUDGE SHALL DESIGNATE A REPRESENTATIVE OF THE ESTATE OF THE VICTIM, A FAMILY MEMBER, OR ANOTHER SUITABLE INDIVIDUAL TO ASSUME THE VICTIM'S RIGHTS UNDER THIS SECTION.

(2) THE INDIVIDUAL DESIGNATED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE THE ACCUSED.

(C) NOTHING IN THIS SECTION MAY BE CONSTRUED:

(1) TO AUTHORIZE A CAUSE OF ACTION FOR DAMAGES;

(2) TO CREATE, TO ENLARGE, OR TO IMPLY A DUTY OR OBLIGATION TO A VICTIM OF AN OFFENSE UNDER THIS TITLE OR OTHER PERSON FOR BREACH OF WHICH THE STATE OR ANY OF ITS OFFICERS OR EMPLOYEES COULD BE HELD LIABLE FOR DAMAGES OTHER THAN RESTITUTION; OR

(3) TO IMPAIR THE EXERCISE OF DISCRETION UNDER § 13A-601 OR § 13A-605 OF THIS TITLE.

(D) (1) IF THE VICTIM OF AN OFFENSE UNDER THIS TITLE BELIEVES THAT A PRELIMINARY HEARING RULING UNDER § 13A-603 OF THIS TITLE OR A COURT-MARTIAL RULING VIOLATES THE RIGHTS OF THE VICTIM AFFORDED BY A PROVISION SPECIFIED IN PARAGRAPH (4) OF THIS SUBSECTION, THE VICTIM MAY FILE AN INTERLOCUTORY APPEAL TO THE COURT OF MILITARY APPEALS, AND THEREAFTER FILE A CERTIORARI PETITION WITH THE MARYLAND COURT OF APPEALS, AND AN AUTOMATIC STAY OF THE MILITARY PROCEEDINGS SHALL TAKE EFFECT ON THE FILING OF THE NOTICE OF APPEAL UNTIL FINAL DISPOSITION OF THE APPEAL, IN ORDER TO REQUIRE THE PRELIMINARY HEARING OFFICER OR THE COURT MARTIAL, INCLUDING IN CONNECTION WITH § 13A-716 OF THIS TITLE, TO COMPLY WITH THE PROVISION.

(2) IF THE VICTIM OF AN OFFENSE UNDER THIS TITLE IS SUBJECT TO AN ORDER TO SUBMIT TO A DEPOSITION, NOTWITHSTANDING THE AVAILABILITY OF THE VICTIM TO TESTIFY AT THE COURT-MARTIAL TRYING THE ACCUSED FOR THE OFFENSE, THE VICTIM MAY APPEAL SUCH AN ORDER IN THE SAME MANNER

DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION TO THE COURT OF MILITARY APPEALS TO QUASH THE ORDER.

(3) AN APPEAL DESCRIBED IN THIS SUBSECTION SHALL BE FORWARDED DIRECTLY TO THE COURT OF MILITARY APPEALS, BY SUCH MEANS AS MAY BE PRESCRIBED BY THE GOVERNOR, AND, TO THE EXTENT PRACTICABLE, SHALL HAVE PRIORITY OVER ALL OTHER PROCEEDINGS BEFORE THE COURT.

(4) PARAGRAPH (1) OF THIS SUBSECTION APPLIES TO THE PROTECTIONS AFFORDED BY:

(I) THIS SUBTITLE;

(II) § 13A-603 OF THIS TITLE;

(III) MILITARY RULE OF EVIDENCE 412, RELATING TO THE ADMISSION OF EVIDENCE REGARDING A VICTIM'S SEXUAL BACKGROUND;

(IV) MILITARY RULE OF EVIDENCE 513, RELATING TO THE PSYCHOTHERAPIST-PATIENT PRIVILEGE;

(V) MILITARY RULE OF EVIDENCE 514, RELATING TO THE VICTIM ADVOCATE-VICTIM PRIVILEGE; AND

(VI) MILITARY RULE OF EVIDENCE 615, RELATING TO THE EXCLUSION OF WITNESSES.

(E) (1) ON NOTICE BY COUNSEL FOR THE GOVERNMENT TO COUNSEL FOR THE ACCUSED OF THE NAME OF AN ALLEGED VICTIM OF AN OFFENSE UNDER THIS TITLE WHOM COUNSEL FOR THE GOVERNMENT INTENDS TO CALL AS A WITNESS AT A PROCEEDING UNDER THIS TITLE, COUNSEL FOR THE ACCUSED SHALL MAKE ANY REQUEST TO INTERVIEW THE VICTIM THROUGH THE SPECIAL VICTIM'S COUNSEL OR OTHER COUNSEL FOR THE VICTIM, IF APPLICABLE.

(2) IF REQUESTED BY AN ALLEGED VICTIM WHO IS SUBJECT TO A REQUEST FOR INTERVIEW UNDER PARAGRAPH (1) OF THIS SUBSECTION, ANY INTERVIEW OF THE VICTIM BY COUNSEL FOR THE ACCUSED SHALL TAKE PLACE ONLY IN THE PRESENCE OF THE COUNSEL FOR THE GOVERNMENT, A COUNSEL FOR THE VICTIM, OR, IF APPLICABLE, A VICTIM ADVOCATE.

SUBTITLE 2. APPREHENSION AND RESTRAINT.

13A-201. DEFINITIONS.

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

(B) “APPREHEND” MEANS TO TAKE A PERSON INTO CUSTODY.

(C) “ARREST” MEANS THE RESTRAINT OF A PERSON BY AN ORDER, NOT IMPOSED AS A PUNISHMENT FOR AN OFFENSE, DIRECTING THE PERSON TO REMAIN WITHIN CERTAIN SPECIFIED LIMITS.

(D) “CONFINEMENT” MEANS THE PHYSICAL RESTRAINT OF A PERSON.

13A-202. APPREHENSION

(A) A PERSON AUTHORIZED BY THIS TITLE OR BY 10 U.S.C. 47, OR BY REGULATIONS ISSUED UNDER EITHER, TO APPREHEND PERSONS SUBJECT TO THIS TITLE, A MARSHAL OF A COURT-MARTIAL APPOINTED PURSUANT TO THE PROVISIONS OF THIS TITLE, AND A PEACE OFFICER OR CIVIL OFFICER HAVING AUTHORITY TO APPREHEND OFFENDERS UNDER THE LAWS OF THE UNITED STATES OR OF A STATE, MAY DO SO ON PROBABLE CAUSE THAT AN OFFENSE HAS BEEN COMMITTED AND THAT THE PERSON APPREHENDED COMMITTED IT.

(B) COMMISSIONED OFFICERS, WARRANT OFFICERS, AND NONCOMMISSIONED OFFICERS HAVE AUTHORITY TO QUELL QUARRELS, FRAYS, AND DISORDERS AMONG PERSONS SUBJECT TO THIS TITLE AND TO APPREHEND PERSONS SUBJECT TO THIS TITLE WHO TAKE PART THEREIN.

(C) IF AN OFFENDER IS APPREHENDED OUTSIDE THE STATE, THE OFFENDER’S RETURN TO THE AREA MUST BE IN ACCORDANCE WITH NORMAL EXTRADITION PROCEDURES OR BY RECIPROCAL AGREEMENT.

(D) NO PERSON AUTHORIZED BY THIS SECTION TO APPREHEND PERSONS SUBJECT TO THIS TITLE OR THE PLACE WHERE SUCH OFFENDER IS CONFINED, RESTRAINED, HELD, OR OTHERWISE HOUSED MAY REQUIRE PAYMENT OF A FEE OR CHARGE FOR SO RECEIVING, APPREHENDING, CONFINING, RESTRAINING, HOLDING, OR OTHERWISE HOUSING A PERSON EXCEPT AS OTHERWISE PROVIDED BY LAW.

(E) A CIVIL OFFICER HAVING AUTHORITY TO APPREHEND OFFENDERS UNDER THE LAWS OF THE UNITED STATES OR THE STATE, OR A MILITARY OFFICER OR NONCOMMISSIONED OFFICER SUBJECT TO THIS TITLE WHO HAS BEEN AUTHORIZED BY THE GOVERNOR BY REGULATION OR WITH THE AUTHORITY OF THE ADJUTANT GENERAL MAY SUMMARILY APPREHEND A PERSON SUBJECT TO THIS TITLE AND DELIVER THE PERSON INTO THE CUSTODY OF THE STATE MILITARY

FORCES.

13A-203. IMPOSITION OF RESTRAINT.

(A) (1) AN ENLISTED MEMBER MAY BE ORDERED INTO ARREST OR CONFINEMENT BY A COMMISSIONED OFFICER BY AN ORDER, ORAL OR WRITTEN, DELIVERED IN PERSON OR THROUGH OTHER PERSONS SUBJECT TO THIS TITLE.

(2) A COMMANDING OFFICER MAY AUTHORIZE WARRANT OFFICERS OR NONCOMMISSIONED OFFICERS TO ORDER ENLISTED MEMBERS OF THE COMMANDING OFFICER'S COMMAND OR SUBJECT TO THE COMMANDING OFFICER'S AUTHORITY INTO ARREST OR CONFINEMENT.

(B) (1) A COMMISSIONED OFFICER, A WARRANT OFFICER, OR A CIVILIAN SUBJECT TO THIS TITLE OR TO TRIAL THEREUNDER MAY BE ORDERED INTO ARREST OR CONFINEMENT ONLY BY A COMMANDING OFFICER TO WHOSE AUTHORITY THE PERSON IS SUBJECT, BY AN ORDER, ORAL OR WRITTEN, DELIVERED IN PERSON OR BY ANOTHER COMMISSIONED OFFICER.

(2) THE AUTHORITY TO ORDER SUCH PERSONS INTO ARREST OR CONFINEMENT MAY NOT BE DELEGATED.

(C) NO PERSON MAY BE ORDERED INTO ARREST OR CONFINEMENT EXCEPT FOR PROBABLE CAUSE.

(D) THIS SECTION DOES NOT LIMIT THE AUTHORITY OF PERSONS AUTHORIZED TO APPREHEND OFFENDERS TO SECURE THE CUSTODY OF AN ALLEGED OFFENDER UNTIL PROPER AUTHORITY MAY BE NOTIFIED.

13A-204. RESTRAINT OF PERSONS CHARGED WITH OFFENSES.

(A) A PERSON SUBJECT TO THIS TITLE CHARGED WITH AN OFFENSE UNDER THIS TITLE MAY BE ORDERED INTO ARREST OR CONFINEMENT, AS CIRCUMSTANCES MAY REQUIRE.

(B) WHEN A PERSON SUBJECT TO THIS TITLE IS PLACED IN ARREST OR CONFINEMENT PRIOR TO TRIAL, IMMEDIATE STEPS SHALL BE TAKEN TO INFORM THE PERSON OF THE SPECIFIC WRONG OF WHICH THE PERSON IS ACCUSED AND DILIGENT STEPS SHALL BE TAKEN TO TRY THE PERSON OR TO DISMISS THE CHARGES AND RELEASE THE PERSON.

13A-205. PLACE OF CONFINEMENT; REPORTS AND RECEIVING OF PRISONERS.

(A) IF A PERSON SUBJECT TO THIS TITLE IS CONFINED BEFORE, DURING, OR AFTER TRIAL, CONFINEMENT SHALL BE IN A CIVILIAN OR MILITARY CONFINEMENT FACILITY.

(B) NO PERSON AUTHORIZED TO RECEIVE PRISONERS PURSUANT TO SUBSECTION (A) OF THIS SECTION MAY REFUSE TO RECEIVE OR KEEP A PRISONER COMMITTED TO THE PERSON'S CHARGE BY A COMMISSIONED OFFICER OF THE STATE MILITARY FORCES, WHEN THE COMMITTING OFFICER FURNISHES A STATEMENT, SIGNED BY SUCH OFFICER, OF THE OFFENSE CHARGED AGAINST THE PRISONER, UNLESS OTHERWISE AUTHORIZED BY LAW.

(C) EVERY PERSON AUTHORIZED TO RECEIVE PRISONERS PURSUANT TO SUBSECTION (A) OF THIS SECTION TO WHOSE CHARGE A PRISONER IS COMMITTED SHALL, WITHIN 24 HOURS AFTER THAT COMMITMENT OR AS SOON AS THE PERSON IS RELIEVED FROM GUARD, REPORT TO THE COMMANDING OFFICER OF THE PRISONER THE NAME OF THE PRISONER, THE OFFENSE CHARGED AGAINST THE PRISONER, AND THE NAME OF THE PERSON WHO ORDERED OR AUTHORIZED THE COMMITMENT.

(D) CIVILIAN CONFINEMENT FACILITIES MAY NOT CHARGE THE STATE MILITARY FORCES FOR THE COST OF DETAINING THE PERSON SO LONG AS THE CONFINEMENT IS LESS THAN 10 DAYS.

13A–206. PUNISHMENT PROHIBITED BEFORE TRIAL.

NO PERSON, WHILE BEING HELD FOR TRIAL OR AWAITING A VERDICT, MAY BE SUBJECTED TO PUNISHMENT OR PENALTY OTHER THAN ARREST OR CONFINEMENT ON THE CHARGES PENDING AGAINST THE PERSON, NOR SHALL THE ARREST OR CONFINEMENT IMPOSED ON SUCH PERSON BE ANY MORE RIGOROUS THAN THE CIRCUMSTANCES REQUIRED TO ENSURE THE PERSON'S PRESENCE, BUT THE PERSON MAY BE SUBJECTED TO MINOR PUNISHMENT DURING THAT PERIOD FOR INFRACTIONS OF DISCIPLINE.

13A–207. DELIVERY OF OFFENDERS TO CIVIL AUTHORITIES.

(A) A PERSON SUBJECT TO THIS TITLE ACCUSED OF AN OFFENSE AGAINST CIVIL AUTHORITY MAY BE DELIVERED, ON REQUEST, TO THE CIVIL AUTHORITY FOR TRIAL OR CONFINEMENT.

(B) WHEN DELIVERY UNDER THIS SECTION IS MADE TO A CIVIL AUTHORITY OF A PERSON UNDERGOING SENTENCE OF A COURT-MARTIAL, THE DELIVERY, IF FOLLOWED BY CONVICTION IN A CIVIL TRIBUNAL, INTERRUPTS THE EXECUTION OF THE SENTENCE OF THE COURT-MARTIAL, AND THE OFFENDER AFTER HAVING

ANSWERED TO THE CIVIL AUTHORITIES FOR THE OFFENSE SHALL, ON THE REQUEST OF COMPETENT MILITARY AUTHORITY, BE RETURNED TO THE PLACE OF ORIGINAL CUSTODY FOR THE COMPLETION OF THE PERSON'S SENTENCE.

SUBTITLE 3. NON-JUDICIAL PUNISHMENT.

13A-301. COMMANDING OFFICER'S NON-JUDICIAL PUNISHMENT.

(A) (1) UNDER SUCH REGULATIONS AS PRESCRIBED, A COMMANDING OFFICER OR OFFICERS-IN-CHARGE MAY IMPOSE DISCIPLINARY PUNISHMENTS FOR MINOR OFFENSES WITHOUT THE INTERVENTION OF A COURT-MARTIAL PURSUANT TO THIS SECTION.

(2) THE GOVERNOR, THE ADJUTANT GENERAL, OR AN OFFICER OF A GENERAL OR FLAG RANK IN COMMAND MAY DELEGATE THE POWERS UNDER THIS SECTION TO A PRINCIPAL ASSISTANT WHO IS A MEMBER OF THE STATE MILITARY FORCES.

(B) A COMMANDING OFFICER MAY IMPOSE ON ENLISTED MEMBERS OF THE OFFICER'S COMMAND:

(1) AN ADMONITION;

(2) A REPRIMAND;

(3) THE WITHHOLDING OF PRIVILEGES FOR NOT MORE THAN 6 MONTHS, WHICH NEED NOT BE CONSECUTIVE;

(4) THE FORFEITURE OF PAY OF NOT MORE THAN 7 DAYS' PAY;

(5) A FINE OF NOT MORE THAN 7 DAYS' PAY;

(6) A REDUCTION TO THE NEXT INFERIOR PAY GRADE, IF THE SOLDIER OR AIRMAN IS IN THE RANK OF E-4 OR BELOW;

(7) EXTRA DUTIES, INCLUDING FATIGUE OR OTHER DUTIES, FOR NOT MORE THAN 14 DAYS, WHICH NEED NOT BE CONSECUTIVE; OR

(8) RESTRICTION TO CERTAIN SPECIFIED LIMITS, WITH OR WITHOUT SUSPENSION FROM DUTY, FOR NOT MORE THAN 14 DAYS, WHICH NEED NOT BE CONSECUTIVE.

(C) A COMMANDING OFFICER OF THE GRADE OF MAJOR OR ABOVE MAY

IMPOSE ON ENLISTED MEMBERS OF THE OFFICER'S COMMAND:

- (1) ANY PUNISHMENT AUTHORIZED IN SUBSECTIONS (B)(1), (2), OR (3) OF THIS SECTION;**
- (2) THE FORFEITURE OF NOT MORE THAN ONE-HALF OF 1 MONTH'S PAY PER MONTH FOR 2 MONTHS;**
- (3) A FINE OF NOT MORE THAN 1 MONTH'S PAY;**
- (4) A REDUCTION TO THE LOWEST OR ANY INTERMEDIATE PAY GRADE, IF THE SOLDIER OR AIRMAN IS IN THE RANK OF E-6 OR BELOW, BUT AN ENLISTED MEMBER IN A PAY GRADE ABOVE E-4 MAY NOT BE REDUCED MORE THAN TWO PAY GRADES;**
- (5) EXTRA DUTIES, INCLUDING FATIGUE OR OTHER DUTIES, FOR NOT MORE THAN 45 DAYS, WHICH NEED NOT BE CONSECUTIVE; OR**
- (6) RESTRICTION TO CERTAIN SPECIFIED LIMITS, WITH OR WITHOUT SUSPENSION FROM DUTY, FOR NOT MORE THAN 60 DAYS, WHICH NEED NOT BE CONSECUTIVE.**

(D) THE GOVERNOR, THE ADJUTANT GENERAL, AN OFFICER EXERCISING GENERAL COURT-MARTIAL CONVENING AUTHORITY, OR AN OFFICER OF A GENERAL OR FLAG RANK IN COMMAND MAY IMPOSE:

- (1) ON OFFICERS OF THE OFFICER'S COMMAND:**
 - (I) ANY PUNISHMENT AUTHORIZED IN SUBSECTIONS (C)(1), (2), (3), OR (6) OF THIS SECTION; OR**
 - (II) ARREST IN QUARTERS FOR NOT MORE THAN 30 DAYS, WHICH NEED NOT BE CONSECUTIVE; OR**
- (2) ON ENLISTED MEMBERS OF THE OFFICER'S COMMAND:**
 - (I) ANY PUNISHMENT AUTHORIZED IN SUBSECTION (C) OF THIS SECTION; OR**
 - (II) A REDUCTION TO THE LOWEST OR ANY INTERMEDIATE PAY GRADE, IF THE SOLDIER OR AIRMAN IS IN THE RANK OF E-9 OR BELOW, BUT AN ENLISTED MEMBER IN A PAY GRADE ABOVE E-4 MAY NOT BE REDUCED MORE THAN TWO PAY GRADES.**

(E) WHENEVER ANY PUNISHMENTS ARE COMBINED TO RUN CONSECUTIVELY, THE TOTAL LENGTH OF THE COMBINED PUNISHMENT MAY NOT EXCEED THE AUTHORIZED DURATION OF THE LONGEST PUNISHMENT IN THE COMBINATION, AND THERE MUST BE AN APPORTIONMENT OF PUNISHMENTS SO THAT NO SINGLE PUNISHMENT IN THE COMBINATION EXCEEDS ITS AUTHORIZED LENGTH UNDER THIS SECTION.

(F) (1) PRIOR TO THE OFFER OF NON-JUDICIAL PUNISHMENT, THE COMMANDING OFFICER SHALL DETERMINE WHETHER PUNISHMENT MORE SEVERE THAN 14 DAYS EXTRA DUTY OR 14 DAYS RESTRICTION AND ADMONITION SHALL BE CONSIDERED AS PUNISHMENTS.

(2) IF THE COMMANDING OFFICER DETERMINES THAT THE PUNISHMENT OPTIONS MAY INCLUDE ARREST IN QUARTERS OR RESTRICTION, THE ACCUSED SHALL BE NOTIFIED OF THE RIGHT TO DEMAND TRIAL BY COURT-MARTIAL.

(3) IF THE COMMANDING OFFICER DETERMINES THAT THE PUNISHMENT OPTIONS WILL NOT INCLUDE PUNISHMENT MORE SEVERE THAN 14 DAYS EXTRA DUTY OR 14 DAYS RESTRICTION AND ADMONITION, THE ACCUSED SHALL BE NOTIFIED THAT THERE IS NO RIGHT TO TRIAL BY COURT-MARTIAL IN LIEU OF NON-JUDICIAL PUNISHMENT.

(G) (1) THE OFFICER WHO IMPOSES THE PUNISHMENT, OR THE SUCCESSOR IN COMMAND, MAY, AT ANY TIME, SUSPEND, SET ASIDE, MITIGATE, OR REMIT ANY PART OR AMOUNT OF THE PUNISHMENT AND RESTORE ALL RIGHTS, PRIVILEGES, AND PROPERTY AFFECTED.

(2) THE OFFICER MAY ALSO:

(I) MITIGATE REDUCTION IN GRADE TO FORFEITURE OF PAY;

(II) MITIGATE ARREST IN QUARTERS TO RESTRICTION; OR

(III) MITIGATE EXTRA DUTIES TO RESTRICTION.

(3) (I) THE MITIGATED PUNISHMENT MAY NOT BE FOR A GREATER PERIOD THAN THE PUNISHMENT MITIGATED.

(II) WHEN MITIGATING REDUCTION IN GRADE TO FORFEITURE OF PAY, THE AMOUNT OF THE FORFEITURE MAY NOT BE GREATER THAN THE AMOUNT THAT COULD HAVE BEEN IMPOSED INITIALLY UNDER THIS SECTION BY THE

OFFICER WHO IMPOSED THE PUNISHMENT MITIGATED.

(H) (1) A PERSON PUNISHED UNDER THIS SECTION WHO CONSIDERS THE PUNISHMENT UNJUST OR DISPROPORTIONATE TO THE OFFENSE MAY, THROUGH THE PROPER CHANNEL, APPEAL TO THE NEXT SUPERIOR AUTHORITY WITHIN 15 DAYS AFTER THE PUNISHMENT IS EITHER ANNOUNCED OR SENT TO THE ACCUSED, AS THE COMMANDER MAY DETERMINE.

(2) THE APPEAL SHALL BE PROMPTLY FORWARDED AND DECIDED, BUT THE PERSON PUNISHED MAY IN THE MEANTIME BE REQUIRED TO UNDERGO THE PUNISHMENT ADJUDGED.

(3) IF THE SUPERIOR AUTHORITY ACTING ON THE APPEAL DOES NOT RENDER A DECISION WITHIN 5 DAYS OF THE ELECTION TO APPEAL, THE PUNISHMENT SHALL BE SUSPENDED UNTIL SUCH TIME AS THE APPEAL IS DECIDED.

(4) THE SUPERIOR AUTHORITY MAY EXERCISE THE SAME POWERS WITH RESPECT TO THE PUNISHMENT IMPOSED AS MAY BE EXERCISED UNDER SUBSECTION (G) OF THIS SECTION BY THE OFFICER WHO IMPOSED THE PUNISHMENT.

(5) BEFORE ACTING ON AN APPEAL FROM A PUNISHMENT, THE AUTHORITY THAT IS TO ACT ON THE APPEAL MAY REFER THE CASE TO A JUDGE ADVOCATE FOR CONSIDERATION AND ADVICE.

(I) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE IMPOSITION AND ENFORCEMENT OF DISCIPLINARY PUNISHMENT UNDER THIS SECTION FOR AN ACT OR OMISSION IS NOT A BAR TO TRIAL BY COURT-MARTIAL OR A CIVILIAN COURT OF COMPETENT JURISDICTION FOR A SERIOUS CRIME OR OFFENSE GROWING OUT OF THE SAME ACT OR OMISSION AND NOT PROPERLY PUNISHABLE UNDER THIS TITLE.

(2) THE FACT THAT A DISCIPLINARY PUNISHMENT HAS BEEN ENFORCED MAY BE SHOWN BY THE ACCUSED AT TRIAL AND, WHEN SO SHOWN, IT SHALL BE CONSIDERED IN DETERMINING THE MEASURE OF PUNISHMENT TO BE ADJUDGED IN THE EVENT OF A FINDING OF GUILTY.

(J) WHENEVER A PUNISHMENT OF FORFEITURE OF PAY IS IMPOSED UNDER THIS SECTION, THE FORFEITURE MAY APPLY TO PAY ACCRUING BEFORE, ON, OR AFTER THE DATE THAT PUNISHMENT IS IMPOSED.

(K) REGULATIONS MAY PRESCRIBE THE FORM OF RECORDS TO BE KEPT OF PROCEEDINGS UNDER THIS SECTION AND MAY PRESCRIBE THAT CERTAIN

CATEGORIES OF THOSE PROCEEDINGS SHALL BE IN WRITING.

SUBTITLE 4. COURT-MARTIAL JURISDICTION.

13A-401. COURTS-MARTIAL CLASSIFIED.

(A) THE THREE KINDS OF COURTS-MARTIAL ARE:

(1) GENERAL COURTS-MARTIAL, AS DESCRIBED IN SUBSECTION (B) OF THIS SECTION;

(2) SPECIAL COURTS-MARTIAL, AS DESCRIBED IN SUBSECTION (C) OF THIS SECTION; AND

(3) SUMMARY COURTS-MARTIAL, AS DESCRIBED IN SUBSECTION (D) OF THIS SECTION.

(B) A GENERAL COURT-MARTIAL CONSISTS OF:

(1) A MILITARY JUDGE AND NOT LESS THAN EIGHT MEMBERS; OR

(2) A MILITARY JUDGE ALONE, IF BEFORE THE COURT IS ASSEMBLED THE ACCUSED, KNOWING THE IDENTITY OF THE MILITARY JUDGE AND AFTER CONSULTATION WITH DEFENSE COUNSEL, REQUESTS ORALLY ON THE RECORD OR IN WRITING A COURT COMPOSED ONLY OF A MILITARY JUDGE AND THE MILITARY JUDGE APPROVES THE REQUEST.

(C) A SPECIAL COURT-MARTIAL CONSISTS OF:

(1) A MILITARY JUDGE AND NOT LESS THAN FOUR MEMBERS; OR

(2) A MILITARY JUDGE ALONE:

(I) IF THE CASE IS SO REFERRED BY THE CONVENING AUTHORITY, SUBJECT TO § 13A-404 OF THIS SUBTITLE; OR

(II) IF THE CASE IS REFERRED UNDER ITEM (1) OF THIS SUBSECTION AND, BEFORE THE COURT IS ASSEMBLED, THE ACCUSED, KNOWING THE IDENTITY OF THE MILITARY JUDGE AND AFTER CONSULTATION WITH DEFENSE COUNSEL, REQUESTS, ORALLY ON THE RECORD OR IN WRITING, A COURT COMPOSED OF A MILITARY JUDGE ALONE AND THE MILITARY JUDGE APPROVES THE REQUEST.

(D) A SUMMARY COURT-MARTIAL CONSISTS OF ONE COMMISSIONED

OFFICER.

13A-402. JURISDICTION OF COURTS-MARTIAL IN GENERAL.

(A) EACH COMPONENT OF THE STATE MILITARY FORCES HAS COURT-MARTIAL JURISDICTION OVER ALL MEMBERS OF THE PARTICULAR COMPONENT WHO ARE SUBJECT TO THIS TITLE.

(B) THE MARYLAND ARMY AND MARYLAND AIR NATIONAL GUARD HAVE COURT-MARTIAL JURISDICTION OVER ALL MEMBERS SUBJECT TO THIS TITLE.

13A-403. JURISDICTION OF GENERAL COURTS-MARTIAL.

SUBJECT TO § 13A-402 OF THIS SUBTITLE, GENERAL COURTS-MARTIAL HAVE JURISDICTION TO TRY PERSONS SUBJECT TO THIS TITLE FOR ANY OFFENSE MADE PUNISHABLE BY THIS TITLE, AND MAY, UNDER SUCH LIMITATIONS AS THE GOVERNOR MAY PRESCRIBE, ADJUDGE ANY PUNISHMENT NOT FORBIDDEN BY THIS TITLE.

13A-404. JURISDICTION OF SPECIAL COURTS-MARTIAL.

(A) SUBJECT TO § 13A-402 OF THIS SUBTITLE, SPECIAL COURTS-MARTIAL HAVE JURISDICTION TO TRY PERSONS SUBJECT TO THIS TITLE FOR ANY OFFENSE MADE PUNISHABLE BY THIS TITLE, AND MAY, UNDER SUCH LIMITATIONS AS THE GOVERNOR MAY PRESCRIBE, ADJUDGE ANY PUNISHMENT NOT FORBIDDEN BY THIS TITLE EXCEPT:

- (1) DISHONORABLE DISCHARGE;
- (2) DISMISSAL;
- (3) CONFINEMENT FOR MORE THAN 1 YEAR;
- (4) FORFEITURE OF PAY EXCEEDING TWO-THIRDS PAY PER MONTH;

OR

- (5) FORFEITURE OF PAY FOR MORE THAN 1 YEAR.

(B) A BAD-CONDUCT DISCHARGE, A CONFINEMENT FOR MORE THAN 6 MONTHS, OR A FORFEITURE OF PAY FOR MORE THAN 6 MONTHS MAY NOT BE ADJUDGED IF CHARGES AND SPECIFICATIONS ARE REFERRED TO A SPECIAL COURTS-MARTIAL CONSISTING OF A MILITARY JUDGE ALONE UNDER § 13A-401 OF THIS SUBTITLE.

13A-405. JURISDICTION OF SUMMARY COURTS-MARTIAL.

(A) SUBJECT TO § 13A-402 OF THIS TITLE, SUMMARY COURTS-MARTIAL HAVE JURISDICTION TO TRY PERSONS SUBJECT TO THIS TITLE, EXCEPT OFFICERS, CADETS, AND CANDIDATES FOR AN OFFENSE MADE PUNISHABLE BY THIS TITLE UNDER SUCH LIMITATIONS AS THE GOVERNOR MAY PRESCRIBE.

(B) (1) NO PERSON WITH RESPECT TO WHOM SUMMARY COURTS-MARTIAL HAVE JURISDICTION MAY BE BROUGHT TO TRIAL BEFORE A SUMMARY COURT-MARTIAL IF THAT PERSON OBJECTS THERETO.

(2) IF OBJECTION TO TRIAL BY SUMMARY COURT-MARTIAL IS MADE BY AN ACCUSED, TRIAL BY SPECIAL OR GENERAL COURT-MARTIAL MAY BE ORDERED, AS MAY BE APPROPRIATE.

(3) SUMMARY COURTS-MARTIAL MAY, UNDER SUCH LIMITATIONS AS THE GOVERNOR MAY PRESCRIBE, ADJUDGE ANY PUNISHMENT NOT FORBIDDEN BY THIS TITLE EXCEPT:

(I) DISMISSAL;

(II) DISHONORABLE OR BAD-CONDUCT DISCHARGE;

(III) CONFINEMENT FOR MORE THAN 1 MONTH;

(IV) RESTRICTION TO SPECIFIED LIMITS FOR MORE THAN 2 MONTHS; OR

(V) FORFEITURE OF MORE THAN TWO-THIRDS OF 1 MONTH'S PAY.

(C) (1) A SUMMARY COURT-MARTIAL IS A NON-CRIMINAL FORUM.

(2) A FINDING OF GUILTY AT A SUMMARY COURT-MARTIAL DOES NOT CONSTITUTE A CRIMINAL CONVICTION.

SUBTITLE 5. APPOINTMENT AND COMPOSITION OF COURTS-MARTIAL.**13A-501. WHO MAY CONVENE GENERAL COURTS-MARTIAL.**

(A) A GENERAL COURT-MARTIAL MAY BE CONVENEED BY:

- (1) THE GOVERNOR; OR
- (2) THE ADJUTANT GENERAL.

(B) IF ANY SUCH COMMANDING OFFICER IS AN ACCUSER, THE COURT SHALL BE CONVENED BY SUPERIOR COMPETENT AUTHORITY AND MAY IN ANY CASE BE CONVENED BY SUCH SUPERIOR AUTHORITY IF CONSIDERED DESIRABLE BY SUCH AUTHORITY.

13A-502. WHO MAY CONVENE SPECIAL COURTS-MARTIAL.

(A) A SPECIAL COURT-MARTIAL MAY BE CONVENED BY:

- (1) A PERSON WHO MAY CONVENE A GENERAL COURT-MARTIAL;
- (2) THE COMMANDING OFFICER OF A GARRISON, FORT, POST, CAMP, STATION, OR AIR NATIONAL GUARD BASE;
- (3) THE COMMANDING OFFICER OF A BRIGADE, REGIMENT, DETACHED BATTALION, OR CORRESPONDING UNIT OF THE ARMY;
- (4) THE COMMANDING OFFICER OF A WING, GROUP, SEPARATE SQUADRON, OR CORRESPONDING UNIT OF THE AIR FORCE; OR
- (5) THE COMMANDING OFFICER OR OFFICER IN CHARGE OF ANY OTHER COMMAND WHEN EMPOWERED BY THE ADJUTANT GENERAL.

(B) IF ANY SUCH OFFICER IS AN ACCUSER, THE COURT SHALL BE CONVENED BY SUPERIOR COMPETENT AUTHORITY AND MAY IN ANY CASE BE CONVENED BY SUCH SUPERIOR AUTHORITY IF CONSIDERED DESIRABLE BY SUCH AUTHORITY.

13A-503. WHO MAY CONVENE SUMMARY COURTS-MARTIAL.

(A) A SUMMARY COURT-MARTIAL MAY BE CONVENED BY:

- (1) A PERSON WHO MAY CONVENE A GENERAL OR SPECIAL COURT-MARTIAL;
- (2) THE COMMANDING OFFICER OF A DETACHED COMPANY OR OTHER DETACHMENT, OR CORRESPONDING UNIT OF THE ARMY;
- (3) THE COMMANDING OFFICER OF A DETACHED SQUADRON OR

OTHER DETACHMENT, OR CORRESPONDING UNIT OF THE AIR FORCE; OR

(4) THE COMMANDING OFFICER OR OFFICER IN CHARGE OF ANY OTHER COMMAND WHEN EMPOWERED BY THE ADJUTANT GENERAL.

(B) (1) WHEN ONLY ONE COMMISSIONED OFFICER IS PRESENT WITH A COMMAND OR DETACHMENT, THAT OFFICER SHALL BE THE SUMMARY COURT-MARTIAL OF THAT COMMAND OR DETACHMENT AND SHALL HEAR AND DETERMINE ALL SUMMARY COURT-MARTIAL CASES, OR A MILITARY JUDGE MAY ACT AS SUMMARY COURT-MARTIAL.

(2) A SUMMARY COURT-MARTIAL MAY, HOWEVER, BE CONVENED IN ANY CASE BY SUPERIOR COMPETENT AUTHORITY IF CONSIDERED DESIRABLE BY SUCH AUTHORITY.

13A-504. WHO MAY SERVE ON COURTS-MARTIAL.

(A) A COMMISSIONED OFFICER OF THE STATE MILITARY FORCES IS ELIGIBLE TO SERVE ON ALL COURTS-MARTIAL FOR THE TRIAL OF A PERSON SUBJECT TO THIS TITLE.

(B) A WARRANT OFFICER OF THE STATE MILITARY FORCES IS ELIGIBLE TO SERVE ON GENERAL AND SPECIAL COURTS-MARTIAL FOR THE TRIAL OF A PERSON SUBJECT TO THIS TITLE, OTHER THAN A COMMISSIONED OFFICER.

(C) (1) AN ENLISTED MEMBER OF THE STATE MILITARY FORCES IS ELIGIBLE TO SERVE ON GENERAL AND SPECIAL COURTS-MARTIAL FOR THE TRIAL OF AN ENLISTED MEMBER SUBJECT TO THIS TITLE, BUT THAT MEMBER SHALL SERVE AS A MEMBER OF A COURT ONLY IF, BEFORE THE CONCLUSION OF A SESSION CALLED BY THE MILITARY JUDGE UNDER § 13A-704 OF THIS TITLE PRIOR TO TRIAL OR, IN THE ABSENCE OF SUCH A SESSION, BEFORE THE COURT IS ASSEMBLED FOR THE TRIAL OF THE ACCUSED, THE ACCUSED PERSONALLY HAS REQUESTED ORALLY ON THE RECORD OR IN WRITING THAT ENLISTED MEMBERS SERVE ON IT.

(2) (I) AFTER SUCH A REQUEST, THE ACCUSED MAY NOT BE TRIED BY A GENERAL OR SPECIAL COURT-MARTIAL, THE MEMBERSHIP OF WHICH DOES NOT INCLUDE ENLISTED MEMBERS IN A NUMBER EQUAL TO AT LEAST ONE-THIRD OF THE TOTAL MEMBERSHIP OF THE COURT, UNLESS ELIGIBLE ENLISTED MEMBERS CANNOT BE OBTAINED ON ACCOUNT OF PHYSICAL CONDITIONS OR MILITARY EXIGENCIES.

(II) IF SUCH MEMBERS CANNOT BE OBTAINED, THE COURT MAY BE ASSEMBLED AND THE TRIAL HELD WITHOUT THE MEMBERS, BUT THE

CONVENING AUTHORITY SHALL MAKE A DETAILED WRITTEN STATEMENT, TO BE APPENDED TO THE RECORD, STATING WHY THE MEMBERS COULD NOT BE OBTAINED.

(D) WHEN IT CAN BE AVOIDED, A PERSON SUBJECT TO THIS TITLE MAY NOT BE TRIED BY A COURT-MARTIAL, ANY MEMBER OF WHICH IS JUNIOR TO THE ACCUSED IN RANK OR GRADE.

(E) (1) WHEN CONVENING A COURT-MARTIAL, THE CONVENING AUTHORITY SHALL DETAIL AS MEMBERS OF THE AUTHORITY SUCH MEMBERS OF THE STATE MILITARY FORCES AS, IN THE CONVENING AUTHORITY'S OPINION, ARE BEST QUALIFIED FOR THE DUTY BY REASON OF AGE, EDUCATION, TRAINING, EXPERIENCE, LENGTH OF SERVICE, AND JUDICIAL TEMPERAMENT.

(2) A MEMBER OF THE STATE MILITARY FORCES IS NOT ELIGIBLE TO SERVE AS A MEMBER OF A GENERAL OR SPECIAL COURT-MARTIAL IF THE MEMBER IS THE ACCUSER OR A WITNESS OR HAS ACTED AS INVESTIGATING OFFICER OR AS COUNSEL IN THE SAME CASE.

(F) (1) BEFORE A COURT-MARTIAL IS ASSEMBLED FOR THE TRIAL OF A CASE, THE CONVENING AUTHORITY MAY EXCUSE A MEMBER OF THE COURT FROM PARTICIPATING IN THE CASE.

(2) THE CONVENING AUTHORITY MAY DELEGATE THE AUTHORITY UNDER THIS SUBSECTION TO A JUDGE ADVOCATE OR TO ANOTHER PRINCIPAL ASSISTANT.

(G) THE ACCUSED IN A COURT-MARTIAL WITH A MILITARY JUDGE AND MEMBERS MAY, AFTER THE FINDINGS ARE ANNOUNCED AND BEFORE ANY MATTER IS PRESENTED IN THE SENTENCING PHASE, REQUEST, ORALLY ON THE RECORD OR IN WRITING, SENTENCING BY MEMBERS.

13A-505. MILITARY JUDGE OF A GENERAL OR SPECIAL COURT-MARTIAL.

(A) (1) A MILITARY JUDGE SHALL BE DETAILED TO EACH GENERAL AND SPECIAL COURT-MARTIAL BY THE SENIOR MILITARY JUDGE IN THE STATE.

(2) THE MILITARY JUDGE SHALL PRESIDE OVER EACH OPEN SESSION OF THE COURT-MARTIAL TO WHICH THE MILITARY JUDGE HAS BEEN DETAILED.

(B) A MILITARY JUDGE SHALL BE:

(1) AN ACTIVE OR RETIRED COMMISSIONED OFFICER OF AN ORGANIZED STATE MILITARY FORCE;

(2) A MEMBER IN GOOD STANDING OF THE BAR OF THE COURT OF APPEALS OF MARYLAND; AND

(3) CERTIFIED AS QUALIFIED FOR DUTY AS A MILITARY JUDGE BY THE SENIOR FORCE JUDGE ADVOCATE THAT IS THE SAME FORCE AS THE ACCUSED.

(C) THE CONVENING AUTHORITY OR A STAFF MEMBER OF THE CONVENING AUTHORITY MAY NOT PREPARE OR REVIEW A REPORT CONCERNING THE EFFECTIVENESS, FITNESS, OR EFFICIENCY OF THE MILITARY JUDGE SO DETAILED, WHICH RELATES TO PERFORMANCE OF DUTY AS A MILITARY JUDGE.

(D) A PERSON IS NOT ELIGIBLE TO ACT AS MILITARY JUDGE IN A CASE IF THE PERSON IS THE ACCUSER OR A WITNESS, OR HAS ACTED AS INVESTIGATING OFFICER OR A COUNSEL IN THE SAME CASE.

(E) THE MILITARY JUDGE OF A COURT-MARTIAL MAY NOT:

(1) CONSULT WITH THE MEMBERS OF THE COURT EXCEPT IN THE PRESENCE OF THE ACCUSED, TRIAL COUNSEL, AND DEFENSE COUNSEL; OR

(2) VOTE WITH THE MEMBERS OF THE COURT.

13A-506. DETAIL OF TRIAL COUNSEL AND DEFENSE COUNSEL.

(A) (1) FOR EACH GENERAL AND SPECIAL COURT-MARTIAL, THE AUTHORITY CONVENING THE COURT SHALL DETAIL TRIAL COUNSEL, DEFENSE COUNSEL, AND SUCH ASSISTANTS AS ARE APPROPRIATE.

(2) (I) A PERSON WHO HAS ACTED AS INVESTIGATING OFFICER, MILITARY JUDGE, WITNESS, OR COURT MEMBER IN A CASE MAY NOT ACT LATER AS TRIAL COUNSEL, ASSISTANT TRIAL COUNSEL, OR, UNLESS EXPRESSLY REQUESTED BY THE ACCUSED, AS DEFENSE COUNSEL OR ASSISTANT OR ASSOCIATE DEFENSE COUNSEL IN THE SAME CASE.

(II) A PERSON WHO HAS ACTED FOR THE PROSECUTION MAY NOT ACT LATER IN THE SAME CASE FOR THE DEFENSE, NOR MAY A PERSON WHO HAS ACTED FOR THE DEFENSE ACT LATER IN THE SAME CASE FOR THE PROSECUTION.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, TRIAL COUNSEL OR DEFENSE COUNSEL DETAILED FOR A GENERAL OR SPECIAL COURT-MARTIAL MUST BE:

(1) A JUDGE ADVOCATE, AS DEFINED IN § 13A–101 OF THIS TITLE;
AND

(2) IN THE CASE OF TRIAL COUNSEL, A MEMBER IN GOOD STANDING OF THE BAR OF THE HIGHEST COURT OF THE STATE WHERE THE COURT–MARTIAL IS HELD.

(C) IN THE INSTANCE WHEN A DEFENSE COUNSEL IS NOT A MEMBER OF THE BAR OF THE HIGHEST COURT OF THE STATE, THE DEFENSE COUNSEL SHALL BE DEEMED ADMITTED PRO HAC VICE, SUBJECT TO FILING A CERTIFICATE WITH THE MILITARY JUDGE SETTING FORTH THE QUALIFICATIONS THAT COUNSEL IS:

(1) (I) A COMMISSIONED OFFICER OF THE ARMED FORCES OF THE UNITED STATES OR A COMPONENT THEREOF;

(II) A MEMBER IN GOOD STANDING OF THE BAR OF THE HIGHEST COURT OF A STATE; AND

(III) CERTIFIED AS A JUDGE ADVOCATE IN THE JUDGE ADVOCATE GENERAL’S CORPS OF THE ARMY, AIR FORCE, NAVY, OR MARINE CORPS; OR

(2) A JUDGE ADVOCATE AS DEFINED IN § 13A–101 OF THIS TITLE.

13A–507. DETAIL OR EMPLOYMENT OF REPORTERS AND INTERPRETERS.

UNDER SUCH REGULATIONS AS MAY BE ADOPTED, THE CONVENING AUTHORITY OF A GENERAL OR SPECIAL COURT–MARTIAL OR COURT OF INQUIRY SHALL DETAIL OR EMPLOY QUALIFIED COURT REPORTERS, WHO SHALL RECORD THE PROCEEDINGS OF AND TESTIMONY TAKEN BEFORE THAT COURT AND MAY DETAIL OR EMPLOY INTERPRETERS WHO SHALL INTERPRET FOR THE COURT.

13A–508. ABSENT, ALTERNATE, AND ADDITIONAL MEMBERS.

(A) A MEMBER OF A GENERAL OR SPECIAL COURT–MARTIAL MAY NOT BE ABSENT OR EXCUSED AFTER THE COURT HAS BEEN ASSEMBLED FOR THE TRIAL OF THE ACCUSED UNLESS EXCUSED:

(1) AS A RESULT OF A CHALLENGE;

(2) BY THE MILITARY JUDGE FOR PHYSICAL DISABILITY OR OTHER GOOD CAUSE; OR

(3) BY ORDER OF THE CONVENING AUTHORITY FOR GOOD CAUSE.

(B) (1) WHENEVER A GENERAL COURT-MARTIAL, OTHER THAN A GENERAL COURT-MARTIAL COMPOSED OF A MILITARY JUDGE ONLY, IS REDUCED BELOW SIX MEMBERS, THE TRIAL MAY NOT PROCEED UNLESS THE CONVENING AUTHORITY DETAILS NEW MEMBERS SUFFICIENT IN NUMBER TO PROVIDE NOT LESS THAN THE APPLICABLE MINIMUM NUMBER OF SIX MEMBERS.

(2) THE TRIAL MAY PROCEED WITH THE NEW MEMBERS PRESENT AFTER THE RECORDED EVIDENCE PREVIOUSLY INTRODUCED BEFORE THE MEMBERS OF THE COURT HAS BEEN READ TO THE COURT IN THE PRESENCE OF THE MILITARY JUDGE, THE ACCUSED, AND COUNSEL FOR BOTH SIDES.

(C) (1) WHENEVER A SPECIAL COURT-MARTIAL, OTHER THAN A SPECIAL COURT-MARTIAL COMPOSED OF A MILITARY JUDGE ONLY, IS REDUCED BELOW FOUR MEMBERS, THE TRIAL MAY NOT PROCEED UNLESS THE CONVENING AUTHORITY DETAILS NEW MEMBERS SUFFICIENT IN NUMBER TO PROVIDE NOT LESS THAN FOUR MEMBERS.

(2) THE TRIAL SHALL PROCEED WITH THE NEW MEMBERS PRESENT AS IF NO EVIDENCE HAD BEEN INTRODUCED PREVIOUSLY AT THE TRIAL, UNLESS A VERBATIM RECORD OF THE EVIDENCE PREVIOUSLY INTRODUCED BEFORE THE MEMBERS OF THE COURT OR A STIPULATION THEREOF IS READ TO THE COURT IN THE PRESENCE OF THE MILITARY JUDGE, THE ACCUSED, AND COUNSEL FOR BOTH SIDES.

(D) IF THE MILITARY JUDGE OF A COURT-MARTIAL COMPOSED OF A MILITARY JUDGE ONLY IS UNABLE TO PROCEED WITH THE TRIAL BECAUSE OF PHYSICAL DISABILITY, AS A RESULT OF A CHALLENGE, OR FOR OTHER GOOD CAUSE, THE TRIAL SHALL PROCEED, SUBJECT TO ANY APPLICABLE CONDITIONS OF § 13A-401 OF THIS TITLE, AFTER THE DETAIL OF A NEW MILITARY JUDGE AS IF NO EVIDENCE HAD PREVIOUSLY BEEN INTRODUCED, UNLESS A VERBATIM RECORD OF THE EVIDENCE PREVIOUSLY INTRODUCED OR A STIPULATION THEREOF IS READ IN COURT IN THE PRESENCE OF THE NEW MILITARY JUDGE, THE ACCUSED, AND COUNSEL FOR BOTH SIDES.

(E) IN ADDITION TO MEMBERS, THE MILITARY JUDGE SHALL IMPANEL ALTERNATE MEMBERS, IF THE CONVENING AUTHORITY AUTHORIZES ALTERNATE MEMBERS.

SUBTITLE 6. PRE-TRIAL PROCEDURE.

13A-601. CHARGES AND SPECIFICATIONS.

(A) CHARGES AND SPECIFICATIONS SHALL BE SIGNED BY A PERSON SUBJECT TO THIS TITLE UNDER OATH BEFORE A COMMISSIONED OFFICER AUTHORIZED BY § 13A-1102 OF THIS TITLE TO ADMINISTER OATHS AND SHALL STATE:

(1) THAT THE SIGNER HAS PERSONAL KNOWLEDGE OF, OR HAS INVESTIGATED, THE MATTERS SET FORTH THEREIN; AND

(2) THAT THEY ARE TRUE IN FACT TO THE BEST OF THE SIGNER'S KNOWLEDGE AND BELIEF.

(B) ON THE PREFERRING OF CHARGES, THE PROPER AUTHORITY SHALL TAKE IMMEDIATE STEPS TO DETERMINE WHAT DISPOSITION SHOULD BE MADE THEREOF IN THE INTEREST OF JUSTICE AND DISCIPLINE, AND THE PERSON ACCUSED SHALL BE INFORMED OF THE CHARGES AS SOON AS PRACTICABLE.

13A-602. CERTAIN PROCEEDINGS CONDUCTED BEFORE REFERRAL.

(A) PROCEEDINGS MAY BE CONDUCTED TO REVIEW, OR OTHERWISE ACT ON, THE FOLLOWING MATTERS BEFORE REFERRAL OF CHARGES AND SPECIFICATIONS TO COURT-MARTIAL IN ACCORDANCE WITH REGULATIONS PRESCRIBED BY § 13A-701 OF THIS TITLE:

(1) PRE-REFERRAL INVESTIGATIVE SUBPOENAS;

(2) PRE-REFERRAL WARRANTS OR ORDERS FOR ELECTRONIC COMMUNICATIONS;

(3) PRE-REFERRAL MATTERS REFERRED BY AN APPELLATE COURT;

(4) PRE-REFERRAL MATTERS UNDER § 13A-603 (C) OR (D) OF THIS SUBTITLE; OR

(5) ARREST WARRANTS WHEN PROBABLE CAUSE EXISTS TO BELIEVE A MILITARY MEMBER COMMITTED A CRIME AS DESCRIBED UNDER THE PUNITIVE PROVISIONS.

(B) THE REGULATIONS PRESCRIBED UNDER SUBSECTION (A) OF THIS SECTION SHALL:

(1) INCLUDE PROCEDURES FOR THE REVIEW OF SUCH RULINGS THAT MAY BE ORDERED UNDER THIS SECTION AS THE ADJUTANT GENERAL CONSIDERS

APPROPRIATE; AND

(2) PROVIDE SUCH LIMITATIONS ON THE RELIEF THAT MAY BE ORDERED UNDER THIS SECTION AS THE ADJUTANT GENERAL CONSIDERS APPROPRIATE.

(C) IF A MATTER IN A PROCEEDING UNDER THIS SECTION BECOMES A SUBJECT AT ISSUE WITH RESPECT TO CHARGES THAT HAVE BEEN REFERRED TO A GENERAL OR SPECIAL COURT-MARTIAL, THE MATTER SHALL BE TRANSFERRED TO THE MILITARY JUDGE DETAILED TO THE COURT-MARTIAL.

13A-603. COMPULSORY SELF-INCRIMINATION PROHIBITED.

(A) A PERSON SUBJECT TO THIS TITLE MAY NOT COMPEL ANOTHER PERSON TO SELF-INCRIMINATE OR TO ANSWER A QUESTION THE ANSWER TO WHICH MAY TEND TO INCRIMINATE THE PERSON.

(B) A PERSON SUBJECT TO THIS TITLE MAY NOT INTERROGATE OR REQUEST A STATEMENT FROM AN ACCUSED OR A PERSON SUSPECTED OF AN OFFENSE WITHOUT FIRST INFORMING THAT PERSON OF THE NATURE OF THE ACCUSATION AND ADVISING THAT PERSON THAT THE PERSON DOES NOT HAVE TO MAKE A STATEMENT REGARDING THE OFFENSE OF WHICH THE PERSON IS ACCUSED OR SUSPECTED AND THAT ANY STATEMENT MADE BY THE PERSON MAY BE USED AS EVIDENCE AGAINST THE PERSON IN A TRIAL BY COURT-MARTIAL.

(C) A PERSON SUBJECT TO THIS TITLE MAY NOT COMPEL ANOTHER PERSON TO MAKE A STATEMENT OR PRODUCE EVIDENCE BEFORE A MILITARY COURT IF THE STATEMENT OR EVIDENCE IS NOT MATERIAL TO THE ISSUE AND MAY TEND TO DEGRADE THE PERSON.

(D) A STATEMENT OBTAINED FROM A PERSON IN VIOLATION OF THIS ARTICLE OR THROUGH THE USE OF COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT MAY NOT BE RECEIVED IN EVIDENCE AGAINST THE PERSON IN A TRIAL BY COURT-MARTIAL.

13A-604. PRELIMINARY HEARING REQUIRED BEFORE REFERRAL TO GENERAL COURT-MARTIAL.

(A) IN THIS SECTION, "VICTIM" MEANS A PERSON WHO:

(1) IS ALLEGED TO HAVE SUFFERED A DIRECT PHYSICAL, EMOTIONAL, OR PECUNIARY HARM AS A RESULT OF THE MATTERS SET FORTH IN A CHARGE OR SPECIFICATION BEING CONSIDERED; AND

(2) IS NAMED IN ONE OF THE SPECIFICATIONS.

(B) (1) A CHARGE OR SPECIFICATION MAY NOT BE REFERRED TO A GENERAL COURT-MARTIAL FOR TRIAL UNTIL A THOROUGH AND IMPARTIAL INVESTIGATION OF ALL THE MATTERS SET FORTH THEREIN HAS BEEN MADE.

(2) THIS INVESTIGATION SHALL INCLUDE:

(I) INQUIRY AS TO THE TRUTH OF THE MATTER SET FORTH IN THE CHARGES;

(II) CONSIDERATION OF THE FORM OF CHARGES; AND

(III) A RECOMMENDATION AS TO THE DISPOSITION WHICH SHOULD BE MADE OF THE CASE IN THE INTEREST OF JUSTICE AND DISCIPLINE.

(C) (1) THE ACCUSED SHALL BE ADVISED OF THE CHARGES AGAINST THE ACCUSED AND OF THE RIGHT TO BE REPRESENTED AT THE INVESTIGATION BY COUNSEL.

(2) THE ACCUSED HAS THE RIGHT TO BE REPRESENTED AT THE INVESTIGATION AS PROVIDED IN § 13A-703 OF THIS TITLE AND IN REGULATIONS PRESCRIBED UNDER THAT SECTION.

(3) AT THE INVESTIGATION, FULL OPPORTUNITY SHALL BE GIVEN TO THE ACCUSED TO CROSS-EXAMINE WITNESSES AGAINST THE ACCUSED, IF THEY ARE AVAILABLE, AND TO PRESENT ANYTHING THE ACCUSED MAY DESIRE IN THE ACCUSED'S OWN BEHALF, EITHER IN DEFENSE OR MITIGATION, AND THE INVESTIGATING OFFICER SHALL EXAMINE AVAILABLE WITNESSES REQUESTED BY THE ACCUSED.

(4) IF THE CHARGES ARE FORWARDED AFTER THE INVESTIGATION, THEY SHALL BE ACCOMPANIED BY A STATEMENT OF THE SUBSTANCE OF THE TESTIMONY TAKEN ON BOTH SIDES AND A COPY OF THE CHARGES SHALL BE GIVEN TO THE ACCUSED.

(D) (1) IF AN INVESTIGATION OF THE SUBJECT MATTER OF AN OFFENSE HAS BEEN CONDUCTED BEFORE THE ACCUSED IS CHARGED WITH THE OFFENSE, AND IF THE ACCUSED WAS PRESENT AT THE INVESTIGATION AND AFFORDED THE OPPORTUNITIES FOR REPRESENTATION, CROSS-EXAMINATION, AND PRESENTATION PRESCRIBED IN SUBSECTION (C) OF THIS SECTION, NO FURTHER INVESTIGATION OF THAT CHARGE IS NECESSARY UNDER THIS SECTION UNLESS IT IS

DEMANDED BY THE ACCUSED AFTER THE ACCUSED IS INFORMED OF THE CHARGE.

(2) A DEMAND FOR FURTHER INVESTIGATION ENTITLES THE ACCUSED TO RECALL WITNESSES FOR FURTHER CROSS-EXAMINATION AND TO OFFER ANY NEW EVIDENCE IN THE ACCUSED'S OWN BEHALF.

(E) IF EVIDENCE ADDUCED IN AN INVESTIGATION UNDER THIS SECTION INDICATES THAT THE ACCUSED COMMITTED AN UNCHARGED OFFENSE, THE INVESTIGATING OFFICER MAY INVESTIGATE THE SUBJECT MATTER OF THAT OFFENSE WITHOUT THE ACCUSED HAVING FIRST BEEN CHARGED WITH THE OFFENSE IF THE ACCUSED IS:

(1) PRESENT AT THE INVESTIGATION;

(2) INFORMED OF THE NATURE OF EACH UNCHARGED OFFENSE INVESTIGATED; AND

(3) AFFORDED THE OPPORTUNITIES FOR REPRESENTATION, CROSS-EXAMINATION, AND PRESENTATION PRESCRIBED IN SUBSECTION (B) OF THIS SECTION.

(F) THE REQUIREMENTS OF THIS SECTION ARE BINDING ON ALL PERSONS ADMINISTERING THIS TITLE, BUT FAILURE TO FOLLOW THE REQUIREMENTS DOES NOT CONSTITUTE JURISDICTIONAL ERROR.

(G) UNDER REGULATIONS PRESCRIBED BY § 13A-701 OF THIS TITLE, A PRELIMINARY HEARING NEED NOT BE HELD IF THE ACCUSED SUBMITS A WRITTEN WAIVER TO THE CONVENING AUTHORITY AND THE CONVENING AUTHORITY DETERMINES THAT A HEARING IS NOT REQUIRED.

(H) (1) A PRELIMINARY HEARING UNDER THIS SECTION SHALL BE CONDUCTED BY AN IMPARTIAL HEARING OFFICER, WHO:

(I) WHENEVER PRACTICABLE, SHALL BE A JUDGE ADVOCATE WHO IS CERTIFIED UNDER § 13A-506 OF THIS TITLE; OR

(II) WHEN IT IS NOT PRACTICABLE TO APPOINT A JUDGE ADVOCATE BECAUSE OF EXCEPTIONAL CIRCUMSTANCES, IS NOT A JUDGE ADVOCATE SO CERTIFIED.

(2) IN THE CASE OF THE APPOINTMENT OF A HEARING OFFICER UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, A JUDGE ADVOCATE WHO IS CERTIFIED UNDER § 13A-506 OF THIS TITLE SHALL BE AVAILABLE TO PROVIDE

LEGAL ADVICE TO THE HEARING OFFICER.

(3) WHENEVER PRACTICABLE, THE HEARING OFFICER SHALL BE EQUAL IN GRADE OR SENIOR IN GRADE TO MILITARY COUNSEL WHO ARE DETAILED TO REPRESENT THE ACCUSED OR THE GOVERNMENT AT THE PRELIMINARY HEARING.

(I) AFTER A PRELIMINARY HEARING UNDER THIS SECTION, THE HEARING OFFICER SHALL SUBMIT TO THE CONVENING AUTHORITY A WRITTEN REPORT, ACCOMPANIED BY A RECORDING OF THE PRELIMINARY HEARING UNDER SUBSECTION (K) OF THIS SECTION, THAT INCLUDES THE FOLLOWING:

(1) FOR EACH SPECIFICATION, A STATEMENT OF THE REASONING AND CONCLUSIONS OF THE HEARING OFFICER WITH RESPECT TO DETERMINATIONS UNDER SUBSECTION (B)(2) OF THIS SECTION, INCLUDING A SUMMARY OF RELEVANT WITNESS TESTIMONY AND DOCUMENTARY EVIDENCE PRESENTED AT THE HEARING AND ANY OBSERVATIONS OF THE HEARING OFFICER CONCERNING THE TESTIMONY OF WITNESSES AND THE AVAILABILITY AND ADMISSIBILITY OF EVIDENCE AT TRIAL;

(2) RECOMMENDATIONS FOR ANY NECESSARY MODIFICATIONS TO THE FORM OF THE CHARGES OR SPECIFICATIONS;

(3) AN ANALYSIS OF ANY ADDITIONAL INFORMATION SUBMITTED AFTER THE HEARING BY THE PARTIES OR BY A VICTIM OF AN OFFENSE, THAT, UNDER RULES PRESCRIBED UNDER § 13A–701 OF THIS TITLE, IS RELEVANT TO DISPOSITION UNDER §§ 13A–601 AND 13A–604 OF THIS SUBTITLE; AND

(4) A STATEMENT OF ACTION TAKEN ON EVIDENCE ADDUCED WITH RESPECT TO UNCHARGED OFFENSES, AS DESCRIBED IN SUBSECTION (L) OF THIS SECTION.

(J) (1) (I) THE ACCUSED SHALL BE ADVISED OF THE CHARGES AGAINST THE ACCUSED AND OF THE ACCUSED’S RIGHT TO BE REPRESENTED BY COUNSEL AT THE PRELIMINARY HEARING UNDER THIS SECTION.

(II) THE ACCUSED HAS THE RIGHT TO BE REPRESENTED AT THE PRELIMINARY HEARING AS PROVIDED IN §13A–703 OF THIS SUBTITLE AND IN REGULATIONS PRESCRIBED UNDER THAT SECTION.

(2) THE ACCUSED MAY CROSS–EXAMINE WITNESSES WHO TESTIFY AT THE PRELIMINARY HEARING AND PRESENT ADDITIONAL EVIDENCE THAT IS RELEVANT TO THE ISSUES FOR DETERMINATION UNDER SUBSECTION (B)(2) OF THIS SECTION.

(3) (I) A VICTIM MAY NOT BE REQUIRED TO TESTIFY AT THE PRELIMINARY HEARING.

(II) 1. A VICTIM WHO DECLINES TO TESTIFY SHALL BE DEEMED TO BE NOT AVAILABLE FOR PURPOSES OF THE PRELIMINARY HEARING.

2. A DECLINATION UNDER THIS PARAGRAPH MAY NOT SERVE AS THE SOLE BASIS FOR ORDERING A DEPOSITION UNDER § 13A-714 OF THIS TITLE.

(4) THE PRESENTATION OF EVIDENCE AND EXAMINATION, INCLUDING CROSS-EXAMINATION, OF WITNESSES AT A PRELIMINARY HEARING SHALL BE LIMITED TO THE MATTERS RELEVANT TO DETERMINATIONS UNDER SUBSECTION (B)(2) OF THIS SECTION.

(K) (1) A PRELIMINARY HEARING UNDER SUBSECTION (B) OF THIS SECTION SHALL BE RECORDED BY A SUITABLE RECORDING DEVICE.

(2) THE VICTIM MAY REQUEST THE RECORDING AND SHALL HAVE ACCESS TO THE RECORDING UNDER SUCH RULES AS ARE PRESCRIBED IN § 13A-701 OF THIS TITLE.

(L) IF EVIDENCE ADDUCED IN A PRELIMINARY HEARING UNDER SUBSECTION (B) OF THIS SECTION INDICATES THAT THE ACCUSED COMMITTED AN UNCHARGED OFFENSE, THE HEARING OFFICER MAY CONSIDER THE SUBJECT MATTER OF THAT OFFENSE WITHOUT THE ACCUSED HAVING FIRST BEEN CHARGED WITH THE OFFENSE IF THE ACCUSED IS:

(1) PRESENT AT THE PRELIMINARY HEARING;

(2) INFORMED OF THE NATURE OF EACH UNCHARGED OFFENSE CONSIDERED; AND

(3) AFFORDED THE OPPORTUNITIES FOR REPRESENTATION, CROSS-EXAMINATION, AND PRESENTATION CONSISTENT WITH SUBSECTION (I) OF THIS SECTION.

(M) (1) THE REQUIREMENTS OF THIS SECTION ARE BINDING ON ALL PERSONS ADMINISTERING THIS TITLE, BUT FAILURE TO FOLLOW THE REQUIREMENTS DOES NOT CONSTITUTE JURISDICTIONAL ERROR.

(2) A DEFECT IN A REPORT UNDER SUBSECTION (I) OF THIS SECTION

IS NOT A BASIS FOR RELIEF IF THE REPORT IS IN SUBSTANTIAL COMPLIANCE WITH THAT SUBSECTION.

13A-605. ADVICE OF JUDGE ADVOCATE AND REFERENCE FOR TRIAL.

(A) (1) BEFORE DIRECTING THE TRIAL OF ANY CHARGE BY GENERAL COURT-MARTIAL, THE CONVENING AUTHORITY SHALL REFER THE CHARGE TO A JUDGE ADVOCATE FOR CONSIDERATION AND ADVICE.

(2) THE CONVENING AUTHORITY MAY NOT REFER A SPECIFICATION UNDER A CHARGE TO A GENERAL COURT-MARTIAL FOR TRIAL UNLESS THE CONVENING AUTHORITY HAS BEEN ADVISED IN WRITING BY A JUDGE ADVOCATE THAT:

(I) THE SPECIFICATION ALLEGES AN OFFENSE UNDER THIS TITLE;

(II) THE SPECIFICATION IS WARRANTED BY THE EVIDENCE INDICATED IN THE REPORT OF INVESTIGATION UNDER § 13A-603 OF THIS SUBTITLE IF THERE IS SUCH A REPORT; AND

(III) A COURT-MARTIAL WOULD HAVE JURISDICTION OVER THE ACCUSED AND THE OFFENSE.

(B) (1) THE ADVICE OF THE JUDGE ADVOCATE UNDER SUBSECTION (A) OF THIS SECTION WITH RESPECT TO A SPECIFICATION UNDER A CHARGE SHALL INCLUDE A WRITTEN AND SIGNED STATEMENT BY THE JUDGE ADVOCATE:

(I) EXPRESSING CONCLUSIONS WITH RESPECT TO EACH MATTER SET FORTH IN SUBSECTION (A) OF THIS SECTION; AND

(II) RECOMMENDING ACTION THAT THE CONVENING AUTHORITY TAKE REGARDING THE SPECIFICATION.

(2) IF THE SPECIFICATION IS REFERRED FOR TRIAL, THE RECOMMENDATION OF THE JUDGE ADVOCATE SHALL ACCOMPANY THE SPECIFICATION.

(C) IF THE CHARGES OR SPECIFICATIONS ARE NOT CORRECT FORMALLY OR DO NOT CONFORM TO THE SUBSTANCE OF THE EVIDENCE CONTAINED IN THE REPORT OF THE INVESTIGATING OFFICER, FORMAL CORRECTIONS, AND SUCH CHANGES IN THE CHARGES AND SPECIFICATIONS AS ARE NEEDED TO MAKE THEM CONFORM TO THE EVIDENCE, MAY BE MADE.

13A-606. SERVICE OF CHARGES.

(A) TRIAL COUNSEL DETAILED FOR A COURT-MARTIAL UNDER § 13A-506 OF THIS TITLE SHALL CAUSE TO BE SERVED ON THE ACCUSED A COPY OF THE CHARGES AND SPECIFICATIONS REFERRED FOR TRIAL.

(B) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A TRIAL OR OTHER PROCEEDING OF A GENERAL COURT-MARTIAL OR A SPECIAL COURT-MARTIAL, INCLUDING A SESSION UNDER § 13A-704 OF THIS TITLE MAY NOT BE HELD OVER THE OBJECTION OF THE ACCUSED:

(I) WITH RESPECT TO A GENERAL COURT-MARTIAL, FROM THE TIME OF SERVICE THROUGH THE FIFTH DAY AFTER THE DATE OF SERVICE; OR

(II) WITH RESPECT TO A SPECIAL COURT-MARTIAL, FROM THE TIME OF SERVICE THROUGH THE THIRD DAY AFTER THE DATE OF SERVICE.

(2) (I) AN OBJECTION UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE RAISED ONLY AT THE FIRST SESSION OF THE TRIAL OR OTHER PROCEEDING AND ONLY IF THE FIRST SESSION OCCURS BEFORE THE END OF THE APPLICABLE PERIOD UNDER PARAGRAPH (1)(I) OR (II) OF THIS SUBSECTION.

(II) IF THE FIRST SESSION OCCURS BEFORE THE END OF THE APPLICABLE PERIOD, THE MILITARY JUDGE SHALL, AT THAT SESSION, INQUIRE AS TO WHETHER THE DEFENSE OBJECTS UNDER THIS SUBSECTION.

SUBTITLE 7. TRIAL PROCEDURE.**13A-701. MILITARY RULES OF EVIDENCE AND THE RULES FOR COURTS-MARTIAL.**

(A) THE MILITARY RULES OF EVIDENCE AND THE RULES FOR COURTS-MARTIAL, AS PROMULGATED IN THE MOST RECENT VERSION OF THE MANUAL FOR COURTS-MARTIAL, SHALL AS RECOGNIZED IN MILITARY CRIMINAL CASES IN THE COURTS OF THE ARMED FORCES APPLY TO THE EXTENT PRACTICAL TO COURTS-MARTIALS CONVENED BY THE MARYLAND NATIONAL GUARD TO THE EXTENT THEY DO NOT CONFLICT WITH STATE SUBSTANTIVE LAW.

(B) THE GOVERNOR MAY ADOPT SUPPLEMENTAL REGULATIONS TO GOVERN MATTERS NOT PROVIDED FOR IN THE MANUAL FOR COURTS-MARTIAL.

13A-702. UNLAWFULLY INFLUENCING ACTION OF COURT.

(A) (1) NO AUTHORITY CONVENING A GENERAL, SPECIAL, OR SUMMARY COURT-MARTIAL, NOR ANY OTHER COMMANDING OFFICER, OR OFFICER SERVING ON THE STAFF THEREOF, MAY CENSURE, REPRIMAND, OR ADMONISH THE COURT OR ANY MEMBER, THE MILITARY JUDGE, OR COUNSEL THEREOF, WITH RESPECT TO THE FINDINGS OR SENTENCE ADJUDGED BY THE COURT OR WITH RESPECT TO ANY OTHER EXERCISE OF ITS OR THEIR FUNCTIONS IN THE CONDUCT OF THE PROCEEDINGS.

(2) A PERSON SUBJECT TO THIS TITLE MAY NOT ATTEMPT TO COERCE OR, BY ANY UNAUTHORIZED MEANS, INFLUENCE THE ACTION OF A COURT-MARTIAL OR COURT OF INQUIRY OR ANY MEMBER THEREOF, IN REACHING THE FINDINGS OR SENTENCE IN ANY CASE, OR THE ACTION OF ANY CONVENING, APPROVING, OR REVIEWING AUTHORITY WITH RESPECT TO THEIR JUDICIAL ACTS.

(3) PARAGRAPHS (1) AND (2) OF THIS SUBSECTION DO NOT APPLY WITH RESPECT TO:

(I) GENERAL INSTRUCTIONAL OR INFORMATIONAL COURSES IN MILITARY JUSTICE IF SUCH COURSES ARE DESIGNED SOLELY FOR THE PURPOSE OF INSTRUCTING MEMBERS OF A COMMAND IN THE SUBSTANTIVE AND PROCEDURAL ASPECTS OF COURTS-MARTIAL; OR

(II) TO STATEMENTS AND INSTRUCTIONS GIVEN IN OPEN COURT BY THE MILITARY JUDGE, SUMMARY COURT-MARTIAL OFFICER, OR COUNSEL.

(B) IN THE PREPARATION OF AN EFFECTIVENESS, FITNESS, OR EFFICIENCY REPORT, OR ANY OTHER REPORT OR DOCUMENT USED IN WHOLE OR IN PART FOR THE PURPOSE OF DETERMINING WHETHER A MEMBER OF THE STATE MILITARY FORCES IS QUALIFIED TO BE ADVANCED IN GRADE, OR IN DETERMINING THE ASSIGNMENT OR TRANSFER OF A MEMBER OF THE STATE MILITARY FORCES, OR IN DETERMINING WHETHER A MEMBER OF THE STATE MILITARY FORCES SHOULD BE RETAINED ON ACTIVE STATUS, NO PERSON SUBJECT TO THIS TITLE MAY, IN PREPARING ANY SUCH REPORT:

(1) CONSIDER OR EVALUATE THE PERFORMANCE OF DUTY OF ANY SUCH MEMBER AS A MEMBER OF A COURT-MARTIAL OR WITNESS THEREIN; OR

(2) GIVE A LESS FAVORABLE RATING OR EVALUATION OF ANY COUNSEL OF THE ACCUSED BECAUSE OF ZEALOUS REPRESENTATION BEFORE A COURT-MARTIAL.

13A-703. DUTIES OF TRIAL COUNSEL AND DEFENSE COUNSEL.

(A) THE TRIAL COUNSEL OF A GENERAL OR SPECIAL COURT-MARTIAL SHALL:

- (1) BE A MEMBER IN GOOD STANDING OF THE STATE BAR;**
- (2) PROSECUTE IN THE NAME OF THE STATE; AND**
- (3) UNDER THE DIRECTION OF THE COURT, PREPARE THE RECORD OF THE PROCEEDINGS.**

(B) (1) THE ACCUSED HAS THE RIGHT TO BE REPRESENTED IN DEFENSE BEFORE A GENERAL OR SPECIAL COURT-MARTIAL OR AT AN INVESTIGATION UNDER § 13A-603 OF THIS TITLE AS PROVIDED IN THIS SUBSECTION.

(2) THE ACCUSED MAY BE REPRESENTED BY CIVILIAN COUNSEL AT THE PROVISION AND EXPENSE OF THE ACCUSED.

(3) THE ACCUSED MAY BE REPRESENTED BY MILITARY COUNSEL:

(I) DETAILED UNDER § 13A-506 OF THIS TITLE; OR

(II) OF THE ACCUSED'S OWN SELECTION IF THAT COUNSEL IS REASONABLY AVAILABLE AS DETERMINED UNDER PARAGRAPH (7) OF THIS SUBSECTION.

(4) IF THE ACCUSED IS REPRESENTED BY CIVILIAN COUNSEL, MILITARY COUNSEL DETAILED OR SELECTED UNDER PARAGRAPH (3) OF THIS SUBSECTION SHALL ACT AS ASSOCIATE COUNSEL UNLESS EXCUSED AT THE REQUEST OF THE ACCUSED.

(5) EXCEPT AS PROVIDED UNDER PARAGRAPH (6) OF THIS SUBSECTION, IF THE ACCUSED IS REPRESENTED BY MILITARY COUNSEL OF THE ACCUSED'S OWN SELECTION UNDER PARAGRAPH (3)(II) OF THIS SUBSECTION, ANY MILITARY COUNSEL DETAILED UNDER PARAGRAPH (3)(I) OF THIS SUBSECTION SHALL BE EXCUSED.

(6) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE ACCUSED IS NOT ENTITLED TO BE REPRESENTED BY MORE THAN ONE MILITARY COUNSEL.

(II) THE PERSON AUTHORIZED UNDER REGULATIONS ADOPTED UNDER § 13A-506 OF THIS TITLE TO DETAIL COUNSEL, IN THAT PERSON'S SOLE

DISCRETION:

1. MAY DETAIL ADDITIONAL MILITARY COUNSEL AS ASSISTANT DEFENSE COUNSEL; AND

2. IF THE ACCUSED IS REPRESENTED BY MILITARY COUNSEL OF THE ACCUSED'S OWN SELECTION UNDER PARAGRAPH (3)(II) OF THIS SUBSECTION, MAY APPROVE A REQUEST FROM THE ACCUSED THAT MILITARY COUNSEL DETAILED UNDER PARAGRAPH (3)(I) OF THIS SUBSECTION ACT AS ASSOCIATE DEFENSE COUNSEL.

(7) THE SENIOR FORCE JUDGE ADVOCATE OF THE SAME FORCE OF WHICH THE ACCUSED IS A MEMBER SHALL DETERMINE WHETHER THE MILITARY COUNSEL SELECTED BY AN ACCUSED IS REASONABLY AVAILABLE.

(C) IN ANY COURT-MARTIAL PROCEEDING RESULTING IN A CONVICTION, THE DEFENSE COUNSEL:

(1) MAY FORWARD FOR ATTACHMENT TO THE RECORD OF PROCEEDINGS A BRIEF OF SUCH MATTERS AS COUNSEL DETERMINES SHOULD BE CONSIDERED ON BEHALF OF THE ACCUSED ON REVIEW, INCLUDING ANY OBJECTION TO THE CONTENTS OF THE RECORD THAT COUNSEL CONSIDERS APPROPRIATE;

(2) MAY ASSIST THE ACCUSED IN THE SUBMISSION OF ANY MATTER UNDER § 13A-902 OF THIS TITLE; AND

(3) MAY TAKE OTHER ACTION AUTHORIZED BY THIS TITLE.

13A-704. SESSIONS.

(A) AT ANY TIME AFTER THE SERVICE OF CHARGES THAT HAVE BEEN REFERRED FOR TRIAL TO A COURT-MARTIAL COMPOSED OF A MILITARY JUDGE AND MEMBERS, THE MILITARY JUDGE MAY, SUBJECT § 13A-606 OF THIS TITLE, CALL THE COURT INTO SESSION WITHOUT THE PRESENCE OF THE MEMBERS FOR THE PURPOSE OF:

(1) HEARING AND DETERMINING MOTIONS RAISING DEFENSES OR OBJECTIONS THAT ARE CAPABLE OF DETERMINATION WITHOUT TRIAL OF THE ISSUES RAISED BY A PLEA OF NOT GUILTY;

(2) HEARING AND RULING ON ANY MATTER THAT MAY BE RULED ON BY THE MILITARY JUDGE UNDER THIS TITLE, WHETHER OR NOT THE MATTER IS APPROPRIATE FOR LATER CONSIDERATION OR DECISION BY THE MEMBERS OF THE

COURT;

(3) HOLDING THE ARRAIGNMENT AND RECEIVING THE PLEAS OF THE ACCUSED;

(4) CONDUCTING A SENTENCING PROCEEDING AND SENTENCING THE ACCUSED UNDER § 13A-718 OF THIS SUBTITLE; AND

(5) PERFORMING ANY OTHER PROCEDURAL FUNCTION THAT DOES NOT REQUIRE THE PRESENCE OF THE MEMBERS OF THE COURT UNDER THIS TITLE.

(B) PROCEEDINGS CONDUCTED UNDER SUBSECTION (A) OF THIS SECTION:

(1) SHALL BE CONDUCTED IN THE PRESENCE OF THE ACCUSED, THE DEFENSE COUNSEL, AND THE TRIAL COUNSEL AND SHALL BE MADE A PART OF THE RECORD; AND

(2) MAY BE CONDUCTED NOTWITHSTANDING THE NUMBER OF COURT MEMBERS AND WITHOUT REGARD TO § 13A-508 OF THIS TITLE.

(C) (1) WHEN THE MEMBERS OF A COURT-MARTIAL DELIBERATE OR VOTE, ONLY THE MEMBERS MAY BE PRESENT.

(2) ALL OTHER PROCEEDINGS, INCLUDING ANY OTHER CONSULTATION OF THE MEMBERS OF THE COURT WITH COUNSEL OR THE MILITARY JUDGE, SHALL BE MADE A PART OF THE RECORD AND SHALL BE IN THE PRESENCE OF THE ACCUSED, THE DEFENSE COUNSEL, THE TRIAL COUNSEL, AND THE MILITARY JUDGE.

13A-705. CONTINUANCES.

THE MILITARY JUDGE OF A COURT-MARTIAL OR A SUMMARY COURT-MARTIAL MAY, FOR REASONABLE CAUSE, GRANT A CONTINUANCE TO ANY PARTY FOR SUCH TIME, AND AS OFTEN, AS MAY APPEAR TO BE JUST.

13A-706. CHALLENGES

(A) (1) (I) THE MILITARY JUDGE AND MEMBERS OF A GENERAL OR SPECIAL COURT-MARTIAL MAY BE CHALLENGED BY THE ACCUSED OR THE TRIAL COUNSEL FOR CAUSE STATED TO THE COURT.

(II) THE MILITARY JUDGE SHALL DETERMINE THE RELEVANCY AND VALIDITY OF CHALLENGES FOR CAUSE AND MAY NOT RECEIVE A CHALLENGE

TO MORE THAN ONE PERSON AT A TIME.

(III) CHALLENGES BY THE TRIAL COUNSEL SHALL ORDINARILY BE PRESENTED AND DECIDED BEFORE THOSE BY THE ACCUSED ARE OFFERED.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF EXERCISE OF A CHALLENGE FOR CAUSE REDUCES THE COURT BELOW THE NUMBER OF MEMBERS REQUIRED BY § 13A-401 OF THIS TITLE, ALL PARTIES SHALL, NOTWITHSTANDING § 13A-508 OF THIS TITLE, EITHER EXERCISE OR WAIVE ANY CHALLENGE FOR CAUSE THEN APPARENT AGAINST THE REMAINING MEMBERS OF THE COURT BEFORE ADDITIONAL MEMBERS ARE DETAILED TO THE COURT.

(II) PEREMPTORY CHALLENGES MAY NOT BE EXERCISED AT THAT TIME.

(B) (1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, EACH ACCUSED AND THE TRIAL COUNSEL ARE ENTITLED INITIALLY TO ONE PEREMPTORY CHALLENGE OF MEMBERS OF THE COURT.

(II) THE MILITARY JUDGE MAY NOT BE CHALLENGED EXCEPT FOR CAUSE.

(2) IF EXERCISE OF A PEREMPTORY CHALLENGE REDUCES THE COURT BELOW THE NUMBER OF MEMBERS REQUIRED BY § 13A-401 OF THIS TITLE, THE PARTIES SHALL, NOTWITHSTANDING § 13A-508 OF THIS TITLE, EITHER EXERCISE OR WAIVE ANY REMAINING PEREMPTORY CHALLENGE, NOT PREVIOUSLY WAIVED, AGAINST THE REMAINING MEMBERS OF THE COURT BEFORE ADDITIONAL MEMBERS ARE DETAILED TO THE COURT.

(3) WHENEVER ADDITIONAL MEMBERS ARE DETAILED TO THE COURT, AND AFTER ANY CHALLENGES FOR CAUSE AGAINST SUCH ADDITIONAL MEMBERS ARE PRESENTED AND DECIDED, EACH ACCUSED AND THE TRIAL COUNSEL ARE ENTITLED TO ONE PEREMPTORY CHALLENGE AGAINST MEMBERS NOT PREVIOUSLY SUBJECT TO PEREMPTORY CHALLENGE.

13A-707. OATHS OR AFFIRMATIONS.

(A) (1) BEFORE PERFORMING THEIR RESPECTIVE DUTIES, MILITARY JUDGES, GENERAL AND SPECIAL COURTS-MARTIAL MEMBERS, TRIAL COUNSEL, DEFENSE COUNSEL, REPORTERS, AND INTERPRETERS SHALL TAKE AN OATH OR AFFIRMATION IN THE PRESENCE OF THE ACCUSED TO PERFORM THEIR DUTIES FAITHFULLY.

(2) THE FORM OF THE OATH OR AFFIRMATION, THE TIME AND PLACE OF THE TAKING THEREOF, THE MANNER OF RECORDING THE SAME, AND WHETHER THE OATH OR AFFIRMATION SHALL BE TAKEN FOR ALL CASES IN WHICH THESE DUTIES ARE TO BE PERFORMED OR FOR A PARTICULAR CASE, SHALL BE AS PRESCRIBED IN REGULATION OR AS PROVIDED BY LAW.

(3) THE REGULATIONS MAY PROVIDE THAT AN OATH OR AFFIRMATION TO PERFORM FAITHFULLY THE DUTIES AS A MILITARY JUDGE, TRIAL COUNSEL, OR DEFENSE COUNSEL MAY BE TAKEN AT ANY TIME BY ANY JUDGE ADVOCATE OR OTHER PERSON CERTIFIED OR DESIGNATED TO BE QUALIFIED OR COMPETENT FOR THE DUTY, AND IF SUCH AN OATH OR AFFIRMATION IS TAKEN, IT NEED NOT AGAIN BE TAKEN AT THE TIME THE JUDGE ADVOCATE OR OTHER PERSON IS DETAILED TO THAT DUTY.

(B) EACH WITNESS BEFORE A COURT-MARTIAL SHALL BE EXAMINED UNDER OATH OR AFFIRMATION.

13A-708. STATUTE OF LIMITATIONS.

(A) A PERSON CHARGED WITH ABSENCE WITHOUT LEAVE OR MISSING MOVEMENT IN TIME OF WAR, MURDER, RAPE OR SEXUAL ASSAULT, OR RAPE OR SEXUAL ASSAULT OF A CHILD MAY BE PUNISHED AT ANY TIME WITHOUT LIMITATION.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON CHARGED WITH AN OFFENSE IS NOT LIABLE TO BE TRIED BY COURT-MARTIAL OR PUNISHED UNDER § 13A-301 OF THIS TITLE IF THE OFFENSE WAS COMMITTED MORE THAN 5 YEARS BEFORE:

(1) THE RECEIPT OF SWORN CHARGES AND SPECIFICATIONS BY AN OFFICER EXERCISING COURT-MARTIAL JURISDICTION OVER THE COMMAND; OR

(2) THE IMPOSITION OF PUNISHMENT UNDER § 13A-301 OF THIS TITLE.

(C) PERIODS IN WHICH THE ACCUSED IS ABSENT WITHOUT AUTHORITY OR FLEEING FROM JUSTICE SHALL BE EXCLUDED IN COMPUTING THE PERIOD OF LIMITATION PRESCRIBED IN THIS SECTION.

(D) PERIODS IN WHICH THE ACCUSED WAS ABSENT FROM TERRITORY IN WHICH THE STATE HAS THE AUTHORITY TO APPREHEND THE ACCUSED, OR IN THE CUSTODY OF CIVIL AUTHORITIES, OR IN THE HANDS OF THE ENEMY, SHALL BE EXCLUDED IN COMPUTING THE PERIOD OF LIMITATION PRESCRIBED IN THIS SECTION.

(E) (1) IF CHARGES OR SPECIFICATIONS ARE DISMISSED AS DEFECTIVE OR INSUFFICIENT FOR ANY CAUSE AND THE PERIOD PRESCRIBED BY THE APPLICABLE STATUTE OF LIMITATIONS HAS EXPIRED OR WILL EXPIRE WITHIN 180 DAYS AFTER THE DATE OF DISMISSAL OF THE CHARGES AND SPECIFICATIONS, TRIAL AND PUNISHMENT UNDER NEW CHARGES AND SPECIFICATIONS ARE NOT BARRED BY THE STATUTE OF LIMITATIONS IF THE CONDITIONS SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION ARE MET.

(2) THE CONDITIONS REFERRED TO IN PARAGRAPH (1) OF THIS SUBSECTION ARE THAT THE NEW CHARGES AND SPECIFICATIONS MUST:

(I) BE RECEIVED BY AN OFFICER EXERCISING SUMMARY COURT-MARTIAL JURISDICTION OVER THE COMMAND WITHIN 180 DAYS AFTER THE DISMISSAL OF THE CHARGES OR SPECIFICATIONS; AND

(II) ALLEGE THE SAME ACTS OR OMISSIONS THAT WERE ALLEGED OR INCLUDED IN THE DISMISSED CHARGES OR SPECIFICATIONS.

13A-709. FORMER JEOPARDY.

(A) A PERSON MAY NOT, WITHOUT THE CONSENT OF THE PERSON, BE TRIED A SECOND TIME FOR THE SAME OFFENSE.

(B) A PROCEEDING IN WHICH AN ACCUSED HAS BEEN FOUND GUILTY BY A COURT-MARTIAL ON ANY CHARGE OR SPECIFICATION IS NOT A TRIAL IN THE SENSE OF THIS SECTION UNTIL THE FINDING OF GUILTY HAS BECOME FINAL AFTER REVIEW OF THE CASE HAS BEEN FULLY COMPLETED.

(C) (1) A COURT-MARTIAL WITH A MILITARY JUDGE ALONE IS A TRIAL IN THE SENSE OF THIS SECTION IF, WITHOUT FAULT OF THE ACCUSED, AFTER INTRODUCTION OF EVIDENCE AND BEFORE ANNOUNCEMENT OF FINDINGS UNDER § 13A-718 OF THIS SUBTITLE, THE CASE IS DISMISSED OR TERMINATED BY THE CONVENING AUTHORITY OR ON MOTION OF THE PROSECUTION FOR FAILURE OF AVAILABLE EVIDENCE OR WITNESSES.

(2) A COURT-MARTIAL WITH A MILITARY JUDGE AND MEMBERS IS A TRIAL IN THE SENSE OF THIS ARTICLE IF, WITHOUT FAULT OF THE ACCUSED, AFTER THE MEMBERS, HAVING TAKEN AN OATH AS MEMBERS UNDER § 13A-707 OF THIS SUBTITLE AND AFTER COMPLETION OF CHALLENGES UNDER § 13A-706 OF THIS SUBTITLE, ARE IMPANELED, AND BEFORE ANNOUNCEMENT OF FINDINGS UNDER § 13A-718 OF THIS SUBTITLE, THE CASE IS DISMISSED OR TERMINATED BY THE CONVENING AUTHORITY OR ON MOTION OF THE PROSECUTION FOR FAILURE OF

AVAILABLE EVIDENCE OR WITNESSES.

13A-710. PLEAS OF THE ACCUSED.

(A) IF AN ACCUSED AFTER ARRAIGNMENT MAKES AN IRREGULAR PLEADING, OR AFTER A PLEA OF GUILTY SETS UP A MATTER INCONSISTENT WITH THE PLEA, OR IF IT APPEARS THAT THE ACCUSED HAS ENTERED THE PLEA OF GUILTY IMPROVIDENTLY OR THROUGH LACK OF UNDERSTANDING OF ITS MEANING AND EFFECT, OR IF THE ACCUSED FAILS OR REFUSES TO PLEAD, A PLEA OF NOT GUILTY SHALL BE ENTERED IN THE RECORD, AND THE COURT SHALL PROCEED AS THOUGH THE ACCUSED HAD PLEADED NOT GUILTY.

(B) (1) WITH RESPECT TO ANY CHARGE OR SPECIFICATION TO WHICH A PLEA OF GUILTY HAS BEEN MADE BY THE ACCUSED AND ACCEPTED BY THE MILITARY JUDGE OR BY A COURT-MARTIAL WITHOUT A MILITARY JUDGE, A FINDING OF GUILTY OF THE CHARGE OR SPECIFICATION MAY BE ENTERED IMMEDIATELY WITHOUT VOTE.

(2) THIS FINDING SHALL CONSTITUTE THE FINDING OF THE COURT UNLESS THE PLEA OF GUILTY IS WITHDRAWN PRIOR TO ANNOUNCEMENT OF THE SENTENCE, IN WHICH EVENT THE PROCEEDINGS SHALL CONTINUE AS THOUGH THE ACCUSED HAD PLEADED NOT GUILTY.

(C) A VARIANCE FROM THE REQUIREMENTS OF THIS SECTION IS HARMLESS ERROR IF THE VARIANCE DOES NOT MATERIALLY PREJUDICE THE SUBSTANTIAL RIGHTS OF THE ACCUSED.

13A-711. OPPORTUNITY TO OBTAIN WITNESSES AND OTHER EVIDENCE.

(A) THE TRIAL COUNSEL, THE DEFENSE COUNSEL, AND THE COURT-MARTIAL SHALL HAVE EQUAL OPPORTUNITY TO OBTAIN WITNESSES AND OTHER EVIDENCE AS PRESCRIBED BY REGULATIONS AND PROVIDED BY LAW.

(B) (1) ANY SUBPOENA OR OTHER PROCESS ISSUED UNDER THIS ARTICLE WILL PERTAIN ONLY TO MILITARY PERSONNEL OR MILITARY PROPERTY.

(2) EXCEPT AS OTHERWISE AUTHORIZED BY THE COURT FOR GOOD CAUSE, EVERY SUBPOENA OR OTHER PROCESS ISSUED UNDER THIS SECTION SHALL BE ON A FORM SIMILAR TO THAT WHICH COURTS OF THE STATE HAVING CRIMINAL JURISDICTION MAY ISSUE OR PROPERLY ACCEPT.

(3) THE FORM OF A SUBPOENA SHALL CONTAIN:

- (I) THE CAPTION OF THE ACTION;
- (II) THE NAME AND ADDRESS OF THE PERSON TO WHOM IT IS DIRECTED;
- (III) THE NAME OF THE PERSON AT WHOSE REQUEST IT IS ISSUED;
- (IV) THE DATE, TIME, AND PLACE WHERE ATTENDANCE IS REQUIRED;
- (V) A DESCRIPTION OF ANY DOCUMENTS, RECORDINGS, PHOTOGRAPHS, OR OTHER TANGIBLE THINGS TO BE PRODUCED;
- (VI) THE DATE OF ISSUANCE AND AN EXPIRATION DATE, WHICH SHALL BE 60 DAYS AFTER THE DATE OF ISSUANCE; AND
- (VII) A STATEMENT THAT THE SUBPOENA MAY BE SERVED WITHIN 60 DAYS AFTER ITS ISSUANCE AND MAY NOT BE SERVED THEREAFTER.

(4) EVERY SUBPOENA OR OTHER PROCESS ISSUED UNDER THIS SECTION SHALL RUN TO ANY PART OF THE UNITED STATES AND TO THE COMMONWEALTHS AND POSSESSIONS OF THE UNITED STATES.

(C) A SUBPOENA OR OTHER PROCESS MAY BE ISSUED TO COMPEL A WITNESS TO APPEAR AND TESTIFY:

- (1) BEFORE A COURT–MARTIAL, MILITARY COMMISSION, OR COURT OF INQUIRY;
- (2) AT A DEPOSITION UNDER § 13A–714 OF THIS SUBTITLE; OR
- (3) AS OTHERWISE AUTHORIZED UNDER THIS TITLE.

(D) (1) A SUBPOENA OR OTHER PROCESS MAY BE ISSUED TO COMPEL THE PRODUCTION OF EVIDENCE:

- (I) FOR A COURT–MARTIAL, OR COURT OF INQUIRY;
- (II) FOR A DEPOSITION UNDER § 13A–714 OF THIS SUBTITLE;
- (III) FOR AN INVESTIGATION OF AN OFFENSE UNDER THIS TITLE;

OR

(IV) AS OTHERWISE AUTHORIZED UNDER THIS TITLE.

(2) AN INVESTIGATIVE SUBPOENA UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION MAY BE ISSUED BEFORE REFERRAL OF CHARGES TO A COURT-MARTIAL ONLY IF A GENERAL COURT-MARTIAL CONVENING AUTHORITY HAS AUTHORIZED COUNSEL FOR THE GOVERNMENT TO ISSUE SUCH A SUBPOENA OR A MILITARY JUDGE ISSUES SUCH A SUBPOENA PURSUANT TO § 13A-602 OF THIS TITLE.

(3) WITH RESPECT TO AN INVESTIGATION OF AN OFFENSE UNDER THIS TITLE, A MILITARY JUDGE DETAILED IN ACCORDANCE WITH § 13A-505 OR § 13A-602 OF THIS TITLE MAY ISSUE WARRANTS OR COURT ORDERS FOR THE CONTENTS OF, AND RECORDS CONCERNING, WIRE OR ELECTRONIC COMMUNICATIONS IN THE SAME MANNER AS SUCH WARRANTS AND ORDERS MAY BE ISSUED BY A DISTRICT COURT OF THE UNITED STATES UNDER CHAPTER 121, TITLE 18 OF THE UNITED STATES CODE, SUBJECT TO SUCH LIMITATIONS AS THE ADJUTANT GENERAL MAY PRESCRIBE BY REGULATION.

(E) IF A PERSON REQUESTS RELIEF FROM A SUBPOENA OR OTHER PROCESS UNDER THIS SECTION ON GROUNDS THAT COMPLIANCE IS UNREASONABLE OR OPPRESSIVE OR IS PROHIBITED BY LAW, A MILITARY JUDGE DETAILED IN ACCORDANCE WITH § 13A-505 OR § 13A-602 OF THIS TITLE SHALL REVIEW THE REQUEST AND SHALL:

(1) ORDER THAT THE SUBPOENA OR OTHER PROCESS BE MODIFIED OR WITHDRAWN, AS APPROPRIATE; OR

(2) ORDER THE PERSON TO COMPLY WITH THE SUBPOENA OR OTHER PROCESS.

13A-712. REFUSAL TO APPEAR OR TESTIFY.

A PERSON NOT SUBJECT TO THIS TITLE MAY BE PUNISHED BY A STATE COURT OF COMPETENT JURISDICTION IF THE PERSON:

(1) HAS BEEN DULY SUBPOENAED TO APPEAR AS A WITNESS OR TO PRODUCE BOOKS AND RECORDS BEFORE A COURT-MARTIAL OR COURT OF INQUIRY, OR BEFORE ANY MILITARY OR CIVIL OFFICER DESIGNATED TO TAKE A DEPOSITION TO BE READ IN EVIDENCE BEFORE SUCH A COURT;

(2) HAS BEEN DULY PAID OR TENDERED THE FEES AND MILEAGE OF A WITNESS AT THE RATES ALLOWED TO WITNESSES ATTENDING A CRIMINAL COURT OF

THE STATE; AND

(3) WILLFULLY NEGLECTS OR REFUSES TO APPEAR, OR REFUSES TO QUALIFY AS A WITNESS OR TO TESTIFY OR TO PRODUCE ANY EVIDENCE WHICH THAT PERSON MAY HAVE BEEN LEGALLY SUBPOENAED TO PRODUCE.

13A-713. CONTEMPT.

(A) A MILITARY JUDGE OR SUMMARY COURT-MARTIAL OFFICER MAY PUNISH FOR CONTEMPT A PERSON WHO USES ANY MENACING WORD, SIGN, OR GESTURE IN THE JUDGE'S OR OFFICER'S PRESENCE, OR WHO DISTURBS THE PROCEEDINGS BY RIOT OR DISORDER.

(B) A PERSON SUBJECT TO THIS TITLE MAY BE PUNISHED FOR CONTEMPT BY CONFINEMENT NOT TO EXCEED 30 DAYS OR A FINE OF \$ 100, OR BOTH.

(C) A PERSON NOT SUBJECT TO THIS TITLE MAY BE PUNISHED BY A STATE COURT OF COMPETENT JURISDICTION AT THE REQUEST OF THE MILITARY JUDGE.

13A-714. DEPOSITIONS.

(A) AT ANY TIME AFTER CHARGES HAVE BEEN SIGNED AS PROVIDED IN § 13A-601 OF THIS TITLE, ANY PARTY MAY TAKE ORAL OR WRITTEN DEPOSITIONS UNLESS THE MILITARY JUDGE OR SUMMARY COURT-MARTIAL OFFICER HEARING THE CASE OR, IF THE CASE IS NOT BEING HEARD, AN AUTHORITY COMPETENT TO CONVENE A COURT-MARTIAL FOR THE TRIAL OF THOSE CHARGES FORBIDS IT FOR GOOD CAUSE.

(B) THE PARTY AT WHOSE INSISTENCE A DEPOSITION IS TO BE TAKEN SHALL GIVE TO EVERY OTHER PARTY REASONABLE WRITTEN NOTICE OF THE TIME AND PLACE FOR TAKING THE DEPOSITION.

(C) DEPOSITIONS MAY BE TAKEN BEFORE AND AUTHENTICATED BY ANY MILITARY OR CIVIL OFFICER AUTHORIZED BY THE LAWS OF THE STATE OR BY THE LAWS OF THE PLACE WHERE THE DEPOSITION IS TAKEN TO ADMINISTER OATHS.

(D) A DULY AUTHENTICATED DEPOSITION TAKEN ON REASONABLE NOTICE TO THE OTHER PARTIES, SO FAR AS OTHERWISE ADMISSIBLE UNDER THE RULES OF EVIDENCE, MAY BE READ IN EVIDENCE OR, IN THE CASE OF AUDIOTAPE, VIDEOTAPE, DIGITAL IMAGE OR FILE, OR SIMILAR MATERIAL, MAY BE PLAYED IN EVIDENCE BEFORE ANY MILITARY COURT, IF IT APPEARS:

(1) THAT THE WITNESS RESIDES OR IS BEYOND THE STATE IN WHICH

THE COURT IS ORDERED TO SIT, OR BEYOND 100 MILES FROM THE PLACE OF TRIAL OR HEARING;

(2) THAT THE WITNESS BY REASON OF DEATH, AGE, SICKNESS, BODILY INFIRMITY, IMPRISONMENT, MILITARY NECESSITY, NON AMENABILITY TO PROCESS, OR OTHER REASONABLE CAUSE, IS UNABLE OR REFUSES TO APPEAR AND TESTIFY IN PERSON AT THE PLACE OF TRIAL OR HEARING; OR

(3) THAT THE PRESENT WHEREABOUTS OF THE WITNESS ARE UNKNOWN.

(E) (1) REPRESENTATION OF THE PARTIES WITH RESPECT TO A DEPOSITION SHALL BE BY COUNSEL DETAILED IN THE SAME MANNER AS TRIAL COUNSEL AND DEFENSE COUNSEL ARE DETAILED UNDER § 13A-506 OF THIS TITLE.

(2) THE ACCUSED SHALL HAVE THE RIGHT TO BE REPRESENTED BY CIVILIAN OR MILITARY COUNSEL IN THE SAME MANNER AS SUCH COUNSEL ARE PROVIDED FOR IN § 13A-703 OF THIS SUBTITLE.

(F) A DEPOSITION ORDER UNDER SUBSECTION (A) OF THIS SECTION DOES NOT CONTROL THE ADMISSIBILITY OF THE DEPOSITION IN A COURT-MARTIAL OR OTHER PROCEEDING UNDER THIS TITLE.

13A-715. ADMISSIBILITY OF RECORDS OF COURTS OF INQUIRY.

(A) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, IN ANY CASE NOT EXTENDING TO THE DISMISSAL OF A COMMISSIONED OFFICER, THE SWORN TESTIMONY, CONTAINED IN THE DULY AUTHENTICATED RECORD OF PROCEEDINGS OF A COURT OF INQUIRY, OF A PERSON WHOSE ORAL TESTIMONY CANNOT BE OBTAINED, MAY, IF OTHERWISE ADMISSIBLE UNDER THE RULES OF EVIDENCE, BE READ IN EVIDENCE BY ANY PARTY BEFORE A COURT-MARTIAL IF THE ACCUSED WAS A PARTY BEFORE THE COURT OF INQUIRY AND IF THE SAME ISSUE WAS INVOLVED OR IF THE ACCUSED CONSENTS TO THE INTRODUCTION OF SUCH EVIDENCE.

(2) TESTIMONY DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION MAY BE READ IN EVIDENCE:

(I) BY THE DEFENSE IN CASES EXTENDING TO THE DISMISSAL OF A COMMISSIONED OFFICER; AND

(II) BEFORE A COURT OF INQUIRY.

(B) SWORN TESTIMONY THAT IS RECORDED BY AUDIOTAPE, VIDEOTAPE, OR SIMILAR METHOD AND IS CONTAINED IN THE DULY AUTHENTICATED RECORD OF PROCEEDINGS OF A COURT OF INQUIRY IS ADMISSIBLE BEFORE A COURT-MARTIAL, MILITARY COMMISSION, COURT OF INQUIRY, OR MILITARY BOARD, TO THE SAME EXTENT AS SWORN TESTIMONY MAY BE READ IN EVIDENCE.

13A-715.1. DEFENSE OF LACK OF MENTAL RESPONSIBILITY.

(A) (1) IT IS AN AFFIRMATIVE DEFENSE IN A TRIAL BY COURT-MARTIAL THAT, AT THE TIME OF THE COMMISSION OF THE ACTS CONSTITUTING THE OFFENSE, THE ACCUSED, AS A RESULT OF A SEVERE MENTAL DISEASE OR DEFECT, WAS UNABLE TO APPRECIATE THE NATURE AND QUALITY OR THE WRONGFULNESS OF THE ACTS.

(2) MENTAL DISEASE OR DEFECT DOES NOT OTHERWISE CONSTITUTE A DEFENSE.

(B) PROCEDURES FOR THE DEFENSE OF LACK OF MENTAL RESPONSIBILITY WILL BE GOVERNED BY THE RULES OF USE OF COURTS-MARTIAL TO THE EXTENT THEY DO NOT CONFLICT WITH STATE SUBSTANTIVE LAW.

13A-716. VOTING AND RULINGS.

(A) (1) VOTING BY MEMBERS OF A GENERAL OR SPECIAL COURT-MARTIAL ON THE FINDINGS AND ON THE SENTENCE SHALL BE BY SECRET WRITTEN BALLOT.

(2) THE JUNIOR MEMBER OF THE COURT SHALL COUNT THE VOTES.

(3) THE COUNT SHALL BE CHECKED BY THE PRESIDENT, WHO SHALL FORTHWITH ANNOUNCE THE RESULT OF THE BALLOT TO THE MEMBERS OF THE COURT.

(B) (1) THE MILITARY JUDGE SHALL RULE ON ALL QUESTIONS OF LAW AND ALL INTERLOCUTORY QUESTIONS ARISING DURING THE PROCEEDINGS.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, ANY SUCH RULING MADE BY THE MILITARY JUDGE ON ANY QUESTION OF LAW OR ANY INTERLOCUTORY QUESTION OTHER THAN THE FACTUAL ISSUE OF MENTAL RESPONSIBILITY OF THE ACCUSED IS FINAL AND CONSTITUTES THE RULING OF THE COURT.

(II) THE MILITARY JUDGE MAY CHANGE THE RULING AT ANY

TIME DURING THE TRIAL.

(3) UNLESS THE RULING IS FINAL, IF ANY MEMBER OBJECTS THERETO, THE COURT SHALL BE CLEARED AND CLOSED AND THE QUESTION DECIDED BY A VOICE VOTE AS PROVIDED IN § 13A-717 OF THIS TITLE, BEGINNING WITH THE JUNIOR IN RANK.

(C) BEFORE A VOTE IS TAKEN ON THE FINDINGS, THE MILITARY JUDGE SHALL, IN THE PRESENCE OF THE ACCUSED AND COUNSEL, INSTRUCT THE MEMBERS OF THE COURT AS TO THE ELEMENTS OF THE OFFENSE AND CHARGE THAT:

(1) THE ACCUSED MUST BE PRESUMED TO BE INNOCENT UNTIL GUILT IS ESTABLISHED BY LEGAL AND COMPETENT EVIDENCE BEYOND A REASONABLE DOUBT;

(2) IN THE CASE BEING CONSIDERED, IF THERE IS A REASONABLE DOUBT AS TO THE GUILT OF THE ACCUSED, THE DOUBT MUST BE RESOLVED IN FAVOR OF THE ACCUSED AND THE ACCUSED MUST BE ACQUITTED;

(3) IF THERE IS A REASONABLE DOUBT AS TO THE DEGREE OF GUILT, THE FINDING MUST BE IN A LOWER DEGREE AS TO WHICH THERE IS NO REASONABLE DOUBT; AND

(4) THE BURDEN OF PROOF TO ESTABLISH THE GUILT OF THE ACCUSED BEYOND REASONABLE DOUBT IS ON THE STATE.

(D) (1) SUBSECTIONS (A), (B), AND (C) OF THIS SECTION DO NOT APPLY TO A COURT-MARTIAL COMPOSED OF A MILITARY JUDGE ONLY.

(2) THE MILITARY JUDGE OF A COURT-MARTIAL COMPOSED OF A MILITARY JUDGE ONLY SHALL DETERMINE ALL QUESTIONS OF LAW AND FACT ARISING DURING THE PROCEEDINGS AND, IF THE ACCUSED IS CONVICTED, ADJUDGE AN APPROPRIATE SENTENCE.

(3) THE MILITARY JUDGE OF A COURT-MARTIAL COMPOSED OF A MILITARY JUDGE ONLY SHALL MAKE A GENERAL FINDING AND SHALL IN ADDITION, ON REQUEST, FIND THE FACTS SPECIALLY.

(4) IF AN OPINION OR MEMORANDUM OF DECISION IS FILED, IT WILL BE SUFFICIENT IF THE FINDINGS OF FACT APPEAR THEREIN.

13A-717. NUMBER OF VOTES REQUIRED.

(A) A PERSON MAY NOT BE CONVICTED OF AN OFFENSE IN A GENERAL OR SPECIAL COURT–MARTIAL, OTHER THAN:

(1) AFTER A PLEA OF GUILTY UNDER § 13A–710 OF THIS TITLE;

(2) BY A MILITARY JUDGE IN A COURT–MARTIAL WITH A MILITARY JUDGE ALONE UNDER § 13A–401 OF THIS TITLE; OR

(3) IN A COURT–MARTIAL WITH MEMBERS UNDER § 13A–401 OF THIS TITLE, BY THE CONCURRENCE OF AT LEAST THREE–FOURTHS OF THE MEMBERS PRESENT WHEN THE VOTE IS TAKEN.

(B) (1) EXCEPT AS PROVIDED IN SUBSECTION (A) OF THIS SECTION, SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ALL MATTERS TO BE DECIDED BY MEMBERS OF A GENERAL OR SPECIAL COURT–MARTIAL SHALL BE DETERMINED BY A MAJORITY VOTE.

(2) A RECONSIDERATION OF A FINDING OF GUILTY OR RECONSIDERATION OF A SENTENCE, WITH A VIEW TOWARD DECREASING THE SENTENCE, MAY BE MADE BY ANY LESSER VOTE THAT INDICATES THE RECONSIDERATION IS NOT OPPOSED BY THE NUMBER OF VOTES REQUIRED FOR THAT FINDING OR SENTENCE.

13A–718. COURT TO ANNOUNCE ACTION.

(A) A COURT–MARTIAL SHALL ANNOUNCE ITS FINDINGS AND SENTENCE TO THE PARTIES AS SOON AS DETERMINED.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF THE ACCUSED IS CONVICTED OF AN OFFENSE IN A TRIAL BY GENERAL OR SPECIAL COURT–MARTIAL, THE MILITARY JUDGE SHALL SENTENCE THE ACCUSED.

(2) IF THE ACCUSED IS CONVICTED OF AN OFFENSE BY GENERAL OR SPECIAL COURT–MARTIAL CONSISTING OF A MILITARY JUDGE AND MEMBERS AND THE ACCUSED ELECTS SENTENCING BY MEMBERS UNDER § 13A–504 OF THIS TITLE, THE MEMBERS SHALL SENTENCE THE ACCUSED.

(3) THE SENTENCE DETERMINED UNDER THIS SUBSECTION CONSTITUTES THE SENTENCE OF THE ACCUSED.

(C) IF THE ACCUSED IS CONVICTED OF AN OFFENSE IN A TRIAL BY SUMMARY COURT–MARTIAL, THE COURT–MARTIAL SHALL SENTENCE THE ACCUSED.

13A-718.1. PLEA AGREEMENTS.

(A) (1) AT ANY TIME BEFORE THE ANNOUNCEMENT OF FINDINGS UNDER § 13A-718 OF THIS SUBTITLE, THE CONVENING AUTHORITY AND THE ACCUSED MAY ENTER INTO A PLEA AGREEMENT WITH RESPECT TO SUCH MATTERS AS:

(I) THE MANNER IN WHICH THE CONVENING AUTHORITY WILL DISPOSE OF ONE OR MORE CHARGES AND SPECIFICATIONS; AND

(II) LIMITATIONS ON THE SENTENCE THAT MAY BE ADJUDGED FOR ONE OR MORE CHARGES AND SPECIFICATIONS.

(2) THE MILITARY JUDGE OF A GENERAL OR SPECIAL COURT-MARTIAL MAY NOT PARTICIPATE IN DISCUSSIONS BETWEEN THE PARTIES CONCERNING PROSPECTIVE TERMS AND CONDITIONS OF A PLEA AGREEMENT.

(B) THE MILITARY JUDGE OF A GENERAL OR SPECIAL COURT-MARTIAL SHALL REJECT A PLEA AGREEMENT THAT:

(1) CONTAINS A PROVISION THAT HAS NOT BEEN ACCEPTED BY BOTH PARTIES;

(2) CONTAINS A PROVISION THAT IS NOT UNDERSTOOD BY THE ACCUSED;

(3) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, CONTAINS A PROVISION FOR A SENTENCE THAT IS LESS THAN THE MANDATORY MINIMUM SENTENCE APPLICABLE TO AN OFFENSE REFERRED TO IN § 13A-802 OF THIS TITLE;

(4) IS PROHIBITED BY LAW; OR

(5) IS CONTRARY TO, OR IS INCONSISTENT WITH, A REGULATION PRESCRIBED BY THE PRESIDENT WITH RESPECT TO TERMS, CONDITIONS, OR OTHER ASPECTS OF PLEA AGREEMENTS.

(C) WITH RESPECT TO AN OFFENSE REFERRED TO IN § 13A-802 OF THIS TITLE:

(1) THE MILITARY JUDGE MAY ACCEPT A PLEA AGREEMENT THAT PROVIDES FOR A SENTENCE OF BAD CONDUCT DISCHARGE; AND

(2) ON RECOMMENDATION OF THE TRIAL COUNSEL, IN EXCHANGE

FOR SUBSTANTIAL ASSISTANCE BY THE ACCUSED IN THE INVESTIGATION OR PROSECUTION OF ANOTHER PERSON WHO HAS COMMITTED AN OFFENSE, THE MILITARY JUDGE MAY ACCEPT A PLEA AGREEMENT THAT PROVIDES FOR A SENTENCE THAT IS LESS THAN THE MANDATORY MINIMUM SENTENCE FOR THE OFFENSE CHARGED.

(D) ON ACCEPTANCE BY THE MILITARY JUDGE OF A GENERAL OR SPECIAL COURT-MARTIAL, A PLEA AGREEMENT SHALL BIND THE PARTIES AND THE COURT-MARTIAL.

13A-719. RECORD OF TRIAL.

(A) (1) EACH GENERAL AND SPECIAL COURT-MARTIAL SHALL KEEP A SEPARATE RECORD OF THE PROCEEDINGS IN EACH CASE BROUGHT BEFORE IT, AND THE RECORD SHALL BE AUTHENTICATED BY THE SIGNATURE OF THE MILITARY JUDGE.

(2) IF THE RECORD CANNOT BE AUTHENTICATED BY THE MILITARY JUDGE BY REASON OF THE JUDGE'S DEATH, DISABILITY, OR ABSENCE, IT SHALL BE AUTHENTICATED BY THE SIGNATURE OF THE TRIAL COUNSEL OR BY THAT OF A MEMBER, IF THE TRIAL COUNSEL IS UNABLE TO AUTHENTICATE IT BY REASON OF TRIAL COUNSEL'S DEATH, DISABILITY, OR ABSENCE.

(3) IN A COURT-MARTIAL CONSISTING OF ONLY A MILITARY JUDGE, THE RECORD SHALL BE AUTHENTICATED BY THE COURT REPORTER UNDER THE SAME CONDITIONS THAT WOULD IMPOSE SUCH A DUTY ON A MEMBER UNDER THIS SUBSECTION.

(B) (1) A COMPLETE VERBATIM RECORD OF THE PROCEEDINGS AND TESTIMONY SHALL BE PREPARED IN EACH GENERAL AND SPECIAL COURT-MARTIAL CASE RESULTING IN A CONVICTION.

(2) IN ALL OTHER COURT-MARTIAL CASES, THE RECORD SHALL CONTAIN SUCH MATTERS AS MAY BE PRESCRIBED BY REGULATIONS.

(C) EACH SUMMARY COURT-MARTIAL SHALL KEEP A SEPARATE RECORD OF THE PROCEEDINGS IN EACH CASE, AND THE RECORD SHALL BE AUTHENTICATED IN THE MANNER AS MAY BE PRESCRIBED BY REGULATIONS.

(D) A COPY OF THE RECORD OF THE PROCEEDINGS OF EACH GENERAL AND SPECIAL COURT-MARTIAL SHALL BE GIVEN TO THE ACCUSED AS SOON AS IT IS AUTHENTICATED.

SUBTITLE 8. SENTENCES.**13A-801. CRUEL AND UNUSUAL PUNISHMENTS PROHIBITED.**

(A) PUNISHMENT BY FLOGGING, OR BY BRANDING, MARKING, OR TATTOOING ON THE BODY, OR ANY OTHER CRUEL OR UNUSUAL PUNISHMENT MAY NOT BE ADJUDGED BY A COURT-MARTIAL OR INFLICTED ON ANY PERSON SUBJECT TO THIS TITLE.

(B) THE USE OF IRONS, SINGLE OR DOUBLE, EXCEPT FOR THE PURPOSE OF SAFE CUSTODY, IS PROHIBITED.

13A-802. MAXIMUM LIMITS.

(A) (1) THE PUNISHMENT WHICH A COURT-MARTIAL MAY DIRECT FOR AN OFFENSE MAY NOT EXCEED SUCH LIMITS AS PRESCRIBED BY THIS TITLE, BUT IN NO INSTANCE MAY A SENTENCE EXCEED MORE THAN 10 YEARS FOR A MILITARY OFFENSE, NOR MAY A SENTENCE OF DEATH BE ADJUDGED.

(2) (I) A CONVICTION BY GENERAL COURT-MARTIAL OF ANY MILITARY OFFENSE FOR WHICH AN ACCUSED MAY RECEIVE A SENTENCE OF CONFINEMENT FOR MORE THAN 1 YEAR IS A FELONY OFFENSE.

(II) EXCEPT FOR CONVICTIONS BY A SUMMARY COURT-MARTIAL, ALL OTHER MILITARY OFFENSES ARE MISDEMEANORS.

(3) A CONVICTION BY A SUMMARY COURT-MARTIAL IS NOT A CRIMINAL CONVICTION.

(B) THE LIMITS OF PUNISHMENT FOR VIOLATIONS OF THE PUNITIVE PROVISIONS PRESCRIBED HEREIN SHALL BE LESSER OF THE SENTENCES PRESCRIBED BY THE MANUAL FOR COURTS-MARTIAL OF THE UNITED STATES IN EFFECT ON JANUARY 1, 2020, BUT IN NO INSTANCE SHALL ANY PUNISHMENT EXCEED THAT AUTHORIZED BY THIS TITLE.

(C) (1) IN SENTENCING AN ACCUSED UNDER § 13A-718 OF THIS TITLE, A COURT-MARTIAL SHALL IMPOSE PUNISHMENT THAT IS SUFFICIENT, BUT NOT GREATER THAN NECESSARY, TO PROMOTE JUSTICE AND TO MAINTAIN GOOD ORDER AND DISCIPLINE IN THE ARMED FORCES, TAKING INTO CONSIDERATION:

(I) THE NATURE AND CIRCUMSTANCES OF THE OFFENSE AND THE HISTORY AND CHARACTERISTICS OF THE ACCUSED;

(II) THE IMPACT OF THE OFFENSE ON:

1. THE FINANCIAL, SOCIAL, PSYCHOLOGICAL, OR MEDICAL WELL-BEING OF ANY VICTIM OF THE OFFENSE; AND

2. THE MISSION, DISCIPLINE, OR EFFICIENCY OF THE COMMAND OF THE ACCUSED AND ANY VICTIM OF THE OFFENSE;

(III) THE NEED FOR THE SENTENCE:

1. TO REFLECT THE SERIOUSNESS OF THE OFFENSE;

2. TO PROMOTE RESPECT FOR THE LAW;

3. TO PROVIDE JUST PUNISHMENT FOR THE OFFENSE;

4. TO PROMOTE ADEQUATE DETERRENCE OF MISCONDUCT;

5. TO PROTECT OTHERS FROM FURTHER CRIMES BY THE ACCUSED;

6. TO REHABILITATE THE ACCUSED; AND

7. TO PROVIDE, IN APPROPRIATE CASES, THE OPPORTUNITY FOR RETRAINING AND RETURN TO DUTY TO MEET THE NEEDS OF THE SERVICE; AND

(IV) THE SENTENCES AVAILABLE UNDER THIS TITLE.

(2) (I) IN ANNOUNCING THE SENTENCE IN A GENERAL OR SPECIAL COURT-MARTIAL IN WHICH THE ACCUSED IS SENTENCED BY A MILITARY JUDGE ALONE UNDER § 13A-718 OF THIS TITLE, THE MILITARY JUDGE SHALL, WITH RESPECT TO EACH OFFENSE OF WHICH THE ACCUSED IS FOUND GUILTY, SPECIFY THE TERM OF CONFINEMENT, IF ANY, AND THE AMOUNT OF THE FINE, IF ANY.

(II) IF THE ACCUSED IS SENTENCED TO CONFINEMENT FOR MORE THAN ONE OFFENSE, THE MILITARY JUDGE SHALL SPECIFY WHETHER THE TERMS OF CONFINEMENT ARE TO RUN CONSECUTIVELY OR CONCURRENTLY.

(3) IN A GENERAL OR SPECIAL COURT-MARTIAL IN WHICH THE ACCUSED HAS ELECTED SENTENCING BY MEMBERS, THE COURT-MARTIAL SHALL ANNOUNCE A SINGLE SENTENCE FOR ALL OF THE OFFENSES OF WHICH THE

ACCUSED WAS FOUND GUILTY.

(D) (1) WITH THE APPROVAL OF THE SENIOR JUDGE ADVOCATE CONCERNED, AND CONSISTENT WITH STANDARDS AND PROCEDURES SET FORTH IN REGULATIONS PRESCRIBED BY THE ADJUTANT GENERAL, THE GOVERNMENT MAY APPEAL A SENTENCE TO THE COURT OF MILITARY APPEALS, ON THE GROUNDS THAT:

(I) THE SENTENCE VIOLATES THE LAW; OR

(II) THE SENTENCE IS PLAINLY UNREASONABLE, AS DETERMINED IN ACCORDANCE WITH STANDARDS AND PROCEDURES PRESCRIBED BY THE MANUAL FOR COURTS-MARTIAL OR REGULATIONS AUTHORIZED UNDER § 13A-701 OF THIS TITLE.

(2) AN APPEAL UNDER THIS SUBSECTION MUST BE FILED WITHIN 60 DAYS AFTER THE DATE ON WHICH THE JUDGMENT OF A COURT-MARTIAL IS ENTERED INTO THE RECORD UNDER § 13A-902 OF THIS TITLE.

13A-803. EFFECTIVE DATE OF SENTENCES.

(A) (1) WHENEVER A SENTENCE OF A COURT-MARTIAL AS LAWFULLY ADJUDGED AND APPROVED INCLUDES A FORFEITURE OF PAY OR ALLOWANCES IN ADDITION TO CONFINEMENT NOT SUSPENDED, THE FORFEITURE MAY APPLY TO PAY OR ALLOWANCES BECOMING DUE ON OR AFTER THE DATE THE SENTENCE IS APPROVED BY THE CONVENING AUTHORITY.

(2) A FORFEITURE MAY NOT EXTEND TO ANY PAY OR ALLOWANCES ACCRUED BEFORE THE DATE SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ANY PERIOD OF CONFINEMENT INCLUDED IN A SENTENCE OF A COURT-MARTIAL BEGINS TO RUN FROM THE DATE THE SENTENCE IS ADJUDGED BY THE COURT-MARTIAL.

(2) PERIODS DURING WHICH THE SENTENCE TO CONFINEMENT IS SUSPENDED OR DEFERRED SHALL BE EXCLUDED IN COMPUTING THE SERVICE OF THE TERM OF CONFINEMENT.

(C) ALL OTHER SENTENCES OF COURTS-MARTIAL ARE EFFECTIVE ON THE DATE ORDERED EXECUTED.

13A-804. DEFERMENT OF SENTENCES.

(A) (1) ON APPLICATION BY AN ACCUSED WHO IS UNDER SENTENCE TO CONFINEMENT THAT HAS NOT BEEN ORDERED EXECUTED, THE CONVENING AUTHORITY OR, IF THE ACCUSED IS NO LONGER UNDER THAT PERSON'S JURISDICTION, THE PERSON EXERCISING GENERAL COURT-MARTIAL JURISDICTION OVER THE COMMAND TO WHICH THE ACCUSED IS CURRENTLY ASSIGNED, MAY IN THAT PERSON'S SOLE DISCRETION DEFER SERVICE OF THE SENTENCE TO CONFINEMENT.

(2) THE DEFERMENT SHALL TERMINATE WHEN THE SENTENCE IS ORDERED EXECUTED.

(3) THE DEFERMENT MAY BE RESCINDED AT ANY TIME BY THE PERSON WHO GRANTED IT OR, IF THE ACCUSED IS NO LONGER UNDER THAT PERSON'S JURISDICTION, BY THE PERSON EXERCISING GENERAL COURT-MARTIAL JURISDICTION OVER THE COMMAND TO WHICH THE ACCUSED IS CURRENTLY ASSIGNED.

(B) (1) IN A CASE IN WHICH A COURT-MARTIAL SENTENCES AN ACCUSED REFERRED TO IN PARAGRAPH (2) OF THIS SUBSECTION TO CONFINEMENT, THE CONVENING AUTHORITY MAY DEFER THE SERVICE OF THE SENTENCE TO CONFINEMENT, WITHOUT THE CONSENT OF THE ACCUSED, UNTIL AFTER THE ACCUSED HAS BEEN PERMANENTLY RELEASED TO THE STATE MILITARY FORCES BY A STATE, THE UNITED STATES, OR A FOREIGN COUNTRY REFERRED TO IN THAT PARAGRAPH.

(2) PARAGRAPH (1) OF THIS SUBSECTION APPLIES TO A PERSON SUBJECT TO THIS TITLE WHO:

(I) WHILE IN THE CUSTODY OF A STATE, THE UNITED STATES, OR A FOREIGN COUNTRY, IS TEMPORARILY RETURNED BY THAT STATE, THE UNITED STATES, OR A FOREIGN COUNTRY TO THE STATE MILITARY FORCES FOR TRIAL BY COURT-MARTIAL; AND

(II) AFTER THE COURT-MARTIAL, IS RETURNED TO THAT STATE, THE UNITED STATES, OR A FOREIGN COUNTRY UNDER THE AUTHORITY OF A MUTUAL AGREEMENT OR TREATY, AS THE CASE MAY BE.

(C) IN A CASE IN WHICH A COURT-MARTIAL SENTENCES AN ACCUSED TO CONFINEMENT AND THE SENTENCE TO CONFINEMENT HAS BEEN ORDERED EXECUTED, BUT IN WHICH REVIEW OF THE CASE UNDER § 13A-908 OF THIS TITLE IS PENDING, THE ADJUTANT GENERAL MAY DEFER FURTHER SERVICE OF THE SENTENCE TO CONFINEMENT WHILE THAT REVIEW IS PENDING.

13A-805. EXECUTION OF CONFINEMENT.

(A) (1) A SENTENCE OF CONFINEMENT ADJUDGED BY A COURT-MARTIAL, WHETHER OR NOT THE SENTENCE INCLUDES DISCHARGE OR DISMISSAL, AND WHETHER OR NOT THE DISCHARGE OR DISMISSAL HAS BEEN EXECUTED, MAY BE CARRIED INTO EXECUTION BY CONFINEMENT IN ANY PLACE AUTHORIZED BY THIS TITLE.

(2) PERSONS SO CONFINED ARE SUBJECT TO THE SAME DISCIPLINE AND TREATMENT AS PERSONS REGULARLY CONFINED OR COMMITTED TO THAT PLACE OF CONFINEMENT.

(B) THE OMISSION OF HARD LABOR AS A SENTENCE AUTHORIZED UNDER THIS TITLE DOES NOT DEPRIVE THE STATE CONFINEMENT FACILITY FROM EMPLOYING IT IF HARD LABOR IS OTHERWISE WITHIN THE AUTHORITY OF THAT FACILITY TO DO SO.

(C) NO PLACE OF CONFINEMENT MAY REQUIRE PAYMENT OF ANY FEE OR CHARGE FOR SO RECEIVING OR CONFINING A PERSON EXCEPT AS OTHERWISE PROVIDED BY LAW.

13A-806. SENTENCES: REDUCTION IN ENLISTED GRADE ON APPROVAL.

(A) A COURT-MARTIAL SENTENCE OF AN ENLISTED MEMBER IN A PAY GRADE ABOVE E-1, AS APPROVED BY THE CONVENING AUTHORITY, THAT INCLUDES A DISHONORABLE OR BAD-CONDUCT DISCHARGE OR CONFINEMENT REDUCES THAT MEMBER TO PAY GRADE E-1, EFFECTIVE ON THE DATE OF THAT APPROVAL.

(B) IF THE SENTENCE OF A MEMBER WHO IS REDUCED IN PAY GRADE UNDER SUBSECTION (A) OF THIS SECTION IS SET ASIDE OR DISAPPROVED, OR, AS FINALLY APPROVED, DOES NOT INCLUDE ANY PUNISHMENT NAMED IN SUBSECTION (A) OF THIS SECTION, THE RIGHTS AND PRIVILEGES OF WHICH THE PERSON WAS DEPRIVED BECAUSE OF THAT REDUCTION SHALL BE RESTORED, INCLUDING PAY AND ALLOWANCES.

13A-807. SENTENCES: FORFEITURE OF PAY AND ALLOWANCES DURING CONFINEMENT.

(A) (1) A COURT-MARTIAL SENTENCE DESCRIBED IN PARAGRAPH (4) OF THIS SUBSECTION SHALL RESULT IN THE FORFEITURE OF PAY, OR OF PAY AND ALLOWANCES, DUE THAT MEMBER DURING ANY PERIOD OF CONFINEMENT OR PAROLE.

(2) THE FORFEITURE PURSUANT TO THIS ARTICLE SHALL TAKE EFFECT ON THE DATE DETERMINED UNDER § 13A–803 OF THIS SUBTITLE AND MAY BE DEFERRED AS PROVIDED BY THAT SECTION.

(3) THE PAY AND ALLOWANCES FORFEITED, IN THE CASE OF A GENERAL COURT–MARTIAL, SHALL BE ALL PAY AND ALLOWANCES DUE THAT MEMBER DURING SUCH PERIOD AND, IN THE CASE OF A SPECIAL COURT–MARTIAL, SHALL BE TWO–THIRDS OF ALL PAY DUE THAT MEMBER DURING SUCH PERIOD.

(4) A SENTENCE COVERED BY THIS SUBTITLE IS ANY SENTENCE THAT INCLUDES:

(I) CONFINEMENT FOR MORE THAN 6 MONTHS; OR

(II) CONFINEMENT FOR 6 MONTHS OR LESS AND A DISHONORABLE OR BAD–CONDUCT DISCHARGE OR DISMISSAL.

(B) (1) IN A CASE INVOLVING AN ACCUSED WHO HAS DEPENDENTS, THE CONVENING AUTHORITY OR OTHER PERSON ACTING UNDER § 13A–902 OF THIS TITLE MAY WAIVE ANY OR ALL OF THE FORFEITURES OF PAY AND ALLOWANCES REQUIRED BY SUBSECTION (A) OF THIS SECTION FOR A PERIOD NOT TO EXCEED 6 MONTHS.

(2) ANY AMOUNT OF PAY OR ALLOWANCES THAT, EXCEPT FOR A WAIVER UNDER THIS SUBSECTION, WOULD BE FORFEITED SHALL BE PAID, AS THE CONVENING AUTHORITY OR OTHER PERSON TAKING ACTION DIRECTS, TO THE DEPENDENTS OF THE ACCUSED.

(C) IF THE SENTENCE OF A MEMBER WHO FORFEITS PAY AND ALLOWANCES UNDER SUBSECTION (A) OF THIS SECTION IS SET ASIDE OR DISAPPROVED OR, AS FINALLY APPROVED, DOES NOT PROVIDE FOR A PUNISHMENT REFERRED TO IN SUBSECTION (A) OF THIS SECTION, THE MEMBER SHALL BE PAID THE PAY AND ALLOWANCES WHICH THE MEMBER WOULD HAVE BEEN PAID, EXCEPT FOR THE FORFEITURE, FOR THE PERIOD DURING WHICH THE FORFEITURE WAS IN EFFECT.

SUBTITLE 9. POST–TRIAL PROCEDURE AND REVIEW OF COURTS–MARTIAL.

13A–901. ERROR OF LAW; LESSER INCLUDED OFFENSE.

(A) A FINDING OR SENTENCE OF A COURT–MARTIAL MAY NOT BE HELD INCORRECT ON THE GROUND OF AN ERROR OF LAW UNLESS THE ERROR MATERIALLY PREJUDICES THE SUBSTANTIAL RIGHTS OF THE ACCUSED.

(B) ANY REVIEWING AUTHORITY WITH THE POWER TO APPROVE OR AFFIRM A FINDING OF GUILTY MAY APPROVE OR AFFIRM, INSTEAD, SO MUCH OF THE FINDING AS INCLUDES A LESSER INCLUDED OFFENSE.

13A-902. ACTION BY THE CONVENING AUTHORITY.

(A) THE FINDINGS AND SENTENCE OF A COURT-MARTIAL SHALL BE REPORTED PROMPTLY TO THE CONVENING AUTHORITY AFTER THE ANNOUNCEMENT OF THE SENTENCE.

(B) (1) (I) THE ACCUSED MAY SUBMIT TO THE CONVENING AUTHORITY MATTERS FOR CONSIDERATION BY THE CONVENING AUTHORITY WITH RESPECT TO THE FINDINGS AND THE SENTENCE.

(II) A SUBMISSION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE IN WRITING.

(III) EXCEPT IN A SUMMARY COURT-MARTIAL CASE, A SUBMISSION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE MADE WITHIN 10 DAYS AFTER THE ACCUSED HAS BEEN GIVEN AN AUTHENTICATED RECORD OF TRIAL AND, IF APPLICABLE, THE RECOMMENDATION OF A JUDGE ADVOCATE UNDER SUBSECTION (D) OF THIS SECTION.

(IV) IN A SUMMARY COURT-MARTIAL CASE, A SUBMISSION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE MADE WITHIN 7 DAYS AFTER THE SENTENCE IS ANNOUNCED.

(2) IF THE ACCUSED SHOWS THAT ADDITIONAL TIME IS REQUIRED FOR THE ACCUSED TO SUBMIT SUCH MATTERS, THE CONVENING AUTHORITY OR OTHER PERSON TAKING ACTION UNDER THIS SUBTITLE, FOR GOOD CAUSE, MAY EXTEND THE APPLICABLE PERIOD UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR NOT MORE THAN AN ADDITIONAL 20 DAYS.

(3) IN A SUMMARY COURT-MARTIAL CASE, THE ACCUSED SHALL BE PROMPTLY PROVIDED A COPY OF THE RECORD OF TRIAL FOR USE IN PREPARING A SUBMISSION AUTHORIZED BY PARAGRAPH (1) OF THIS SUBSECTION.

(4) (I) THE ACCUSED MAY WAIVE THE RIGHT TO MAKE A SUBMISSION TO THE CONVENING AUTHORITY UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(II) SUCH A WAIVER MUST BE MADE IN WRITING AND MAY NOT BE REVOKED.

(III) FOR THE PURPOSES OF SUBSECTION (C)(2) OF THIS SECTION, THE TIME WITHIN WHICH THE ACCUSED MAY MAKE A SUBMISSION UNDER THIS SUBSECTION SHALL BE DEEMED TO HAVE EXPIRED ON THE SUBMISSION OF SUCH A WAIVER TO THE CONVENING AUTHORITY.

(C) (1) (I) THE AUTHORITY UNDER THIS SECTION TO MODIFY THE FINDINGS AND SENTENCE OF A COURT-MARTIAL IS A MATTER OF COMMAND PREROGATIVE INVOLVING THE SOLE DISCRETION OF THE CONVENING AUTHORITY.

(II) IF IT IS IMPRACTICAL FOR THE CONVENING AUTHORITY TO ACT, THE CONVENING AUTHORITY SHALL FORWARD THE CASE TO A PERSON EXERCISING GENERAL COURT-MARTIAL JURISDICTION WHO MAY TAKE ACTION UNDER THIS SUBTITLE.

(2) (I) ACTION ON THE SENTENCE OF A COURT-MARTIAL SHALL BE TAKEN BY THE CONVENING AUTHORITY OR BY ANOTHER PERSON AUTHORIZED TO ACT UNDER THIS SECTION.

(II) ACTION MAY BE TAKEN ONLY AFTER CONSIDERATION OF ANY MATTERS SUBMITTED BY THE ACCUSED UNDER SUBSECTION (B) OF THIS SECTION OR AFTER THE TIME FOR SUBMITTING SUCH MATTERS EXPIRES, WHICHEVER IS EARLIER.

(III) THE CONVENING AUTHORITY OR OTHER PERSON TAKING SUCH ACTION, IN THAT PERSON'S SOLE DISCRETION, MAY APPROVE, DISAPPROVE, COMMUTE, OR SUSPEND THE SENTENCE IN WHOLE OR IN PART.

(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, ACTION ON THE FINDINGS OF A COURT-MARTIAL BY THE CONVENING AUTHORITY OR OTHER PERSON ACTING ON THE SENTENCE IS NOT REQUIRED.

(II) SUCH PERSON, IN THE PERSON'S SOLE DISCRETION, MAY:

1. DISMISS ANY CHARGE OR SPECIFICATION BY SETTING ASIDE A FINDING OF GUILTY THERETO; OR

2. CHANGE A FINDING OF GUILTY TO A CHARGE OR SPECIFICATION TO A FINDING OF GUILTY TO AN OFFENSE THAT IS A LESSER INCLUDED OFFENSE OF THE OFFENSE STATED IN THE CHARGE OR SPECIFICATION.

(D) (1) BEFORE ACTING UNDER THIS SUBTITLE ON ANY GENERAL OR SPECIAL COURT-MARTIAL CASE IN WHICH THERE IS A FINDING OF GUILT, THE

CONVENING AUTHORITY OR OTHER PERSON TAKING ACTION UNDER THIS SUBTITLE SHALL OBTAIN AND CONSIDER THE WRITTEN RECOMMENDATION OF A JUDGE ADVOCATE.

(2) THE CONVENING AUTHORITY OR OTHER PERSON TAKING ACTION UNDER THIS SUBTITLE SHALL REFER THE RECORD OF TRIAL TO THE JUDGE ADVOCATE, AND THE JUDGE ADVOCATE SHALL USE SUCH RECORD IN THE PREPARATION OF THE RECOMMENDATION.

(3) THE RECOMMENDATION OF THE JUDGE ADVOCATE SHALL INCLUDE SUCH MATTERS AS MAY BE PRESCRIBED BY REGULATION AND SHALL BE SERVED ON THE ACCUSED, WHO MAY SUBMIT ANY MATTER IN RESPONSE UNDER SUBSECTION (B) OF THIS SECTION.

(4) FAILURE TO OBJECT IN THE RESPONSE TO THE RECOMMENDATION OR TO ANY MATTER ATTACHED TO THE RECOMMENDATION WAIVES THE RIGHT TO OBJECT THERETO.

(E) (1) THE CONVENING AUTHORITY OR OTHER PERSON TAKING ACTION UNDER THIS SECTION, IN THE PERSON'S SOLE DISCRETION, MAY ORDER A PROCEEDING IN REVISION OR A REHEARING.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A PROCEEDING IN REVISION MAY BE ORDERED IF THERE IS AN APPARENT ERROR OR OMISSION IN THE RECORD OR IF THE RECORD SHOWS IMPROPER OR INCONSISTENT ACTION BY A COURT-MARTIAL WITH RESPECT TO THE FINDINGS OR SENTENCE THAT CAN BE RECTIFIED WITHOUT MATERIAL PREJUDICE TO THE SUBSTANTIAL RIGHTS OF THE ACCUSED.

(II) IN NO CASE MAY A PROCEEDING IN REVISION:

1. RECONSIDER A FINDING OF NOT GUILTY OF ANY SPECIFICATION OR A RULING THAT AMOUNTS TO A FINDING OF NOT GUILTY;

2. RECONSIDER A FINDING OF NOT GUILTY OF ANY CHARGE, UNLESS THERE HAS BEEN A FINDING OF GUILTY UNDER A SPECIFICATION LAID UNDER THAT CHARGE, WHICH SUFFICIENTLY ALLEGES A VIOLATION OF SOME SECTION OF THIS TITLE; OR

3. INCREASE THE SEVERITY OF THE SENTENCE UNLESS THE SENTENCE PRESCRIBED FOR THE OFFENSE IS MANDATORY.

(3) (I) A REHEARING MAY BE ORDERED BY THE CONVENING

AUTHORITY OR OTHER PERSON TAKING ACTION UNDER THIS SECTION IF THAT PERSON DISAPPROVES THE FINDINGS AND SENTENCE AND STATES THE REASONS FOR DISAPPROVAL OF THE FINDINGS.

(II) IF SUCH PERSON DISAPPROVES THE FINDINGS AND SENTENCE AND DOES NOT ORDER A REHEARING, THAT PERSON SHALL DISMISS THE CHARGES.

(III) A REHEARING AS TO THE FINDINGS MAY NOT BE ORDERED WHERE THERE IS A LACK OF SUFFICIENT EVIDENCE IN THE RECORD TO SUPPORT THE FINDINGS.

(IV) A REHEARING AS TO THE SENTENCE MAY BE ORDERED IF THE CONVENING AUTHORITY OR OTHER PERSON TAKING ACTION UNDER THIS SUBSECTION DISAPPROVES THE SENTENCE.

13A-903. WAIVER OF RIGHT TO APPEAL.

(A) (1) IN EACH CASE SUBJECT TO APPELLATE REVIEW UNDER THIS TITLE, THE ACCUSED MAY FILE WITH THE CONVENING AUTHORITY A STATEMENT EXPRESSLY WAIVING THE RIGHT OF THE ACCUSED TO SUCH APPEAL.

(2) SUCH A WAIVER SHALL BE SIGNED BY BOTH THE ACCUSED AND DEFENSE COUNSEL FOR THE ACCUSED AND SHALL BE FILED IN ACCORDANCE WITH APPELLATE PROCEDURES AS PROVIDED BY LAW.

(B) THE ACCUSED MAY WITHDRAW AN APPEAL AT ANY TIME IN ACCORDANCE WITH APPELLATE PROCEDURES AS PROVIDED BY LAW.

13A-904. APPEAL BY THE STATE.

(A) (1) IN A TRIAL BY GENERAL OR SPECIAL COURT-MARTIAL OR IN A PRETRIAL PROCEEDING UNDER § 13A-601.1 OF THIS TITLE, THE STATE MAY APPEAL THE FOLLOWING:

(I) AN ORDER OR A RULING OF THE MILITARY JUDGE THAT TERMINATES THE PROCEEDINGS WITH RESPECT TO A CHARGE OR SPECIFICATION OTHER THAN A FINDING OF GUILT;

(II) AN ORDER OR A RULING THAT EXCLUDES EVIDENCE THAT IS SUBSTANTIAL PROOF OF A FACT MATERIAL IN THE PROCEEDING;

(III) AN ORDER OR A RULING THAT DIRECTS THE DISCLOSURE OF

CLASSIFIED INFORMATION;

(IV) AN ORDER OR A RULING THAT IMPOSES SANCTIONS FOR NONDISCLOSURE OF CLASSIFIED INFORMATION;

(V) A REFUSAL OF THE MILITARY JUDGE TO ISSUE A PROTECTIVE ORDER SOUGHT BY THE STATE TO PREVENT THE DISCLOSURE OF CLASSIFIED INFORMATION;

(VI) A REFUSAL BY THE MILITARY JUDGE TO ENFORCE AN ORDER DESCRIBED IN SUBSECTION (E) OF THIS SECTION THAT HAS PREVIOUSLY BEEN ISSUED BY APPROPRIATE AUTHORITY; AND

(VII) AN ORDER OR RULING OF THE MILITARY JUDGE ENTERING A FINDING OF NOT GUILTY WITH RESPECT TO A CHARGE OR SPECIFICATION FOLLOWING THE RETURN OF A FINDING OF GUILTY BY THE MEMBERS.

(2) (I) 1. AN APPEAL OF AN ORDER OR RULING MAY NOT BE TAKEN UNLESS THE TRIAL COUNSEL PROVIDES THE MILITARY JUDGE WITH WRITTEN NOTICE OF APPEAL FROM THE ORDER OR RULING WITHIN 72 HOURS OF THE ORDER OR RULING.

2. SUCH NOTICE SHALL INCLUDE A CERTIFICATION BY THE TRIAL COUNSEL THAT THE APPEAL IS NOT TAKEN FOR THE PURPOSE OF DELAY AND, IF THE ORDER OR RULING APPEALED IS ONE THAT EXCLUDES EVIDENCE, THAT THE EVIDENCE EXCLUDED IS SUBSTANTIAL PROOF OF A FACT MATERIAL IN THE PROCEEDING.

(II) AN APPEAL OF AN ORDER OR RULING MAY NOT BE TAKEN WHEN PROHIBITED BY § 13A-709 OF THIS TITLE.

(3) AN APPEAL UNDER THIS SECTION SHALL BE DILIGENTLY PROSECUTED AS PROVIDED BY LAW.

(B) (1) AN APPEAL UNDER THIS SECTION SHALL BE FORWARDED TO THE COURT PRESCRIBED IN § 13A-908 OF THIS SUBTITLE.

(2) IN RULING ON AN APPEAL UNDER THIS SECTION, THAT COURT MAY ACT ONLY WITH RESPECT TO MATTERS OF LAW.

(C) ANY PERIOD OF DELAY RESULTING FROM AN APPEAL UNDER THIS SECTION SHALL BE EXCLUDED IN DECIDING ANY ISSUE REGARDING DENIAL OF A SPEEDY TRIAL UNLESS AN APPROPRIATE AUTHORITY DETERMINES THAT THE

APPEAL WAS FILED SOLELY FOR THE PURPOSE OF DELAY WITH THE KNOWLEDGE THAT IT WAS TOTALLY FRIVOLOUS AND WITHOUT MERIT.

13A-905. REHEARINGS.

(A) (1) EACH REHEARING UNDER THIS TITLE SHALL TAKE PLACE BEFORE A COURT-MARTIAL COMPOSED OF MEMBERS WHO ARE NOT MEMBERS OF THE COURT-MARTIAL THAT FIRST HEARD THE CASE.

(2) ON A REHEARING, THE ACCUSED MAY NOT BE TRIED FOR ANY OFFENSE OF WHICH THE ACCUSED WAS FOUND NOT GUILTY BY THE FIRST COURT-MARTIAL, AND NO SENTENCE IN EXCESS OF OR MORE SEVERE THAN THE ORIGINAL SENTENCE MAY BE APPROVED, UNLESS THE SENTENCE IS BASED ON A FINDING OF GUILTY OF AN OFFENSE NOT CONSIDERED ON THE MERITS IN THE ORIGINAL PROCEEDINGS, OR UNLESS THE SENTENCE PRESCRIBED FOR THE OFFENSE IS MANDATORY.

(3) IF THE SENTENCE APPROVED AFTER THE FIRST COURT-MARTIAL WAS IN ACCORDANCE WITH A PRETRIAL AGREEMENT AND THE ACCUSED AT THE REHEARING CHANGES A PLEA WITH RESPECT TO THE CHARGES OR SPECIFICATIONS ON WHICH THE PRETRIAL AGREEMENT WAS BASED, OR OTHERWISE DOES NOT COMPLY WITH THE PRETRIAL AGREEMENT, THE APPROVED SENTENCE AS TO THOSE CHARGES OR SPECIFICATIONS MAY INCLUDE ANY PUNISHMENT NOT IN EXCESS OF THAT LAWFULLY ADJUDGED AT THE FIRST COURT-MARTIAL.

(B) IF, AFTER APPEAL BY THE GOVERNMENT UNDER § 13A-802 OF THIS TITLE, THE SENTENCE ADJUDGED IS SET ASIDE AND A REHEARING ON SENTENCE IS ORDERED BY THE COURT OF MILITARY APPEALS OR COURT OF APPEALS OF MARYLAND, THE COURT-MARTIAL MAY IMPOSE ANY SENTENCE THAT IS IN ACCORDANCE WITH THE ORDER OR RULING SETTING ASIDE THE ADJUDGED SENTENCE, SUBJECT TO SUCH LIMITATIONS AS THE ADJUTANT GENERAL MAY PRESCRIBE BY REGULATION.

13A-906. REVIEW BY THE SENIOR FORCE JUDGE ADVOCATE.

(A) (1) EACH GENERAL AND SPECIAL COURT-MARTIAL CASE IN WHICH THERE HAS BEEN A FINDING OF GUILTY SHALL BE REVIEWED BY THE SENIOR FORCE JUDGE ADVOCATE, OR A DESIGNEE.

(2) THE SENIOR FORCE JUDGE ADVOCATE, OR DESIGNEE, MAY NOT REVIEW A CASE UNDER THIS SUBSECTION IF THAT PERSON HAS ACTED IN THE SAME CASE AS AN ACCUSER, INVESTIGATING OFFICER, MEMBER OF THE COURT, MILITARY JUDGE, OR COUNSEL OR HAS OTHERWISE ACTED ON BEHALF OF THE PROSECUTION

OR DEFENSE.

(3) THE SENIOR FORCE JUDGE ADVOCATE'S REVIEW SHALL BE IN WRITING AND SHALL CONTAIN THE FOLLOWING:

(I) CONCLUSIONS AS TO WHETHER:

1. THE COURT HAD JURISDICTION OVER THE ACCUSED AND THE OFFENSE;

2. THE CHARGE AND SPECIFICATION STATED AN OFFENSE; AND

3. THE SENTENCE WAS WITHIN THE LIMITS PRESCRIBED AS A MATTER OF LAW;

(II) A RESPONSE TO EACH ALLEGATION OF ERROR MADE IN WRITING BY THE ACCUSED; AND

(III) IF THE CASE IS SENT FOR ACTION UNDER SUBSECTION (B) OF THIS SECTION, A RECOMMENDATION AS TO THE APPROPRIATE ACTION TO BE TAKEN AND AN OPINION AS TO WHETHER CORRECTIVE ACTION IS REQUIRED AS A MATTER OF LAW.

(B) THE RECORD OF TRIAL AND RELATED DOCUMENTS IN EACH CASE REVIEWED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE SENT FOR ACTION TO THE ADJUTANT GENERAL, IF:

(1) THE JUDGE ADVOCATE WHO REVIEWED THE CASE RECOMMENDS CORRECTIVE ACTION;

(2) THE SENTENCE APPROVED UNDER § 13A-902 OF THIS SUBTITLE EXTENDS TO DISMISSAL, A BAD- CONDUCT OR DISHONORABLE DISCHARGE, OR CONFINEMENT FOR MORE THAN 6 MONTHS; OR

(3) SUCH ACTION IS OTHERWISE REQUIRED BY REGULATIONS OF THE ADJUTANT GENERAL.

(C) (1) THE ADJUTANT GENERAL MAY:

(I) DISAPPROVE OR APPROVE THE FINDINGS OR SENTENCE, IN WHOLE OR IN PART;

(II) REMIT, COMMUTE, OR SUSPEND THE SENTENCE IN WHOLE OR IN PART;

(III) EXCEPT WHERE THE EVIDENCE WAS INSUFFICIENT AT THE TRIAL TO SUPPORT THE FINDINGS, ORDER A REHEARING ON THE FINDINGS, ON THE SENTENCE, OR ON BOTH; OR

(IV) DISMISS THE CHARGES.

(2) IF A REHEARING IS ORDERED BUT THE CONVENING AUTHORITY FINDS A REHEARING IMPRACTICABLE, THE CONVENING AUTHORITY SHALL DISMISS THE CHARGES.

(3) IF THE OPINION OF THE SENIOR FORCE JUDGE ADVOCATE, OR DESIGNEE, IN THE SENIOR FORCE JUDGE ADVOCATE'S REVIEW UNDER SUBSECTION (A) OF THIS SECTION IS THAT CORRECTIVE ACTION IS REQUIRED AS A MATTER OF LAW AND IF THE ADJUTANT GENERAL DOES NOT TAKE ACTION THAT IS AT LEAST AS FAVORABLE TO THE ACCUSED AS THAT RECOMMENDED BY THE JUDGE ADVOCATE, THE RECORD OF TRIAL AND ACTION THEREON SHALL BE SENT TO THE GOVERNOR FOR REVIEW AND ACTION AS DEEMED APPROPRIATE.

(D) (1) THE SENIOR FORCE JUDGE ADVOCATE, OR A DESIGNEE, MAY REVIEW ANY CASE IN WHICH THERE HAS BEEN A FINDING OF NOT GUILTY OF ALL CHARGES AND SPECIFICATIONS.

(2) THE SENIOR FORCE JUDGE ADVOCATE, OR DESIGNEE, MAY NOT REVIEW A CASE UNDER THIS SUBSECTION IF THAT PERSON HAS ACTED IN THE SAME CASE AS AN ACCUSER, INVESTIGATING OFFICER, MEMBER OF THE COURT, MILITARY JUDGE, OR COUNSEL OR HAS OTHERWISE ACTED ON BEHALF OF THE PROSECUTION OR DEFENSE.

(3) THE SENIOR FORCE JUDGE ADVOCATE'S REVIEW SHALL BE LIMITED TO QUESTIONS OF SUBJECT MATTER JURISDICTION.

(E) (1) THE RECORD OF TRIAL AND RELATED DOCUMENTS IN EACH CASE REVIEWED UNDER SUBSECTION (D) OF THIS SECTION SHALL BE SENT FOR ACTION TO THE ADJUTANT GENERAL.

(2) THE ADJUTANT GENERAL MAY:

(I) WHEN SUBJECT MATTER JURISDICTION IS FOUND TO BE LACKING, VOID THE COURT-MARTIAL AB INITIO, WITH OR WITHOUT PREJUDICE TO THE GOVERNMENT, AS THE ADJUTANT GENERAL DEEMS APPROPRIATE; OR

(II) RETURN THE RECORD OF TRIAL AND RELATED DOCUMENTS TO THE SENIOR FORCE JUDGE ADVOCATE FOR APPEAL BY THE GOVERNMENT AS PROVIDED BY LAW.

13A-907. DISPOSITION OF RECORDS AFTER REVIEW BY THE CONVENING AUTHORITY.

EXCEPT AS OTHERWISE REQUIRED BY THIS TITLE, ALL RECORDS OF TRIAL AND RELATED DOCUMENTS SHALL BE TRANSMITTED AND DISPOSED OF AS PRESCRIBED BY REGULATION AND PROVIDED BY LAW.

13A-908. REVIEW BY COURT OF MILITARY APPEALS; APPOINTMENT, POWERS, PRACTICES, AND PROCEDURES.

(A) (1) DECISIONS OF A COURT-MARTIAL ARE FROM A COURT WITH JURISDICTION TO ISSUE FELONY CONVICTIONS AND APPEALS ARE TO THE COURT OF MILITARY APPEALS.

(2) THE COURT OF MILITARY APPEALS SHALL FOLLOW THE FEDERAL MANUAL FOR COURTS-MARTIAL AND PROCEDURES AS PROVIDED BY THE COURT OF CRIMINAL APPEALS FOR THE SERVICE OF THE DEFENDANT.

(3) THE COURT SHALL HAVE THREE JUDGES PRESENT TO CONVENE.

(4) THE CHIEF JUDGE MAY CONVENE THE COURT AND MAY APPOINT ALTERNATES.

(5) THE COURT HAS THE AUTHORITY TO ADOPT A SEAL.

(B) (1) THE GOVERNOR SHALL:

(I) APPOINT UP TO 10 JUDGES, BUT AT LEAST THREE, TO THE COURT FOR 5-YEAR TERMS; AND

(II) APPOINT ONE JUDGE AS CHIEF JUDGE.

(2) JUDGES ARE NOT LIMITED TO ONE TERM.

(3) JUDGES SHOULD HAVE DEMONSTRATED EXPERIENCE IN MILITARY LAW AND BE A MEMBER OF THE MARYLAND BAR.

(C) THE COURT OF MILITARY APPEALS SHALL HAVE POWER OVER:

(1) THE ISSUANCE OF EXTRAORDINARY WRITS RELATIVE TO ALL MATTERS ARISING UNDER:

(I) THE PROVISIONS OF THIS TITLE;

(II) THE UNIFORM CODE OF MILITARY JUSTICE;

(III) ANY REGULATION ISSUED BY THE GOVERNOR PERTAINING TO MEMBERS OF THE MARYLAND ORGANIZED MILITIA; AND

(IV) COURT-MARTIAL ACTIONS PENDING BEFORE ANY MILITARY JUDGE OF THE MARYLAND MILITARY DEPARTMENT;

(2) ADJUDICATING APPEALS BY VICTIMS AS DESCRIBED IN § 13A-105 OF THIS TITLE; AND

(3) ADJUDICATING APPEALS OF SENTENCES OF A COURT-MARTIAL THAT HAVE BEEN APPROVED BY THE CONVENING AUTHORITY, WHICH MAY INCLUDE;

(I) DISMISSAL, IN THE CASE OF A COMMISSIONED OR WARRANT OFFICER;

(II) DISHONORABLE DISCHARGE, IN THE CASE OF AN ENLISTED PERSON;

(III) BAD-CONDUCT DISCHARGE, IN THE CASE OF AN ENLISTED PERSON;

(IV) FORFEITURE OF ALL PAY AND ALLOWANCES; AND

(V) ANY CONFINEMENT.

(D) (1) AN APPELLANT MUST PETITION THE COURT FOR REVIEW, WHICH IS A RIGHT ON REQUEST.

(2) THERE IS NO AUTOMATIC REVIEW OF SENTENCE.

(3) AN APPELLANT MAY WAIVE THE RIGHT TO REVIEW.

(E) THE MARYLAND NATIONAL GUARD STATE JUDGE ADVOCATE SHALL:

- (1) PROVIDE A FULL-TIME CLERK FOR THE COURT WHOSE OFFICE SHALL BE LOCATED WITH THE MARYLAND NATIONAL GUARD HEADQUARTERS; AND
- (2) PROVIDE ADMINISTRATIVE SUPPORT FOR APPELLATE JUDGES, AS REQUIRED.

13A-909. APPELLATE COUNSEL.

(A) (1) THE SENIOR FORCE JUDGE ADVOCATE SHALL DETAIL A JUDGE ADVOCATE AS APPELLATE GOVERNMENT COUNSEL TO REPRESENT THE STATE IN THE REVIEW OR APPEAL OF CASES SPECIFIED IN § 13A-908 OF THIS SUBTITLE AND BEFORE ANY FEDERAL COURT WHEN REQUESTED TO DO SO BY THE STATE ATTORNEY GENERAL.

(2) APPELLATE GOVERNMENT COUNSEL MUST BE A MEMBER IN GOOD STANDING OF THE BAR OF THE HIGHEST COURT OF THE STATE TO WHICH THE APPEAL IS TAKEN.

(B) ON AN APPEAL BY THE STATE, AN ACCUSED HAS THE RIGHT TO BE REPRESENTED BY DETAILED MILITARY COUNSEL BEFORE ANY REVIEWING AUTHORITY AND BEFORE ANY APPELLATE COURT.

(C) ON THE APPEAL BY AN ACCUSED, THE ACCUSED HAS THE RIGHT TO BE REPRESENTED BY MILITARY COUNSEL BEFORE ANY REVIEWING AUTHORITY.

(D) ON THE REQUEST OF AN ACCUSED ENTITLED TO BE SO REPRESENTED, THE SENIOR FORCE JUDGE ADVOCATE SHALL APPOINT A JUDGE ADVOCATE TO REPRESENT THE ACCUSED IN THE REVIEW OR APPEAL OF CASES SPECIFIED IN SUBSECTIONS (B) AND (C) OF THIS SECTION.

(E) AN ACCUSED MAY BE REPRESENTED BY CIVILIAN APPELLATE COUNSEL AT NO EXPENSE TO THE STATE.

13A-910. VACATION OF SUSPENSION.

(A) (1) BEFORE THE VACATION OF THE SUSPENSION OF A SPECIAL COURT-MARTIAL SENTENCE, WHICH AS APPROVED INCLUDES A BAD-CONDUCT DISCHARGE, OR OF ANY GENERAL COURT-MARTIAL SENTENCE, THE OFFICER HAVING SPECIAL COURT-MARTIAL JURISDICTION OVER THE PROBATIONER SHALL HOLD A HEARING ON AN ALLEGED VIOLATION OF PROBATION.

(2) THE STAFF JUDGE ADVOCATE MAY DETAIL A JUDGE ADVOCATE, WHO IS CERTIFIED UNDER § 13A-506 OF THIS TITLE, TO CONDUCT THE HEARING.

(3) THE PROBATIONER SHALL BE REPRESENTED AT THE HEARING BY MILITARY COUNSEL IF THE PROBATIONER SO DESIRES.

(B) (1) THE RECORD OF THE HEARING AND THE RECOMMENDATION OF THE OFFICER HAVING SPECIAL COURT-MARTIAL JURISDICTION SHALL BE SENT FOR ACTION TO THE OFFICER EXERCISING GENERAL COURT-MARTIAL JURISDICTION OVER THE PROBATIONER.

(2) IF THE OFFICER VACATES THE SUSPENSION, ANY UNEXECUTED PART OF THE SENTENCE, EXCEPT A DISMISSAL, SHALL BE EXECUTED, SUBJECT TO APPLICABLE RESTRICTIONS IN THIS TITLE.

(C) THE SUSPENSION OF ANY OTHER SENTENCE MAY BE VACATED BY ANY AUTHORITY COMPETENT TO CONVENE, FOR THE COMMAND IN WHICH THE ACCUSED IS SERVING OR ASSIGNED, A COURT OF THE KIND THAT IMPOSED THE SENTENCE.

13A-911. PETITION FOR A NEW TRIAL.

AT ANY TIME WITHIN 2 YEARS AFTER APPROVAL BY THE CONVENING AUTHORITY OF A COURT-MARTIAL SENTENCE, THE ACCUSED MAY PETITION THE ADJUTANT GENERAL FOR A NEW TRIAL ON THE GROUNDS OF NEWLY DISCOVERED EVIDENCE OR FRAUD ON THE COURT-MARTIAL.

13A-912. REMISSION AND SUSPENSION.

(A) ANY AUTHORITY COMPETENT TO CONVENE, FOR THE COMMAND IN WHICH THE ACCUSED IS SERVING OR ASSIGNED, A COURT OF THE KIND THAT IMPOSED THE SENTENCE MAY REMIT OR SUSPEND ANY PART OR AMOUNT OF THE UNEXECUTED PART OF ANY SENTENCE, INCLUDING ALL UNCOLLECTED FORFEITURES OTHER THAN A SENTENCE APPROVED BY THE GOVERNOR.

(B) THE GOVERNOR MAY, FOR GOOD CAUSE, SUBSTITUTE AN ADMINISTRATIVE FORM OF DISCHARGE FOR A DISCHARGE OR DISMISSAL EXECUTED IN ACCORDANCE WITH THE SENTENCE OF A COURT-MARTIAL.

13A-913. RESTORATION.

(A) UNDER SUCH REGULATIONS AS MAY BE PRESCRIBED, ALL RIGHTS, PRIVILEGES, AND PROPERTY AFFECTED BY AN EXECUTED PART OF A COURT-MARTIAL SENTENCE, WHICH HAS BEEN SET ASIDE OR DISAPPROVED, EXCEPT AN EXECUTED DISMISSAL OR DISCHARGE, SHALL BE RESTORED UNLESS A NEW TRIAL OR REHEARING IS ORDERED AND SUCH EXECUTED PART IS INCLUDED IN

A SENTENCE IMPOSED ON THE NEW TRIAL OR REHEARING.

(B) IF A PREVIOUSLY EXECUTED SENTENCE OF DISHONORABLE OR BAD-CONDUCT DISCHARGE IS NOT IMPOSED ON A NEW TRIAL, THE GOVERNOR MAY SUBSTITUTE THEREFOR A FORM OF DISCHARGE AUTHORIZED FOR ADMINISTRATIVE ISSUANCE UNLESS THE ACCUSED IS TO SERVE OUT THE REMAINDER OF THE ACCUSED'S ENLISTMENT.

(C) (1) IF A PREVIOUSLY EXECUTED SENTENCE OF DISMISSAL IS NOT IMPOSED ON A NEW TRIAL, THE GOVERNOR MAY SUBSTITUTE THEREFOR A FORM OF DISCHARGE AUTHORIZED FOR ADMINISTRATIVE ISSUE, AND THE COMMISSIONED OFFICER DISMISSED BY THAT SENTENCE MAY BE REAPPOINTED BY THE GOVERNOR ALONE TO SUCH COMMISSIONED GRADE AND WITH SUCH RANK AS IN THE OPINION OF THE GOVERNOR THAT FORMER OFFICER WOULD HAVE ATTAINED HAD THE FORMER OFFICER NOT BEEN DISMISSED.

(2) THE REAPPOINTMENT OF SUCH A FORMER OFFICER SHALL BE WITHOUT REGARD TO THE EXISTENCE OF A VACANCY AND SHALL AFFECT THE PROMOTION STATUS OF OTHER OFFICERS ONLY INsofar AS THE GOVERNOR MAY DIRECT.

(3) ALL TIME BETWEEN THE DISMISSAL AND THE REAPPOINTMENT SHALL BE CONSIDERED AS ACTUAL SERVICE FOR ALL PURPOSES, INCLUDING THE RIGHT TO PAY AND ALLOWANCES.

13A-914. FINALITY OF PROCEEDINGS, FINDINGS, AND SENTENCES.

(A) THE APPELLATE REVIEW OF RECORDS OF TRIAL PROVIDED BY THIS TITLE, THE PROCEEDINGS, FINDINGS, AND SENTENCES OF COURTS-MARTIAL AS APPROVED, REVIEWED, OR AFFIRMED AS REQUIRED BY THIS TITLE, AND ALL DISMISSALS AND DISCHARGES CARRIED INTO EXECUTION UNDER SENTENCES BY COURTS-MARTIAL FOLLOWING APPROVAL, REVIEW, OR AFFIRMATION AS REQUIRED BY THIS TITLE, ARE FINAL AND CONCLUSIVE.

(B) ORDERS PUBLISHING THE PROCEEDINGS OF COURTS-MARTIAL AND ALL ACTION TAKEN PURSUANT TO THOSE PROCEEDINGS ARE BINDING ON ALL DEPARTMENTS, COURTS, AGENCIES, AND OFFICERS OF THE UNITED STATES AND THE SEVERAL STATES, SUBJECT ONLY TO ACTION ON A PETITION FOR A NEW TRIAL AS PROVIDED IN § 13A-911 OF THIS SUBTITLE AND TO ACTION UNDER § 13A-912 OF THIS SUBTITLE.

13A-915. LEAVE REQUIRED TO BE TAKEN PENDING REVIEW OF CERTAIN COURT-MARTIAL CONVICTIONS.

(A) UNDER REGULATIONS PRESCRIBED, AN ACCUSED WHO HAS BEEN SENTENCED BY A COURT-MARTIAL MAY BE REQUIRED TO TAKE LEAVE PENDING COMPLETION OF ACTION UNDER THIS SECTION IF THE SENTENCE, AS APPROVED UNDER § 13A-902 OF THIS SUBTITLE, INCLUDES AN UNSUSPENDED DISMISSAL OR AN UNSUSPENDED DISHONORABLE OR BAD-CONDUCT DISCHARGE.

(B) THE ACCUSED MAY BE REQUIRED TO BEGIN SUCH LEAVE ON THE DATE ON WHICH THE SENTENCE IS APPROVED UNDER § 13A-902 OF THIS SUBTITLE OR AT ANY TIME AFTER SUCH DATE, AND SUCH LEAVE MAY BE CONTINUED UNTIL THE DATE ON WHICH ACTION UNDER THIS SECTION IS COMPLETED OR MAY BE TERMINATED AT ANY EARLIER TIME.

13A-916. LACK OF MENTAL CAPACITY OR MENTAL RESPONSIBILITY: COMMITMENT OF ACCUSED FOR EXAMINATION AND TREATMENT.

(A) (1) IN THE CASE OF A PERSON DETERMINED UNDER THIS TITLE TO BE PRESENTLY SUFFERING FROM A MENTAL DISEASE OR DEFECT RENDERING THE PERSON MENTALLY INCOMPETENT TO THE EXTENT THAT THE PERSON IS UNABLE TO UNDERSTAND THE NATURE OF THE PROCEEDINGS AGAINST THAT PERSON OR TO CONDUCT OR COOPERATE INTELLIGENTLY IN THE DEFENSE OF THE CASE, THE GENERAL COURT-MARTIAL CONVENING AUTHORITY FOR THAT PERSON SHALL COMMIT THE PERSON TO THE CUSTODY OF THE STATE ATTORNEY GENERAL.

(2) (I) THE STATE ATTORNEY GENERAL SHALL TAKE ACTION IN ACCORDANCE WITH THE STATE LAW APPLICABLE TO PERSONS INCOMPETENT TO STAND TRIAL.

(II) IF AT THE END OF THE PERIOD FOR HOSPITALIZATION PROVIDED FOR IN THE STATE LAW APPLICABLE TO PERSONS INCOMPETENT TO STAND TRIAL IT IS DETERMINED THAT THE COMMITTED PERSON'S MENTAL CONDITION HAS NOT SO IMPROVED AS TO ALLOW THE TRIAL TO PROCEED, ACTION SHALL BE TAKEN IN ACCORDANCE WITH THE STATE LAW APPLICABLE TO PERSONS INCOMPETENT TO STAND TRIAL.

(3) (I) WHEN THE DIRECTOR OF A FACILITY IN WHICH A PERSON IS HOSPITALIZED UNDER TO PARAGRAPH (2) OF THIS SUBSECTION DETERMINES THAT THE PERSON HAS RECOVERED TO SUCH AN EXTENT THAT THE PERSON IS ABLE TO UNDERSTAND THE NATURE OF THE PROCEEDINGS AGAINST THE PERSON AND TO CONDUCT OR COOPERATE INTELLIGENTLY IN THE DEFENSE OF THE CASE, THE DIRECTOR SHALL PROMPTLY TRANSMIT A NOTIFICATION OF THAT DETERMINATION TO THE STATE ATTORNEY GENERAL, THE GENERAL COURT-MARTIAL CONVENING AUTHORITY FOR THE PERSON, AND THE PERSON'S COUNSEL.

(II) 1. ON RECEIPT OF A NOTIFICATION, THE GENERAL COURT-MARTIAL CONVENING AUTHORITY SHALL PROMPTLY TAKE CUSTODY OF THE PERSON UNLESS THE PERSON COVERED BY THE NOTIFICATION IS NO LONGER SUBJECT TO THIS TITLE.

2. IF THE PERSON IS NO LONGER SUBJECT TO THIS TITLE, THE STATE ATTORNEY GENERAL SHALL TAKE ANY ACTION WITHIN THE AUTHORITY OF THE STATE ATTORNEY GENERAL THAT THE STATE ATTORNEY GENERAL CONSIDERS APPROPRIATE REGARDING THE PERSON.

(III) THE DIRECTOR OF THE FACILITY MAY RETAIN CUSTODY OF THE PERSON FOR NOT MORE THAN 30 DAYS AFTER TRANSMITTING THE NOTIFICATIONS REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(4) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IN THE APPLICATION OF THE STATE LAW APPLICABLE TO PERSONS INCOMPETENT TO STAND TRIAL TO A CASE UNDER THIS SUBSECTION, REFERENCES TO THE COURT THAT ORDERED THE COMMITMENT OF A PERSON, AND TO THE CLERK OF SUCH COURT, SHALL BE DEEMED TO REFER TO THE GENERAL COURT-MARTIAL CONVENING AUTHORITY FOR THAT PERSON.

(II) IF THE PERSON IS NO LONGER SUBJECT TO THIS TITLE AT A TIME RELEVANT TO THE APPLICATION OF SUCH LAW TO THE PERSON, THE STATE TRIAL COURT WITH FELONY JURISDICTION IN THE COUNTY WHERE THE PERSON IS HOSPITALIZED OR OTHERWISE MAY BE FOUND SHALL BE CONSIDERED AS THE COURT THAT ORDERED THE COMMITMENT OF THE PERSON.

(B) (1) IF A PERSON IS FOUND BY A COURT-MARTIAL NOT GUILTY ONLY BY REASON OF LACK OF MENTAL RESPONSIBILITY, THE PERSON SHALL BE COMMITTED TO A SUITABLE FACILITY UNTIL THE PERSON IS ELIGIBLE FOR RELEASE IN ACCORDANCE WITH THIS SECTION.

(2) THE COURT-MARTIAL SHALL CONDUCT A HEARING ON THE MENTAL CONDITION IN ACCORDANCE WITH THE STATE LAW APPLICABLE TO PERSONS INCOMPETENT TO STAND TRIAL.

(3) A REPORT OF THE RESULTS OF THE HEARING SHALL BE MADE TO THE GENERAL COURT-MARTIAL CONVENING AUTHORITY FOR THE PERSON.

(4) IF THE COURT-MARTIAL FAILS TO FIND BY THE STANDARD SPECIFIED IN THE STATE LAW APPLICABLE TO PERSONS INCOMPETENT TO STAND TRIAL THAT THE PERSON'S RELEASE WOULD NOT CREATE A SUBSTANTIAL RISK OF

BODILY INJURY TO ANOTHER PERSON OR SERIOUS DAMAGE OF PROPERTY OF ANOTHER DUE TO A PRESENT MENTAL DISEASE OR DEFECT:

(I) THE GENERAL COURT–MARTIAL CONVENING AUTHORITY MAY COMMIT THE PERSON TO THE CUSTODY OF THE STATE ATTORNEY GENERAL; AND

(II) THE STATE ATTORNEY GENERAL SHALL TAKE ACTION IN ACCORDANCE WITH THE STATE LAW APPLICABLE TO PERSONS INCOMPETENT TO STAND TRIAL.

(5) THE STATE LAW APPLICABLE TO PERSONS INCOMPETENT TO STAND TRIAL SHALL APPLY IN THE CASE OF A PERSON HOSPITALIZED PURSUANT TO PARAGRAPH (4)(II) OF THIS SUBSECTION, EXCEPT THAT THE STATE TRIAL COURT WITH FELONY JURISDICTION IN THE COUNTY WHERE THE PERSON IS HOSPITALIZED SHALL BE CONSIDERED AS THE COURT THAT ORDERED THE PERSON’S COMMITMENT.

(C) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION AND IN SUBSECTION (D)(1) OF THIS SECTION, THE STATE LAW MOST CLOSELY COMPARABLE TO 18 U.S.C. 4247(D) SHALL APPLY IN THE ADMINISTRATION OF THIS ARTICLE.

(2) IN THE APPLICATION OF THE STATE LAW MOST CLOSELY COMPARABLE TO 18 U.S.C. 4247(D) TO HEARINGS CONDUCTED BY A COURT–MARTIAL UNDER THIS SECTION OR BY, OR BY ORDER OF, A GENERAL COURT–MARTIAL CONVENING AUTHORITY UNDER THIS SECTION, THE REFERENCE IN THAT ARTICLE TO ARTICLE 3006A OF SUCH TITLE DOES NOT APPLY.

(D) (1) TITLE 3 OF THE CRIMINAL PROCEDURE ARTICLE APPLIES ACCORDING TO THE PROVISIONS OF THIS SECTION NOTWITHSTANDING 18 U.S.C. 4247(J).

(2) IF THE STATUS OF A PERSON AS DESCRIBED IN § 13A–102 OF THIS TITLE TERMINATES WHILE THE PERSON IS, PURSUANT TO THIS SECTION, IN THE CUSTODY OF THE STATE ATTORNEY GENERAL, HOSPITALIZED, OR ON CONDITIONAL RELEASE UNDER A PRESCRIBED REGIMEN OF MEDICAL, PSYCHIATRIC, OR PSYCHOLOGICAL CARE OR TREATMENT, THE PROVISIONS OF THIS SECTION ESTABLISHING REQUIREMENTS AND PROCEDURES REGARDING A PERSON NO LONGER SUBJECT TO THIS TITLE SHALL CONTINUE TO APPLY TO THAT PERSON NOTWITHSTANDING THE CHANGE OF STATUS.

SUBTITLE 10. PUNITIVE PROVISIONS.

13A-1001. PRINCIPALS.

A PERSON SUBJECT TO THIS TITLE IS A PRINCIPAL, IF THE PERSON:

- (1) COMMITS AN OFFENSE PUNISHABLE BY THIS TITLE, OR AIDS, ABETS, COUNSELS, COMMANDS, OR PROCURES ITS COMMISSION; OR
- (2) CAUSES AN ACT TO BE DONE WHICH, IF DIRECTLY PERFORMED BY THE PERSON, WOULD BE PUNISHABLE BY THIS TITLE.

13A-1002. ACCESSORY AFTER THE FACT.

A PERSON SUBJECT TO THIS TITLE WHO, KNOWING THAT AN OFFENSE PUNISHABLE BY THIS TITLE HAS BEEN COMMITTED, RECEIVES, COMFORTS, OR ASSISTS THE OFFENDER IN ORDER TO HINDER OR PREVENT THE OFFENDER'S APPREHENSION, TRIAL, OR PUNISHMENT SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT.

13A-1003. CONVICTION OF LESSER INCLUDED OFFENSE.

AN ACCUSED MAY BE FOUND GUILTY OF AN OFFENSE NECESSARILY INCLUDED IN THE OFFENSE CHARGED OR OF AN ATTEMPT TO COMMIT EITHER THE OFFENSE CHARGED OR AN OFFENSE NECESSARILY INCLUDED THEREIN.

13A-1004. ATTEMPTS.

(A) AN ACT, DONE WITH SPECIFIC INTENT TO COMMIT AN OFFENSE UNDER THIS TITLE, AMOUNTING TO MORE THAN MERE PREPARATION AND TENDING, EVEN THOUGH FAILING TO EFFECT ITS COMMISSION, IS AN ATTEMPT TO COMMIT THAT OFFENSE.

(B) A PERSON SUBJECT TO THIS TITLE WHO ATTEMPTS TO COMMIT AN OFFENSE PUNISHABLE BY THIS TITLE SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT, UNLESS OTHERWISE SPECIFICALLY PRESCRIBED.

(C) A PERSON SUBJECT TO THIS TITLE MAY BE CONVICTED OF AN ATTEMPT TO COMMIT AN OFFENSE, ALTHOUGH IT APPEARS ON THE TRIAL THAT THE OFFENSE WAS CONSUMMATED.

13A-1005. CONSPIRACY.

A PERSON SUBJECT TO THIS TITLE WHO CONSPIRES WITH ANOTHER PERSON TO COMMIT AN OFFENSE UNDER THIS TITLE SHALL, IF ONE OR MORE OF THE

CONSPIRATORS DOES AN ACT TO EFFECT THE OBJECT OF THE CONSPIRACY, BE PUNISHED AS A COURT-MARTIAL MAY DIRECT.

13A-1006. SOLICITING COMMISSION OF OFFENSES.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON SUBJECT TO THIS TITLE WHO SOLICITS OR ADVISES ANOTHER TO COMMIT AN OFFENSE UNDER THIS TITLE SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT.

(B) A PERSON SUBJECT TO THIS TITLE WHO SOLICITS OR ADVISES ANOTHER TO VIOLATE § 13A-1009 OR § 13A-1021 OF THIS SUBTITLE:

(1) IF THE OFFENSE SOLICITED OR ADVISED IS ATTEMPTED OR IS COMMITTED, SHALL BE PUNISHED WITH THE PUNISHMENT PROVIDED FOR THE COMMISSION OF THE OFFENSE; AND

(2) IF THE OFFENSE SOLICITED OR ADVISED IS NOT ATTEMPTED OR COMMITTED, SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT.

13A-1007. MALINGERING.

A PERSON SUBJECT TO THIS TITLE SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT IF THE PERSON, WITH THE INTENT TO AVOID WORK, DUTY, OR SERVICE:

(1) FEIGNS ILLNESS, PHYSICAL DISABLEMENT, MENTAL LAPSE, OR MENTAL DERANGEMENT; OR

(2) INTENTIONALLY INFLECTS SELF-INJURY.

13A-1008. BREACH OF MEDICAL QUARANTINE.

A PERSON SUBJECT TO THIS TITLE SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT IF THE PERSON:

(1) IS ORDERED INTO MEDICAL QUARANTINE BY A PERSON AUTHORIZED TO ISSUE SUCH ORDER; AND

(2) WITH KNOWLEDGE OF THE QUARANTINE AND THE LIMITS OF THE QUARANTINE, GOES BEYOND THOSE LIMITS BEFORE BEING RELEASED FROM THE QUARANTINE BY PROPER AUTHORITY.

13A-1009. DESERTION.

(A) A MEMBER OF THE STATE MILITARY FORCES IS GUILTY OF DESERTION IF THE MEMBER:

(1) WITHOUT AUTHORITY, GOES OR REMAINS ABSENT FROM THE MEMBER'S UNIT, ORGANIZATION, OR PLACE OF DUTY WITH INTENT TO REMAIN AWAY THEREFROM PERMANENTLY;

(2) QUILTS THE MEMBER'S UNIT, ORGANIZATION, OR PLACE OF DUTY WITH INTENT TO AVOID HAZARDOUS DUTY OR TO SHIRK IMPORTANT SERVICE; OR

(3) WITHOUT BEING REGULARLY SEPARATED FROM ONE OF THE STATE MILITARY FORCES:

(I) ENLISTS OR ACCEPTS AN APPOINTMENT IN THE SAME OR ANOTHER ONE OF THE STATE MILITARY FORCES, OR IN ONE OF THE ARMED FORCES OF THE UNITED STATES, WITHOUT FULLY DISCLOSING THE FACT THAT THE MEMBER HAS NOT BEEN REGULARLY SEPARATED; OR

(II) ENTERS ANY FOREIGN ARMED SERVICE EXCEPT WHEN AUTHORIZED BY THE UNITED STATES.

(B) A COMMISSIONED OFFICER OF THE STATE MILITARY FORCES WHO, AFTER TENDER OF THE OFFICER'S RESIGNATION AND BEFORE NOTICE OF ITS ACCEPTANCE, QUILTS THE OFFICER'S POST OR PROPER DUTIES WITHOUT LEAVE AND WITH INTENT TO REMAIN AWAY THEREFROM PERMANENTLY IS GUILTY OF DESERTION.

(C) (1) A PERSON FOUND GUILTY OF DESERTION OR ATTEMPT TO DESERT SHALL BE PUNISHED, IF THE OFFENSE IS COMMITTED IN TIME OF WAR, BY CONFINEMENT OF NOT MORE THAN 10 YEARS OR SUCH OTHER PUNISHMENT AS A COURT-MARTIAL MAY DIRECT.

(2) A PERSON FOUND GUILTY OF DESERTION OR ATTEMPT TO DESERT OTHER THAN IN TIME OF WAR SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT.

13A-1010. ABSENCE WITHOUT LEAVE.

A PERSON SUBJECT TO THIS TITLE SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT IF THE PERSON, WITHOUT AUTHORITY:

(1) FAILS TO GO TO THE PERSON'S APPOINTED PLACE OF DUTY AT

THE TIME PRESCRIBED;

(2) GOES FROM THAT PLACE; OR

(3) LEAVES OR REMAINS ABSENT FROM THE PERSON'S UNIT, ORGANIZATION, OR PLACE OF DUTY AT WHICH THE PERSON IS REQUIRED TO BE AT THE TIME PRESCRIBED.

13A-1011. MISSING MOVEMENT; JUMPING FROM VESSEL.

(A) A PERSON SUBJECT TO THIS TITLE WHO THROUGH NEGLIGENCE OR DESIGN MISSES THE MOVEMENT OF A SHIP, AIRCRAFT, OR UNIT WITH WHICH THE PERSON IS REQUIRED IN THE COURSE OF DUTY TO MOVE SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT.

(B) A PERSON SUBJECT TO THIS TITLE WHO WRONGFULLY AND INTENTIONALLY JUMPS INTO THE WATER FROM A VESSEL IN USE BY THE ARMED FORCES SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT.

13A-1012. RESISTANCE, FLIGHT, BREACH OF ARREST, AND ESCAPE.

A PERSON SUBJECT TO THIS TITLE SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT IF THE PERSON:

(1) RESISTS APPREHENSION;

(2) FLEES FROM APPREHENSION;

(3) BREAKS ARREST; OR

(4) ESCAPES FROM CUSTODY OR CONFINEMENT.

13A-1013. OFFENSES AGAINST CORRECTIONAL CUSTODY AND RESTRICTION.

(A) A PERSON SUBJECT TO THIS TITLE SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT IF THE PERSON:

(1) IS PLACED IN CORRECTIONAL CUSTODY BY A PERSON AUTHORIZED TO DO SO;

(2) WHILE IN CORRECTIONAL CUSTODY, IS UNDER PHYSICAL RESTRAINT; AND

(3) ESCAPES FROM THE PHYSICAL RESTRAINT BEFORE BEING RELEASED FROM THE PHYSICAL RESTRAINT BY PROPER AUTHORITY.

(B) A PERSON SUBJECT TO THIS TITLE SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT IF THE PERSON:

(1) IS PLACED IN CORRECTIONAL CUSTODY BY A PERSON AUTHORIZED TO DO SO;

(2) WHILE IN CORRECTIONAL CUSTODY, IS UNDER RESTRAINT OTHER THAN PHYSICAL RESTRAINT; AND

(3) GOES BEYOND THE LIMITS OF THE RESTRAINT BEFORE BEING RELEASED FROM THE CORRECTIONAL CUSTODY OR RELIEVED OF THE RESTRAINT BY PROPER AUTHORITY.

(C) A PERSON SUBJECT TO THIS TITLE SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT IF THE PERSON:

(1) IS ORDERED TO BE RESTRICTED TO CERTAIN LIMITS BY A PERSON AUTHORIZED TO DO SO; AND

(2) WITH KNOWLEDGE OF THE LIMITS OF THE RESTRICTION, GOES BEYOND THOSE LIMITS BEFORE BEING RELEASED BY PROPER AUTHORITY.

13A-1014. CONTEMPT TOWARD OFFICIALS.

A COMMISSIONED OFFICER SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT IF THE OFFICER USES CONTEMPTUOUS WORDS AGAINST:

(1) THE PRESIDENT;

(2) THE VICE PRESIDENT;

(3) CONGRESS;

(4) THE SECRETARY OF DEFENSE;

(5) THE SECRETARY OF A MILITARY DEPARTMENT;

(6) THE SECRETARY OF HOMELAND SECURITY;

(7) THE GOVERNOR; OR

(8) THE GENERAL ASSEMBLY.

13A–1015. DISRESPECT TOWARD SUPERIOR COMMISSIONED OFFICER; ASSAULT OF SUPERIOR COMMISSIONED OFFICER.

(A) A PERSON SUBJECT TO THIS TITLE WHO BEHAVES WITH DISRESPECT TOWARD THAT PERSON’S SUPERIOR COMMISSIONED OFFICER SHALL BE PUNISHED AS A COURT–MARTIAL MAY DIRECT.

(B) A PERSON SUBJECT TO THIS TITLE WHO STRIKES THAT PERSON’S SUPERIOR COMMISSIONED OFFICER OR DRAWS OR LIFTS UP ANY WEAPON OR OFFERS ANY VIOLENCE AGAINST THAT OFFICER WHILE THE OFFICER IS IN THE EXECUTION OF THE OFFICER’S OFFICE SHALL BE PUNISHED AS A COURT–MARTIAL MAY DIRECT.

13A–1016. WILLFULLY DISOBEYING SUPERIOR COMMISSIONED OFFICER.

A PERSON SUBJECT TO THIS TITLE WHO WILLFULLY DISOBEYS A LAWFUL COMMAND OF THAT PERSON’S SUPERIOR COMMISSIONED OFFICER SHALL BE PUNISHED AS A COURT–MARTIAL MAY DIRECT.

13A–1017. INSUBORDINATE CONDUCT TOWARD WARRANT OFFICER OR NONCOMMISSIONED OFFICER.

ANY WARRANT OFFICER OR ENLISTED MEMBER SHALL BE PUNISHED AS A COURT–MARTIAL MAY DIRECT IF THE WARRANT OFFICER OR ENLISTED MEMBER:

(1) STRIKES OR ASSAULTS A WARRANT OFFICER OR NONCOMMISSIONED OFFICER WHILE THAT OFFICER IS IN THE EXECUTION OF THE OFFICER’S OFFICE;

(2) WILLFULLY DISOBEYS THE LAWFUL ORDER OF A WARRANT OFFICER OR NONCOMMISSIONED OFFICER; OR

(3) TREATS WITH CONTEMPT OR IS DISRESPECTFUL IN LANGUAGE OR DEPORTMENT TOWARD A WARRANT OFFICER OR NONCOMMISSIONED OFFICER WHILE THAT OFFICER IS IN THE EXECUTION OF THE OFFICER’S OFFICE.

13A–1018. FAILURE TO OBEY ORDER OR REGULATION.

A PERSON SUBJECT TO THIS TITLE SHALL BE PUNISHED AS A COURT–MARTIAL MAY DIRECT IF THE PERSON:

- (1) VIOLATES OR FAILS TO OBEY A LAWFUL GENERAL ORDER OR REGULATION;
- (2) HAVING KNOWLEDGE OF ANY OTHER LAWFUL ORDER ISSUED BY A MEMBER OF THE STATE MILITARY FORCES, WHICH IT IS THE PERSON'S DUTY TO OBEY, FAILS TO OBEY THE ORDER; OR
- (3) IS DERELICT IN THE PERFORMANCE OF THE PERSON'S DUTIES.

13A-1019. CRUELTY AND MALTREATMENT.

A PERSON SUBJECT TO THIS TITLE WHO IS GUILTY OF CRUELTY TOWARD, OR OPPRESSION OR MALTREATMENT OF, ANY PERSON SUBJECT TO THE PERSON'S ORDERS SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT.

13A-1020. PROHIBITED ACTIVITIES WITH MILITARY RECRUIT OR TRAINEE BY PERSON IN POSITION OF SPECIAL TRUST.

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

(2) "APPLICANT FOR MILITARY SERVICE" MEANS A PERSON WHO, UNDER REGULATIONS PRESCRIBED BY THE SECRETARY CONCERNED, IS AN APPLICANT FOR ORIGINAL ENLISTMENT OR APPOINTMENT IN THE ARMED FORCES.

(3) "MILITARY RECRUITER" MEANS A PERSON WHO, UNDER REGULATIONS PRESCRIBED BY THE SECRETARY CONCERNED, HAS THE PRIMARY DUTY TO RECRUIT PERSONS FOR MILITARY SERVICE.

(4) "PROHIBITED SEXUAL ACTIVITY" MEANS, AS SPECIFIED IN REGULATIONS PRESCRIBED BY THE SECRETARY CONCERNED, INAPPROPRIATE PHYSICAL INTIMACY UNDER CIRCUMSTANCES DESCRIBED IN SUCH REGULATIONS.

(5) "SPECIALLY PROTECTED JUNIOR MEMBER OF THE ARMED FORCES" MEANS:

(I) A MEMBER OF THE ARMED FORCES WHO IS ASSIGNED TO, OR IS AWAITING ASSIGNMENT TO, BASIC TRAINING OR OTHER INITIAL ACTIVE DUTY FOR TRAINING, INCLUDING A MEMBER WHO IS ENLISTED UNDER A DELAYED ENTRY PROGRAM;

(II) A MEMBER OF THE ARMED FORCES WHO IS A CADET, AN

OFFICER CANDIDATE, OR A STUDENT IN ANY OTHER OFFICER QUALIFICATION PROGRAM; OR

(III) A MEMBER OF THE ARMED FORCES IN ANY PROGRAM THAT, BY REGULATION PRESCRIBED BY THE SECRETARY CONCERNED, IS IDENTIFIED AS A TRAINING PROGRAM FOR INITIAL CAREER QUALIFICATION.

(6) “TRAINING LEADERSHIP POSITION” MEANS, WITH RESPECT TO A SPECIALLY PROTECTED JUNIOR MEMBER OF THE ARMED FORCES:

(I) A DRILL INSTRUCTOR POSITION OR OTHER LEADERSHIP POSITION IN A BASIC TRAINING PROGRAM, AN OFFICER CANDIDATE SCHOOL, A RESERVE OFFICERS’ TRAINING CORPS UNIT, A TRAINING PROGRAM FOR ENTRY INTO THE ARMED FORCES, OR ANY PROGRAM THAT, BY REGULATION PRESCRIBED BY THE SECRETARY CONCERNED, IS IDENTIFIED AS A TRAINING PROGRAM FOR INITIAL CAREER QUALIFICATION; OR

(II) FACULTY AND STAFF OF THE UNITED STATES MILITARY ACADEMY, THE UNITED STATES NAVAL ACADEMY, THE UNITED STATES AIR FORCE ACADEMY, OR THE UNITED STATES COAST GUARD ACADEMY.

(B) A PERSON SUBJECT TO THIS TITLE SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT IF THE PERSON:

(1) IS AN OFFICER OR A NONCOMMISSIONED OFFICER;

(2) IS IN A TRAINING LEADERSHIP POSITION WITH RESPECT TO A SPECIALLY PROTECTED JUNIOR MEMBER OF THE ARMED FORCES; AND

(3) ENGAGES IN PROHIBITED SEXUAL ACTIVITY WITH SUCH SPECIALLY PROTECTED JUNIOR MEMBER OF THE ARMED FORCES.

(C) ANY PERSON SUBJECT TO THIS TITLE SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT IF THE PERSON:

(1) IS A MILITARY RECRUITER AND ENGAGES IN PROHIBITED SEXUAL ACTIVITY WITH AN APPLICANT FOR MILITARY SERVICE; OR

(2) IS A MILITARY RECRUITER AND ENGAGES IN PROHIBITED SEXUAL ACTIVITY WITH A SPECIALLY PROTECTED JUNIOR MEMBER OF THE ARMED FORCES WHO IS ENLISTED UNDER A DELAYED ENTRY PROGRAM.

(D) CONSENT IS NOT A DEFENSE FOR ANY CONDUCT AT ISSUE IN A

PROSECUTION UNDER THIS SECTION.**13A-1021. MUTINY OR SEDITION.**

(A) (1) A PERSON SUBJECT TO THIS TITLE IS GUILTY OF MUTINY IF THE PERSON, WITH INTENT TO USURP OR OVERRIDE LAWFUL MILITARY AUTHORITY, REFUSES, IN CONCERT WITH ANOTHER PERSON, TO OBEY ORDERS OR OTHERWISE DO THE PERSON'S DUTY OR CREATES ANY VIOLENCE OR DISTURBANCE.

(2) A PERSON SUBJECT TO THIS TITLE IS GUILTY OF SEDITION IF THE PERSON, WITH INTENT TO CAUSE THE OVERTHROW OR DESTRUCTION OF LAWFUL CIVIL AUTHORITY, CREATES, IN CONCERT WITH ANOTHER PERSON, REVOLT, VIOLENCE, OR OTHER DISTURBANCE AGAINST THAT AUTHORITY.

(3) A PERSON SUBJECT TO THIS TITLE IS GUILTY OF FAILURE TO SUPPRESS OR REPORT A MUTINY OR SEDITION IF THE PERSON FAILS TO DO THE PERSON'S UTMOST TO PREVENT AND SUPPRESS A MUTINY OR SEDITION BEING COMMITTED IN THE PERSON'S PRESENCE, OR FAILS TO TAKE ALL REASONABLE MEANS TO INFORM THE PERSON'S SUPERIOR COMMISSIONED OFFICER OR COMMANDING OFFICER OF A MUTINY OR SEDITION WHICH THE PERSON KNOWS OR HAS REASON TO BELIEVE IS TAKING PLACE.

(B) A PERSON WHO IS FOUND GUILTY OF ATTEMPTED MUTINY, MUTINY, SEDITION, OR FAILURE TO SUPPRESS OR REPORT A MUTINY OR SEDITION SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT.

13A-1022. OFFENSES BY SENTINEL OR LOOKOUT.

(A) A SENTINEL OR LOOKOUT WHO IS DRUNK ON POST, WHO SLEEPS ON POST, OR WHO LEAVES POST BEFORE BEING REGULARLY RELIEVED, SHALL BE PUNISHED BY SUCH PUNISHMENT AS A COURT-MARTIAL MAY DIRECT.

(B) A SENTINEL OR LOOKOUT WHO LOITERS OR WRONGFULLY SITS DOWN ON POST SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT.

13A-1023. DISRESPECT TOWARD SENTINEL OR LOOKOUT.

(A) A PERSON SUBJECT TO THIS TITLE WHO, KNOWING THAT ANOTHER PERSON IS A SENTINEL OR LOOKOUT, USES WRONGFUL AND DISRESPECTFUL LANGUAGE THAT IS DIRECTED TOWARD AND WITHIN THE HEARING OF THE SENTINEL OR LOOKOUT, WHO IS IN THE EXECUTION OF DUTIES AS A SENTINEL OR LOOKOUT, SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT.

(B) A PERSON SUBJECT TO THIS TITLE WHO, KNOWING THAT ANOTHER PERSON IS A SENTINEL OR LOOKOUT, BEHAVES IN A WRONGFUL AND DISRESPECTFUL MANNER THAT IS DIRECTED TOWARD AND WITHIN THE SIGHT OF THE SENTINEL OR LOOKOUT, WHO IS IN THE EXECUTION OF DUTIES AS A SENTINEL OR LOOKOUT, SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT.

13A-1024. UNLAWFUL DETENTION.

A PERSON SUBJECT TO THIS TITLE WHO, EXCEPT AS PROVIDED BY LAW OR REGULATION, APPREHENDS, ARRESTS, OR CONFINES ANOTHER PERSON SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT.

13A-1025. PUBLIC RECORDS OFFENSES.

A PERSON SUBJECT TO THIS TITLE SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT IF THE PERSON WILLFULLY AND UNLAWFULLY:

(1) ALTERS, CONCEALS, REMOVES, MUTILATES, OBLITERATES, OR DESTROYS A PUBLIC RECORD; OR

(2) TAKES A PUBLIC RECORD WITH THE INTENT TO ALTER, CONCEAL, REMOVE, MUTILATE, OBLITERATE, OR DESTROY THE PUBLIC RECORD.

13A-1026. FRAUDULENT ENLISTMENT, APPOINTMENT, OR SEPARATION.

A PERSON SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT IF THE PERSON:

(1) PROCURES THE PERSON'S OWN ENLISTMENT OR APPOINTMENT IN THE ARMED FORCES BY KNOWING FALSE REPRESENTATION OR DELIBERATE CONCEALMENT AS TO THE PERSON'S QUALIFICATIONS FOR THAT ENLISTMENT OR APPOINTMENT AND RECEIVES PAY OR ALLOWANCES THEREUNDER; OR

(2) PROCURES THE PERSON'S OWN SEPARATION FROM THE ARMED FORCES BY KNOWING FALSE REPRESENTATION OR DELIBERATE CONCEALMENT AS TO THE PERSON'S ELIGIBILITY FOR THAT SEPARATION.

13A-1027. UNLAWFUL ENLISTMENT, APPOINTMENT, OR SEPARATION.

A PERSON SUBJECT TO THIS TITLE WHO EFFECTS AN ENLISTMENT OR APPOINTMENT IN OR A SEPARATION FROM THE ARMED FORCES OF ANY PERSON WHO IS KNOWN TO THE PERSON TO BE INELIGIBLE FOR THAT ENLISTMENT, APPOINTMENT, OR SEPARATION BECAUSE IT IS PROHIBITED BY LAW, REGULATION,

OR ORDER SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT.

13A-1028. FORGERY.

A PERSON SUBJECT TO THIS TITLE IS GUILTY OF FORGERY AND SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT IF THE PERSON, WITH INTENT TO DEFRAUD:

(1) FALSELY MAKES OR ALTERS A SIGNATURE TO, OR ANY PART OF, A WRITING WHICH WOULD, IF GENUINE, APPARENTLY IMPOSE A LEGAL LIABILITY ON ANOTHER OR CHANGE THE PERSON'S LEGAL RIGHT OR LIABILITY TO THE PERSON'S PREJUDICE; OR

(2) UTTERS, OFFERS, ISSUES, OR TRANSFERS SUCH A WRITING, KNOWN BY THE PERSON TO BE SO MADE OR ALTERED.

13A-1029. FALSE OR UNAUTHORIZED PASS OFFENSES.

(A) A PERSON SUBJECT TO THIS TITLE WHO, WRONGFULLY AND FALSELY, MAKES, ALTERS, COUNTERFEITS, OR TAMPERS WITH A MILITARY OR OFFICIAL PASS, PERMIT, DISCHARGE CERTIFICATE, OR IDENTIFICATION CARD SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT.

(B) A PERSON SUBJECT TO THIS TITLE WHO WRONGFULLY SELLS, GIVES, LENDS, OR DISPOSES OF A FALSE OR UNAUTHORIZED MILITARY OR OFFICIAL PASS, PERMIT, DISCHARGE CERTIFICATE, OR IDENTIFICATION CARD, KNOWING THAT THE PASS, PERMIT, DISCHARGE CERTIFICATE, OR IDENTIFICATION CARD IS FALSE OR UNAUTHORIZED, SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT.

(C) A PERSON SUBJECT TO THIS TITLE WHO WRONGFULLY USES OR POSSESSES A FALSE OR UNAUTHORIZED MILITARY OR OFFICIAL PASS, PERMIT, DISCHARGE CERTIFICATE, OR IDENTIFICATION CARD, KNOWING THAT THE PASS, PERMIT, DISCHARGE CERTIFICATE, OR IDENTIFICATION CARD IS FALSE OR UNAUTHORIZED, SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT.

13A-1030. IMPERSONATION OF OFFICER, NONCOMMISSIONED, OR AGENT OR OFFICIAL.

(A) A PERSON SUBJECT TO THIS TITLE SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT IF THE PERSON WRONGFULLY AND WILLFULLY, IMPERSONATES:

(1) AN OFFICER OR A NONCOMMISSIONED OFFICER;

(2) AN AGENT OF SUPERIOR AUTHORITY OF ONE OF THE ARMED FORCES; OR

(3) AN OFFICIAL OF A GOVERNMENT.

(B) A PERSON SUBJECT TO THIS TITLE WHO, WRONGFULLY, WILLFULLY, AND WITH INTENT TO DEFRAUD, IMPERSONATES A PERSON REFERRED TO IN SUBSECTION (A)(1), (2), OR (3) OF THIS SECTION SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT.

(C) A PERSON SUBJECT TO THIS TITLE WHO, WRONGFULLY, WILLFULLY, AND WITHOUT INTENT TO DEFRAUD, IMPERSONATES AN OFFICIAL OF A GOVERNMENT BY COMMITTING AN ACT THAT EXERCISES OR ASSERTS THE AUTHORITY OF THE OFFICE THAT THE PERSON CLAIMS TO HAVE SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT.

13A-1031. WEARING UNAUTHORIZED INSIGNIA, DECORATION, BADGE, RIBBON, DEVICE, OR LAPEL BUTTON.

A PERSON SUBJECT TO THIS TITLE SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT IF THE PERSON:

(1) IS NOT AUTHORIZED TO WEAR AN INSIGNIA, DECORATION, BADGE, RIBBON, DEVICE, OR LAPEL BUTTON; AND

(2) WRONGFULLY WEARS SUCH INSIGNIA, DECORATION, BADGE, RIBBON, DEVICE, OR LAPEL BUTTON UPON THE PERSON'S UNIFORM OR CIVILIAN CLOTHING.

13A-1032. FALSE OFFICIAL STATEMENTS; FALSE SWEARING.

(A) A PERSON SUBJECT TO THIS TITLE SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT IF THE PERSON, WITH INTENT TO DECEIVE:

(1) SIGNS A FALSE RECORD, RETURN, REGULATION, ORDER, OR OTHER OFFICIAL DOCUMENT, KNOWING IT TO BE FALSE; OR

(2) MAKES ANY OTHER FALSE OFFICIAL STATEMENT KNOWING IT TO BE FALSE.

(B) A PERSON SUBJECT TO THIS TITLE SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT IF THE PERSON:

(1) TAKES AN OATH THAT:

(I) IS ADMINISTERED IN A MATTER IN WHICH SUCH OATH IS REQUIRED OR AUTHORIZED BY LAW; AND

**(II) IS ADMINISTERED BY A PERSON WITH AUTHORITY TO DO SO;
AND**

(2) ON SUCH OATH, MAKES OR SUBSCRIBES TO A STATEMENT THAT IS FALSE AND AT THE TIME OF TAKING THE OATH, THE PERSON DOES NOT BELIEVE THE STATEMENT TO BE TRUE.

13A-1033. PAROLE VIOLATION.

A PERSON SUBJECT TO THIS TITLE SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT IF THE PERSON:

**(1) HAVING BEEN A PRISONER AS THE RESULT OF A COURT-MARTIAL CONVICTION OR OTHER CRIMINAL PROCEEDING, IS ON PAROLE WITH CONDITIONS;
AND**

(2) VIOLATES THE CONDITIONS OF PAROLE.

13A-1034. MILITARY PROPERTY-LOSS, DAMAGE, DESTRUCTION, OR WRONGFUL DISPOSITION.

A PERSON SUBJECT TO THIS TITLE SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT IF THE PERSON, WITHOUT PROPER AUTHORITY, SELLS OR OTHERWISE DISPOSES OF, WILLFULLY OR THROUGH NEGLIGENCE DAMAGES, DESTROYS, OR LOSES, OR WILLFULLY OR THROUGH NEGLIGENCE SUFFERS TO BE LOST, DAMAGED, DESTROYED, SOLD, OR WRONGFULLY DISPOSED OF ANY MILITARY PROPERTY OF THE UNITED STATES OR OF ANY STATE.

13A-1035. CAPTURED OR ABANDONED PROPERTY.

(A) A PERSON SUBJECT TO THIS TITLE SHALL SECURE ALL PUBLIC PROPERTY TAKEN FROM THE ENEMY FOR THE SERVICE OF THE UNITED STATES, AND SHALL GIVE NOTICE AND TURN OVER TO THE PROPER AUTHORITY WITHOUT DELAY ALL CAPTURED OR ABANDONED PROPERTY IN THE PERSON'S POSSESSION, CUSTODY, OR CONTROL.

(B) A PERSON SUBJECT TO THIS TITLE SHALL BE PUNISHED AS A

COURT–MARTIAL MAY DIRECT IF THE PERSON:

(1) FAILS TO CARRY OUT THE DUTIES PRESCRIBED IN SUBSECTION (A) OF THIS SECTION;

(2) BUYS, SELLS, TRADES, OR IN ANY WAY DEALS IN OR DISPOSES OF CAPTURED OR ABANDONED PROPERTY, WHEREBY THE PERSON RECEIVES OR EXPECTS ANY PROFIT, BENEFIT, OR ADVANTAGE TO THE PERSON OR ANOTHER DIRECTLY OR INDIRECTLY CONNECTED WITH THE PERSON; OR

(3) ENGAGES IN LOOTING OR PILLAGING.

13A–1036. PROPERTY OTHER THAN MILITARY PROPERTY–WASTE, SPOILAGE, OR DESTRUCTION.

A PERSON SUBJECT TO THIS TITLE WHO WILLFULLY OR RECKLESSLY WASTES, SPOILS, OR OTHERWISE WILLFULLY AND WRONGFULLY DESTROYS OR DAMAGES ANY PROPERTY OTHER THAN MILITARY PROPERTY OF THE UNITED STATES OR OF ANY STATE SHALL BE PUNISHED AS A COURT–MARTIAL MAY DIRECT.

13A–1037. MAIL MATTER: WRONGFUL TAKING, OPENING, ETC.

A PERSON SUBJECT TO THIS TITLE SHALL BE PUNISHED AS A COURT–MARTIAL MAY DIRECT IF THE PERSON:

(1) WITH THE INTENT TO OBSTRUCT THE CORRESPONDENCE OF, OR TO PRY INTO THE BUSINESS OR SECRETS OF, ANY PERSON OR ORGANIZATION, WRONGFULLY TAKES MAIL MATTER BEFORE THE MAIL MATTER IS DELIVERED TO OR RECEIVED BY THE ADDRESSEE; OR

(2) WRONGFULLY OPENS, SECRETES, DESTROYS, OR STEALS MAIL MATTER BEFORE THE MAIL MATTER IS DELIVERED TO OR RECEIVED BY THE ADDRESSEE.

13A–1038. IMPROPER HAZARDING OF VESSEL.

(A) A PERSON SUBJECT TO THIS TITLE WHO, WILLFULLY AND WRONGFULLY, HAZARDS OR SUFFERS TO BE HAZARDED ANY VESSEL OR AIRCRAFT OF THE ARMED FORCES SHALL BE PUNISHED AS A COURT–MARTIAL MAY DIRECT.

(B) A PERSON SUBJECT TO THIS TITLE WHO NEGLIGENTLY HAZARDS OR SUFFERS TO BE HAZARDED ANY VESSEL OR AIRCRAFT OF THE ARMED FORCES SHALL BE PUNISHED AS A COURT–MARTIAL MAY DIRECT.

13A-1039. LEAVING SCENE OF VEHICLE ACCIDENT.

(A) A PERSON SUBJECT TO THIS TITLE SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT IF THE PERSON:

(1) IS THE DRIVER OF A VEHICLE THAT IS INVOLVED IN AN ACCIDENT THAT RESULTS IN PERSONAL INJURY OR PROPERTY DAMAGE; AND

(2) WRONGFULLY LEAVES THE SCENE OF THE ACCIDENT:

(I) WITHOUT PROVIDING ASSISTANCE TO AN INJURED PERSON;
OR

(II) WITHOUT PROVIDING PERSONAL IDENTIFICATION TO OTHERS INVOLVED IN THE ACCIDENT OR TO APPROPRIATE AUTHORITIES.

(B) A PERSON SUBJECT TO THIS TITLE SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT IF THE PERSON:

(1) IS A PASSENGER IN A VEHICLE THAT IS INVOLVED IN AN ACCIDENT THAT RESULTS IN PERSONAL INJURY OR PROPERTY DAMAGE;

(2) IS THE SUPERIOR COMMISSIONED OR NONCOMMISSIONED OFFICER OF THE DRIVER OF THE VEHICLE OR IS THE COMMANDER OF THE VEHICLE;
AND

(3) WRONGFULLY AND UNLAWFULLY ORDERS, CAUSES, OR PERMITS THE DRIVER TO LEAVE THE SCENE OF THE ACCIDENT:

(I) WITHOUT PROVIDING ASSISTANCE TO AN INJURED PERSON;
OR

(II) WITHOUT PROVIDING PERSONAL IDENTIFICATION TO OTHERS INVOLVED IN THE ACCIDENT OR TO APPROPRIATE AUTHORITIES.

13A-1040. DRUNKENNESS AND OTHER INCAPACITATION OFFENSES.

(A) A PERSON SUBJECT TO THIS TITLE WHO IS DRUNK ON DUTY SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT.

(B) A PERSON SUBJECT TO THIS TITLE WHO, AS A RESULT OF INDULGENCE IN AN ALCOHOLIC BEVERAGE OR DRUG, IS INCAPACITATED FOR THE PROPER

PERFORMANCE OF DUTY SHALL BE PUNISHED AS A COURT–MARTIAL MAY DIRECT.

(C) A PERSON SUBJECT TO THIS TITLE WHO IS A PRISONER AND, WHILE IN SUCH STATUS, IS DRUNK SHALL BE PUNISHED AS A COURT–MARTIAL MAY DIRECT.

13A–1041. WRONGFUL USE, POSSESSION, ETC., OF CONTROLLED SUBSTANCES.

(A) A PERSON SUBJECT TO THIS TITLE WHO WRONGFULLY USES, POSSESSES, MANUFACTURES, DISTRIBUTES, IMPORTS INTO THE CUSTOMS TERRITORY OF THE UNITED STATES, EXPORTS FROM THE UNITED STATES, OR INTRODUCES INTO AN INSTALLATION, VESSEL, VEHICLE, OR AIRCRAFT USED BY OR UNDER THE CONTROL OF THE ARMED FORCES OF THE UNITED STATES OR OF ANY STATE MILITARY FORCES A SUBSTANCE DESCRIBED IN SUBSECTION (B) OF THIS SECTION SHALL BE PUNISHED AS A COURT–MARTIAL MAY DIRECT.

(B) THE SUBSTANCES REFERRED TO IN SUBSECTION (A) OF THIS SECTION ARE:

(1) OPIUM, HEROIN, COCAINE, AMPHETAMINE, LYSERGIC ACID METHAMPHETAMINE, PHENCYCLIDINE, BARBITURIC ACID, AND MARIJUANA AND ANY DERIVATIVE OF ANY SUCH SUBSTANCE OR COMPOUND;

(2) ANY SUBSTANCE NOT SPECIFIED IN ITEM (1) OF THIS SUBSECTION THAT IS LISTED ON A SCHEDULE OF CONTROLLED SUBSTANCES PRESCRIBED BY THE PRESIDENT FOR THE PURPOSES OF THE UNIFORM CODE OF MILITARY JUSTICE OF THE ARMED FORCES OF THE UNITED STATES, 10 U.S.C. § 801 ET SEQ.; AND

(3) ANY OTHER SUBSTANCE NOT SPECIFIED IN ITEM (1) OF THIS SUBSECTION OR CONTAINED ON A LIST PRESCRIBED BY THE PRESIDENT UNDER ITEM (2) OF THIS SUBSECTION THAT IS LISTED IN SCHEDULES I THROUGH V OF ARTICLE 202 OF THE CONTROLLED SUBSTANCES ACT, 21 U.S.C. § 812.

13A–1042. DRUNKEN OR RECKLESS OPERATION OF A VEHICLE, AIRCRAFT, OR VESSEL.

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

(2) “BLOOD ALCOHOL CONTENT LIMIT” MEANS THE AMOUNT OF ALCOHOL CONCENTRATION IN A PERSON’S BLOOD OR BREATH AT WHICH OPERATION OR CONTROL OF A VEHICLE, AIRCRAFT, OR VESSEL IS PROHIBITED.

(3) “UNITED STATES” INCLUDES THE DISTRICT OF COLUMBIA, THE

COMMONWEALTH OF PUERTO RICO, THE VIRGIN ISLANDS, GUAM, AND AMERICAN SAMOA.

(B) A PERSON SUBJECT TO THIS TITLE SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT IF THE PERSON:

(1) OPERATES OR PHYSICALLY CONTROLS A VEHICLE, AIRCRAFT, OR VESSEL IN A RECKLESS OR WANTON MANNER OR WHILE IMPAIRED BY A SUBSTANCE DESCRIBED IN § 13A-1036.1(B) OF THIS SUBTITLE; OR

(2) OPERATES OR IS IN ACTUAL PHYSICAL CONTROL OF A VEHICLE, AIRCRAFT, OR VESSEL WHILE DRUNK OR WHEN THE ALCOHOL CONCENTRATION IN THE PERSON'S BLOOD OR BREATH IS EQUAL TO OR EXCEEDS THE APPLICABLE LIMIT UNDER SUBSECTION (C) OF THIS SECTION.

(C) FOR PURPOSES OF SUBSECTION (B) OF THIS SECTION, THE APPLICABLE LIMIT ON THE ALCOHOL CONCENTRATION IN A PERSON'S BLOOD OR BREATH IS:

(1) IN THE CASE OF THE OPERATION OR CONTROL OF A VEHICLE, AIRCRAFT, OR VESSEL IN THE UNITED STATES, THE LESSER OF:

(I) THE BLOOD ALCOHOL CONTENT LIMIT UNDER THE LAW OF THE STATE IN WHICH THE CONDUCT OCCURRED, EXCEPT AS MAY BE PROVIDED UNDER PARAGRAPH (3) OF THIS SUBSECTION FOR CONDUCT ON A MILITARY INSTALLATION THAT IS IN MORE THAN ONE STATE; OR

(II) THE BLOOD ALCOHOL CONTENT LIMIT SPECIFIED IN SUBSECTION (D) OF THIS SECTION;

(2) IN THE CASE OF THE OPERATION OR CONTROL OF A VEHICLE, AIRCRAFT, OR VESSEL OUTSIDE THE UNITED STATES, THE BLOOD ALCOHOL CONTENT LIMIT SPECIFIED IN SUBSECTION (D) OF THIS SECTION OR SUCH LOWER LIMIT AS THE SECRETARY OF DEFENSE MAY BY REGULATION PRESCRIBE; AND

(3) IN THE CASE OF A MILITARY INSTALLATION THAT IS IN MORE THAN ONE STATE, IF THOSE STATES HAVE DIFFERENT BLOOD ALCOHOL CONTENT LIMITS UNDER THEIR RESPECTIVE STATE LAWS, THE BLOOD ALCOHOL CONTENT LIMIT SELECTED BY THE SECRETARY TO APPLY UNIFORMLY ON THAT INSTALLATION.

(D) (1) FOR PURPOSES OF SUBSECTION (C) OF THIS SECTION, THE BLOOD ALCOHOL LIMIT WITH RESPECT TO ALCOHOL CONCENTRATION, AS SHOWN BY CHEMICAL ANALYSIS:

(I) IN A PERSON'S BLOOD IS 0.08 GRAMS OF ALCOHOL PER 100 MILLILITERS OF BLOOD; AND

(II) IN A PERSON'S BREATH IS 0.08 GRAMS OF ALCOHOL PER 210 LITERS OF BREATH.

(2) THE SECRETARY MAY BY REGULATION PRESCRIBE LIMITS THAT ARE LOWER THAN THE LIMITS SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION IF SUCH LOWER LIMITS ARE BASED ON SCIENTIFIC DEVELOPMENTS AS REFLECTED IN FEDERAL LAW OF GENERAL APPLICABILITY.

13A-1043. ENDANGERMENT OFFENSES.

(A) A PERSON SUBJECT TO THIS TITLE SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT IF THE PERSON ENGAGES IN CONDUCT THAT:

(1) IS WRONGFUL AND RECKLESS OR IS WANTON; AND

(2) IS LIKELY TO PRODUCE DEATH OR GRIEVOUS BODILY HARM TO ANOTHER PERSON.

(B) A PERSON SUBJECT TO THIS TITLE SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT IF THE PERSON:

(1) FIGHTS OR PROMOTES, OR IS CONCERNED IN OR CONNIVES AT FIGHTING A DUEL; OR

(2) HAVING KNOWLEDGE OF A CHALLENGE SENT OR ABOUT TO BE SENT, FAILS TO REPORT THE FACTS PROMPTLY TO THE PROPER AUTHORITY.

(C) A PERSON SUBJECT TO THIS TITLE WHO, WILLFULLY AND WRONGFULLY, DISCHARGES A FIREARM UNDER CIRCUMSTANCES SUCH AS TO ENDANGER HUMAN LIFE SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT.

(D) A PERSON SUBJECT TO THIS TITLE WHO UNLAWFULLY CARRIES A DANGEROUS WEAPON CONCEALED ON OR ABOUT THE PERSON SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT.

13A-1044. COMMUNICATING THREATS.

(A) A PERSON SUBJECT TO THIS TITLE WHO WRONGFULLY COMMUNICATES A THREAT TO INJURE THE PERSON, PROPERTY, OR REPUTATION OF ANOTHER SHALL

BE PUNISHED AS A COURT–MARTIAL MAY DIRECT.

(B) A PERSON SUBJECT TO THIS TITLE WHO WRONGFULLY COMMUNICATES A THREAT TO INJURE THE PERSON OR PROPERTY OF ANOTHER BY USE OF AN EXPLOSIVE, A WEAPON OF MASS DESTRUCTION, A BIOLOGICAL OR CHEMICAL AGENT, SUBSTANCE, OR WEAPON, OR A HAZARDOUS MATERIAL SHALL BE PUNISHED AS A COURT–MARTIAL MAY DIRECT.

(C) (1) IN THIS SUBSECTION, “FALSE THREAT” MEANS A THREAT THAT, AT THE TIME THE THREAT IS COMMUNICATED, IS KNOWN TO BE FALSE BY THE PERSON COMMUNICATING THE THREAT.

(2) A PERSON SUBJECT TO THIS TITLE WHO MALICIOUSLY COMMUNICATES A FALSE THREAT CONCERNING INJURY TO THE PERSON OR PROPERTY OF ANOTHER BY USE OF AN EXPLOSIVE, A WEAPON OF MASS DESTRUCTION, A BIOLOGICAL OR CHEMICAL AGENT, SUBSTANCE, OR WEAPON, OR A HAZARDOUS MATERIAL, SHALL BE PUNISHED AS A COURT–MARTIAL MAY DIRECT.

13A–1045. RIOT OR BREACH OF PEACE.

A PERSON SUBJECT TO THIS TITLE WHO CAUSES OR PARTICIPATES IN A RIOT OR BREACH OF THE PEACE SHALL BE PUNISHED AS A COURT–MARTIAL MAY DIRECT.

13A–1046. PROVOKING SPEECHES OR GESTURES.

A PERSON SUBJECT TO THIS TITLE WHO USES PROVOKING OR REPROACHFUL WORDS OR GESTURES TOWARDS ANOTHER PERSON SUBJECT TO THIS TITLE SHALL BE PUNISHED AS A COURT–MARTIAL MAY DIRECT.

13A–1047. OFFENSES CONCERNING GOVERNMENT COMPUTERS.

(A) IN THIS SECTION, “COMPUTER” HAS THE MEANING STATED IN 18 U.S.C. 1030.

(B) A PERSON SUBJECT TO THIS TITLE SHALL BE PUNISHED AS A COURT MARTIAL MAY DIRECT IF THE PERSON:

(1) KNOWINGLY ACCESSES A GOVERNMENT COMPUTER WITH AN UNAUTHORIZED PURPOSE, AND BY DOING SO OBTAINS CLASSIFIED INFORMATION, WITH REASON TO BELIEVE SUCH INFORMATION COULD BE USED TO THE INJURY OF THE UNITED STATES OR TO THE ADVANTAGE OF ANY FOREIGN NATION, AND INTENTIONALLY COMMUNICATES, DELIVERS, TRANSMITS, OR CAUSES TO BE COMMUNICATED, DELIVERED, OR TRANSMITTED SUCH INFORMATION TO ANY

PERSON NOT ENTITLED TO RECEIVE IT;

(2) INTENTIONALLY ACCESSES A GOVERNMENT COMPUTER WITH AN UNAUTHORIZED PURPOSE, AND THEREBY OBTAINS CLASSIFIED OR OTHER PROTECTED INFORMATION FROM ANY SUCH GOVERNMENT COMPUTER; OR

(3) KNOWINGLY CAUSES THE TRANSMISSION OF A PROGRAM, INFORMATION, CODE, OR COMMAND, AND AS A RESULT OF SUCH CONDUCT, INTENTIONALLY CAUSES DAMAGE WITHOUT AUTHORIZATION TO A GOVERNMENT COMPUTER.

13A-1048. FRAUDS AGAINST THE UNITED STATES.

A PERSON SUBJECT TO THIS TITLE SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT IF THE PERSON:

(1) KNOWING IT TO BE FALSE OR FRAUDULENT:

(I) MAKES A CLAIM AGAINST THE UNITED STATES OR AN OFFICER THEREOF; OR

(II) PRESENTS TO A PERSON IN THE CIVIL OR MILITARY SERVICE THEREOF, FOR APPROVAL OR PAYMENT, A CLAIM AGAINST THE UNITED STATES OR AN OFFICER THEREOF; OR

(2) FOR THE PURPOSE OF OBTAINING THE APPROVAL, ALLOWANCE, OR PAYMENT OF A CLAIM AGAINST THE UNITED STATES OR AN OFFICER THEREOF, MAKES OR USES A WRITING OR OTHER PAPER KNOWING IT TO CONTAIN ONE OR MORE FALSE OR FRAUDULENT STATEMENTS.

13A-1049. PERJURY.

A PERSON SUBJECT TO THIS TITLE IS GUILTY OF PERJURY AND SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT IF THE PERSON, IN A JUDICIAL PROCEEDING OR IN A COURSE OF JUSTICE, WILLFULLY AND CORRUPTLY:

(1) ON A LAWFUL OATH OR IN ANY FORM ALLOWED BY LAW TO BE SUBSTITUTED FOR AN OATH, GIVES FALSE TESTIMONY MATERIAL TO THE ISSUE OR MATTER OF INQUIRY; OR

(2) IN A DECLARATION, CERTIFICATE, VERIFICATION, OR STATEMENT UNDER PENALTY OF PERJURY AS PERMITTED UNDER SECTION 28 U.S.C. 1746, SUBSCRIBES ANY FALSE STATEMENT MATERIAL TO THE ISSUE OR MATTER OF

INQUIRY.

13A-1050. SUBORNATION OF PERJURY.

A PERSON SUBJECT TO THIS TITLE SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT IF THE PERSON INDUCES AND PROCURES ANOTHER PERSON TO TAKE AN OATH AND TO FALSELY TESTIFY, DEPOSE, OR STATE ON SUCH OATH, IF:

(1) THE OATH IS ADMINISTERED WITH RESPECT TO A MATTER FOR WHICH SUCH OATH IS REQUIRED OR AUTHORIZED BY LAW;

(2) THE OATH IS ADMINISTERED BY A PERSON HAVING AUTHORITY TO DO SO;

(3) ON THE OATH, THE OTHER PERSON WILLFULLY MAKES OR SUBSCRIBES A STATEMENT;

(4) THE STATEMENT IS MATERIAL;

(5) THE STATEMENT IS FALSE; AND

(6) WHEN THE STATEMENT IS MADE OR SUBSCRIBED, THE PERSON SUBJECT TO THIS TITLE AND THE OTHER PERSON DO NOT BELIEVE THAT THE STATEMENT IS TRUE.

13A-1051. OBSTRUCTING JUSTICE.

A PERSON SUBJECT TO THIS TITLE WHO ENGAGES IN CONDUCT INVOLVING A PERSON AGAINST WHOM THE ACCUSED HAD REASON TO BELIEVE THERE WERE OR WOULD BE CRIMINAL OR DISCIPLINARY PROCEEDINGS PENDING, WITH INTENT TO INFLUENCE, IMPEDE, OR OTHERWISE OBSTRUCT THE DUE ADMINISTRATION OF JUSTICE SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT.

13A-1052. MISPRISION OF SERIOUS OFFENSE.

A PERSON SUBJECT TO THIS TITLE SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT IF THE PERSON:

(1) KNOWS THAT ANOTHER PERSON HAS COMMITTED A SERIOUS OFFENSE;

(2) WRONGFULLY CONCEALS THE COMMISSION OF THE OFFENSE;

AND

(3) FAILS TO MAKE THE COMMISSION OF THE OFFENSE KNOWN TO CIVILIAN OR MILITARY AUTHORITIES AS SOON AS POSSIBLE.

13A-1053. WRONGFUL REFUSAL TO TESTIFY.

A PERSON SUBJECT TO THIS TITLE WHO, IN THE PRESENCE OF A COURT-MARTIAL, A BOARD OF OFFICERS, A MILITARY COMMISSION, A COURT OF INQUIRY, A PRELIMINARY HEARING, OR AN OFFICER TAKING A DEPOSITION, OF OR FOR THE UNITED STATES, WRONGFULLY REFUSES TO QUALIFY AS A WITNESS OR TO ANSWER A QUESTION AFTER HAVING BEEN DIRECTED TO DO SO BY THE PERSON PRESIDING SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT.

13A-1054. PREVENTION OF AUTHORIZED SEIZURE OF PROPERTY.

A PERSON SUBJECT TO THIS TITLE WHO, KNOWING THAT ONE OR MORE PERSONS AUTHORIZED TO MAKE SEARCHES AND SEIZURES ARE SEIZING, ARE ABOUT TO SEIZE, OR ARE ENDEAVORING TO SEIZE PROPERTY, DESTROYS, REMOVES, OR OTHERWISE DISPOSES OF THE PROPERTY WITH INTENT TO PREVENT THE SEIZURE THEREOF SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT.

13A-1055. NONCOMPLIANCE WITH PROCEDURAL RULES.

A PERSON SUBJECT TO THIS TITLE SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT IF THE PERSON:

(1) IS RESPONSIBLE FOR UNNECESSARY DELAY IN THE DISPOSITION OF A CASE OF A PERSON ACCUSED OF AN OFFENSE UNDER THIS TITLE; OR

(2) KNOWINGLY AND INTENTIONALLY FAILS TO ENFORCE OR COMPLY WITH A PROVISION OF THIS TITLE REGULATING THE PROCEEDINGS BEFORE, DURING, OR AFTER TRIAL OF AN ACCUSED.

13A-1056. WRONGFUL INTERFERENCE WITH ADVERSE ADMINISTRATIVE PROCEEDING.

A PERSON SUBJECT TO THIS TITLE SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT IF, HAVING REASON TO BELIEVE THAT AN ADVERSE ADMINISTRATIVE PROCEEDING IS PENDING AGAINST A PERSON SUBJECT TO THIS TITLE, THE PERSON WRONGFULLY ACTS WITH THE INTENT:

(1) TO INFLUENCE, IMPEDE, OR OBSTRUCT THE CONDUCT OF THE PROCEEDING; OR

(2) OTHERWISE TO OBSTRUCT THE DUE ADMINISTRATION OF JUSTICE.

13A-1057. RETALIATION.

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

(2) “COVERED INDIVIDUAL OR ORGANIZATION” MEANS A RECIPIENT OF A COMMUNICATION SPECIFIED IN CLAUSES (I) THROUGH (V) OF 10 U.S.C. 1034(B)(1)(B).

(3) “INSPECTOR GENERAL” HAS THE MEANING STATED IN 10 U.S.C. 1034(J).

(4) “PROTECTED COMMUNICATION” MEANS:

(I) A LAWFUL COMMUNICATION TO A MEMBER OF CONGRESS OR AN INSPECTOR GENERAL; OR

(II) A COMMUNICATION TO A COVERED INDIVIDUAL OR ORGANIZATION IN WHICH A MEMBER OF THE ARMED FORCES COMPLAINS OF, OR DISCLOSES INFORMATION THAT THE MEMBER REASONABLY BELIEVES CONSTITUTES EVIDENCE OF:

1. A VIOLATION OF LAW OR REGULATION, INCLUDING A LAW OR REGULATION PROHIBITING SEXUAL HARASSMENT OR UNLAWFUL DISCRIMINATION; OR

2. GROSS MISMANAGEMENT, A GROSS WASTE OF FUNDS, AN ABUSE OF AUTHORITY, OR A SUBSTANTIAL AND SPECIFIC DANGER TO PUBLIC HEALTH OR SAFETY.

(B) A PERSON SUBJECT TO THIS TITLE SHALL BE PUNISHED AS A COURT-MARTIAL MAY DIRECT IF, WITH THE INTENT TO RETALIATE AGAINST A PERSON FOR REPORTING OR PLANNING TO REPORT A CRIMINAL OFFENSE, OR MAKING OR PLANNING TO MAKE A PROTECTED COMMUNICATION, OR WITH THE INTENT TO DISCOURAGE A PERSON FROM REPORTING A CRIMINAL OFFENSE OR MAKING OR PLANNING TO MAKE A PROTECTED COMMUNICATION, THE PERSON:

(1) WRONGFULLY TAKES OR THREATENS TO TAKE AN ADVERSE PERSONNEL ACTION AGAINST A PERSON; OR

(2) WRONGFULLY WITHHOLDS OR THREATENS TO WITHHOLD A FAVORABLE PERSONNEL ACTION WITH RESPECT TO A PERSON.

13A–1058. CONDUCT UNBECOMING AN OFFICER AND A GENTLEMAN.

A COMMISSIONED OFFICER, CADET, OR CANDIDATE WHO IS CONVICTED OF CONDUCT UNBECOMING AN OFFICER AND A GENTLEMAN SHALL BE PUNISHED AS A COURT–MARTIAL MAY DIRECT.

13A–1059. GENERAL ARTICLE.

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THOUGH NOT SPECIFICALLY MENTIONED IN THIS TITLE, ALL DISORDERS AND NEGLECTS TO THE PREJUDICE OF GOOD ORDER AND DISCIPLINE IN THE STATE MILITARY FORCES AND ALL CONDUCT OF A NATURE TO BRING DISCREDIT ON THE STATE MILITARY FORCES, AND CRIMES BOTH FEDERAL AND STATE AND OFFENSES NOT CAPITAL, SHALL BE TAKEN COGNIZANCE OF BY A COURT–MARTIAL AND PUNISHED AT THE DISCRETION OF A MILITARY COURT.

(B) WHERE A CRIME CONSTITUTES AN OFFENSE THAT VIOLATES BOTH THIS TITLE AND THE CRIMINAL LAWS OF THE STATE WHERE THE OFFENSE OCCURS OR CRIMINAL LAWS OF THE UNITED STATES, JURISDICTION OF THE MILITARY COURT MUST BE DETERMINED IN ACCORDANCE WITH § 13A–102 OF THIS TITLE.

SUBTITLE 11. MISCELLANEOUS PROVISIONS.

13A–1101. COURTS OF INQUIRY.

(A) A COURTS OF INQUIRY TO INVESTIGATE ANY MATTER OF CONCERN TO THE STATE MILITARY FORCES MAY BE CONVENED BY ANY PERSON AUTHORIZED TO CONVENE A GENERAL COURT–MARTIAL, WHETHER OR NOT THE PERSONS INVOLVED HAVE REQUESTED SUCH AN INQUIRY.

(B) (1) A COURT OF INQUIRY CONSISTS OF THREE OR MORE COMMISSIONED OFFICERS.

(2) FOR EACH COURT OF INQUIRY, THE CONVENING AUTHORITY SHALL ALSO APPOINT COUNSEL FOR THE COURT.

(C) (1) A PERSON SUBJECT TO THIS TITLE WHOSE CONDUCT IS SUBJECT TO INQUIRY SHALL BE DESIGNATED AS A PARTY.

(2) A PERSON SUBJECT TO THIS TITLE WHO HAS A DIRECT INTEREST IN THE SUBJECT OF INQUIRY HAS THE RIGHT TO BE DESIGNATED AS A PARTY ON REQUEST TO THE COURT.

(3) A PERSON DESIGNATED AS A PARTY SHALL BE GIVEN DUE NOTICE AND HAS THE RIGHT TO BE PRESENT, TO BE REPRESENTED BY COUNSEL, TO CROSS-EXAMINE WITNESSES, AND TO INTRODUCE EVIDENCE.

(D) A MEMBER OF A COURT OF INQUIRY MAY BE CHALLENGED BY A PARTY, BUT ONLY FOR CAUSE STATED TO THE COURT.

(E) THE MEMBERS, COUNSEL, THE REPORTER, AND INTERPRETERS OF A COURT OF INQUIRY SHALL TAKE AN OATH TO FAITHFULLY PERFORM THEIR DUTIES.

(F) WITNESSES MAY BE SUMMONED TO APPEAR AND TESTIFY AND BE EXAMINED BEFORE A COURT OF INQUIRY, AS PROVIDED FOR COURTS-MARTIAL.

(G) A COURT OF INQUIRY SHALL MAKE FINDINGS OF FACT BUT MAY NOT EXPRESS OPINIONS OR MAKE RECOMMENDATIONS UNLESS REQUIRED TO DO SO BY THE CONVENING AUTHORITY.

(H) (1) A COURT OF INQUIRY SHALL KEEP A RECORD OF ITS PROCEEDINGS, WHICH SHALL BE AUTHENTICATED BY THE SIGNATURES OF THE PRESIDENT AND COUNSEL FOR THE COURT AND FORWARDED TO THE CONVENING AUTHORITY.

(2) IF THE RECORD CANNOT BE AUTHENTICATED BY THE PRESIDENT, IT SHALL BE SIGNED BY A MEMBER IN LIEU OF THE PRESIDENT.

(3) IF THE RECORD CANNOT BE AUTHENTICATED BY THE COUNSEL FOR THE COURT, IT SHALL BE SIGNED BY A MEMBER IN LIEU OF THE COUNSEL.

13A-1102. AUTHORITY TO ADMINISTER OATHS AND TO ACT AS NOTARY.

(A) THE FOLLOWING PERSONS MAY ADMINISTER OATHS FOR THE PURPOSES OF MILITARY ADMINISTRATION, INCLUDING MILITARY JUSTICE:

(1) A JUDGE ADVOCATE;

(2) A SUMMARY COURT-MARTIAL;

(3) AN ADJUTANT, ASSISTANT ADJUTANT, ACTING ADJUTANT, AND

PERSONNEL ADJUTANT; AND

(4) ALL OTHER PERSONS DESIGNATED BY REGULATIONS FOR THE MARYLAND MILITARY DEPARTMENT.

(B) THE FOLLOWING PERSONS MAY ADMINISTER OATHS NECESSARY IN THE PERFORMANCE OF THEIR DUTIES:

(1) THE PRESIDENT, MILITARY JUDGE, AND TRIAL COUNSEL FOR ALL GENERAL AND SPECIAL COURTS–MARTIAL;

(2) THE PRESIDENT AND THE COUNSEL FOR THE GOVERNMENT OF ANY COURT OF INQUIRY;

(3) AN OFFICER DESIGNATED TO TAKE A DEPOSITION;

(4) A PERSON DETAILED TO CONDUCT AN INVESTIGATION;

(5) A RECRUITING OFFICER; AND

(6) ALL OTHER PERSONS DESIGNATED BY REGULATIONS OF THE ARMED FORCES OF THE UNITED STATES OR BY STATUTE.

(C) THE SIGNATURE WITHOUT SEAL OF ANY SUCH PERSON, TOGETHER WITH THE TITLE OF THE PERSON’S OFFICE, IS PRIMA FACIE EVIDENCE OF THE PERSON’S AUTHORITY.

13A–1103. SECTIONS TO BE EXPLAINED.

(A) (1) THIS SUBSECTION APPLIES WITH RESPECT TO §§ 13A–102, 13A–103, 13A–201 THROUGH 13A–301, 13A–504, 13A–506, 13A–602, 13A–702, 13A–703, 13A–801, AND 13A–1001 THROUGH 13A–1059 OF THIS TITLE AND §§ 13A–1103 THROUGH 13A–1105 OF THIS SUBTITLE.

(2) THE SECTIONS OF THIS TITLE SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CAREFULLY EXPLAINED TO EACH ENLISTED MEMBER AT THE TIME OF, OR WITHIN 30 DAYS AFTER, THE MEMBER’S INITIAL ENTRANCE INTO A DUTY STATUS WITH THE STATE MILITARY FORCES.

(3) THE SECTIONS OF THIS TITLE SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE EXPLAINED AGAIN:

(I) AFTER THE MEMBER HAS COMPLETED BASIC OR RECRUIT

TRAINING; AND

(II) AT THE TIME WHEN THE MEMBER REENLISTS.

(B) THE TEXT OF THIS TITLE AND OF THE REGULATIONS PRESCRIBED UNDER THIS TITLE SHALL BE MADE AVAILABLE TO A MEMBER OF THE STATE MILITARY FORCES, ON REQUEST BY THE MEMBER, FOR THE MEMBER'S PERSONAL EXAMINATION.

13A-1104. COMPLAINTS OF WRONGS.

(A) A MEMBER OF THE STATE MILITARY FORCES WHO BELIEVES THE MEMBER TO HAVE BEEN WRONGED BY A COMMANDING OFFICER, AND WHO, ON DUE APPLICATION TO THAT COMMANDING OFFICER, IS REFUSED REDRESS, MAY COMPLAIN TO A SUPERIOR COMMISSIONED OFFICER, WHO SHALL FORWARD THE COMPLAINT TO THE OFFICER EXERCISING GENERAL COURT-MARTIAL JURISDICTION OVER THE OFFICER AGAINST WHOM IT IS MADE.

(B) THE OFFICER EXERCISING GENERAL COURT-MARTIAL JURISDICTION SHALL:

(1) EXAMINE INTO THE COMPLAINT AND TAKE PROPER MEASURES FOR REDRESSING THE WRONG COMPLAINED OF; AND

(2) AS SOON AS POSSIBLE, SEND TO THE ADJUTANT GENERAL A TRUE STATEMENT OF THAT COMPLAINT, WITH THE PROCEEDINGS HAD THEREON.

13A-1105. REDRESS OF INJURIES TO PROPERTY.

(A) (1) WHENEVER COMPLAINT IS MADE TO A COMMANDING OFFICER THAT WILLFUL DAMAGE HAS BEEN DONE TO THE PROPERTY OF A PERSON OR THAT THE PERSON'S PROPERTY HAS BEEN WRONGFULLY TAKEN BY MEMBERS OF THE STATE MILITARY FORCES WHILE IN THE LINE OF DUTY, THAT PERSON MAY, UNDER SUCH REGULATIONS PRESCRIBED, CONVENE A BOARD TO INVESTIGATE THE COMPLAINT.

(2) THE BOARD SHALL CONSIST OF FROM ONE TO THREE COMMISSIONED OFFICERS AND, FOR THE PURPOSE OF THAT INVESTIGATION, THE BOARD HAS POWER TO:

(I) SUMMON WITNESSES AND EXAMINE THEM ON OATH;

(II) RECEIVE DEPOSITIONS OR OTHER DOCUMENTARY

EVIDENCE; AND

(III) ASSESS THE DAMAGES SUSTAINED AGAINST THE RESPONSIBLE PARTIES.

(3) THE ASSESSMENT OF DAMAGES MADE BY THE BOARD IS SUBJECT TO THE APPROVAL OF THE COMMANDING OFFICER, AND IN THE AMOUNT APPROVED BY THAT OFFICER SHALL BE CHARGED AGAINST THE PAY OF THE OFFENDERS.

(4) THE ORDER OF THE COMMANDING OFFICER DIRECTING CHARGES HEREIN AUTHORIZED IS CONCLUSIVE ON ANY DISBURSING OFFICER FOR PAYMENT TO THE INJURED PARTIES OF THE DAMAGES SO ASSESSED AND APPROVED.

(B) IF THE OFFENDERS CANNOT BE ASCERTAINED, BUT THE ORGANIZATION OR DETACHMENT TO WHICH THEY BELONG IS KNOWN, CHARGES TOTALING THE AMOUNT OF DAMAGES ASSESSED AND APPROVED MAY BE MADE IN SUCH PROPORTION AS MAY BE CONSIDERED JUST UPON THE INDIVIDUAL MEMBERS THEREOF WHO ARE SHOWN TO HAVE BEEN PRESENT AT THE SCENE AT THE TIME THE DAMAGES COMPLAINED OF WERE INFLICTED, AS DETERMINED BY THE APPROVED FINDINGS OF THE BOARD.

13A-1106. DELEGATION BY THE GOVERNOR.

THE GOVERNOR MAY DELEGATE ANY AUTHORITY VESTED IN THE GOVERNOR UNDER THIS TITLE, AND PROVIDE FOR THE SUB-DELEGATION OF ANY SUCH AUTHORITY, EXCEPT THE POWER GIVEN THE GOVERNOR BY § 13A-501 OF THIS TITLE.

13A-1107. PAYMENT OF FINES AND DISPOSITION THEREOF.

(A) FINES IMPOSED BY A MILITARY COURT OR THROUGH IMPOSITION OF NON-JUDICIAL PUNISHMENT MAY BE PAID TO THE U.S. TREASURY.

(B) FINES MAY BE COLLECTED BY:

(1) CASH OR MONEY ORDER;

(2) RETENTION OF PAY OR ALLOWANCES DUE OR TO BECOME DUE THE PERSON FINED FROM ANY STATE OR THE UNITED STATES; OR

(3) GARNISHMENT OR LEVY, TOGETHER WITH COSTS, ON THE WAGES, GOODS, AND CHATTELS OF A PERSON DELINQUENT IN PAYING A FINE, AS PROVIDED BY LAW.

13A-1108. UNIFORMITY OF INTERPRETATION.

THIS TITLE SHALL BE SO CONSTRUED AS TO EFFECTUATE ITS GENERAL PURPOSE TO MAKE IT UNIFORM, SO FAR AS PRACTICAL, WITH THE UNIFORM CODE OF MILITARY JUSTICE, 10 U.S.C. 47.

13A-1109. IMMUNITY FOR ACTION OF MILITARY COURTS.

A PERSON ACTING UNDER THE PROVISIONS OF THIS TITLE, WHETHER AS A MEMBER OF THE MILITARY OR AS A CIVILIAN, SHALL BE IMMUNE FROM PERSONAL LIABILITY FOR ANY OF THE ACTS OR OMISSIONS THAT THE PERSON DID OR FAILED TO DO AS PART OF THE PERSON'S DUTIES UNDER THIS TITLE.

13A-1110. SEVERABILITY.

THE PROVISIONS OF THIS TITLE ARE HEREBY DECLARED TO BE SEVERABLE AND IF ANY PROVISION OF THIS TITLE OR THE APPLICATION OF SUCH PROVISION TO ANY PERSON OR CIRCUMSTANCE IS DECLARED INVALID FOR ANY REASON, SUCH DECLARATION SHALL NOT AFFECT THE VALIDITY OF THE REMAINING PORTIONS OF THIS TITLE.

13A-1111. SHORT TITLE.

THIS ACT MAY BE CITED AS THE MARYLAND CODE OF MILITARY JUSTICE.

13A-1112. SUPERSEDES EXISTING STATE MILITARY JUSTICE CODES.

ON ENACTMENT, THIS LAW SUPERSEDES ALL EXISTING STATUTES, ORDINANCES, DIRECTIVES, RULES, REGULATIONS, ORDERS, AND OTHER LAWS IN THE STATE COVERED BY THE SUBJECT MATTER OF THIS LAW, AND ALL SUCH STATUTES, ORDINANCES, DIRECTIVES, RULES, REGULATIONS, ORDERS, AND OTHER LAWS ARE HEREBY REPEALED.

SECTION 3. AND BE IT FURTHER ENACTED, That the catchlines contained in this Act are not law and may not be considered to have been enacted as part of this Act.

SECTION 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 593**(Senate Bill 1022)**

AN ACT concerning

**Board of Regents of the University System of Maryland – Tuition ~~Exemption~~
Waiver – Student Members**

FOR the purpose of authorizing the Board of Regents of the University System of Maryland to grant a certain tuition ~~exemption~~ waiver for a certain individual serving in the second year of an appointment as a student member on the Board; prohibiting the tuition ~~exemption~~ waiver from being considered a gift or compensation under certain State laws; prohibiting a student member receiving the tuition ~~exemption~~ waiver from being classified as an employee of the University System of Maryland; and generally relating to the Board of Regents of the University System of Maryland.

BY repealing and reenacting, without amendments,

Article – Education

Section 12–102(c)(1) and (f)

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 12–102(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 – Education

12–102.

(c) The Board of Regents consists of 21 members as follows:

(1) (i) Except as provided in item (ii) of this item, two members shall be full–time students in good academic standing at an institution under the jurisdiction of the Board; and

(ii) A student member who is in good academic standing at the University of Maryland Global Campus shall be exempt from the full–time student requirement in item (i) of this item;

(f) (1) Except for the student members, each appointed member serves for a term of 5 years from July 1 of the year of appointment and until a successor is appointed and qualifies. These members may be reappointed.

(2) The student members shall be appointed for a term of 2 years, from July 1, and may be reappointed if the student remains a student at any campus of the University System of Maryland.

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

(h) (1) Each member of the Board:

[(1)] (I) Serves without compensation; and

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

(2) (I) THE BOARD MAY GRANT A TUITION ~~EXEMPTION~~ WAIVER TO A STUDENT MEMBER NOT TO EXCEED THE AMOUNT OF THE TUITION OBLIGATION INCURRED BY THE STUDENT MEMBER DURING THE SECOND YEAR OF A 2-YEAR TERM.

(II) A TUITION ~~EXEMPTION~~ WAIVER PROVIDED TO A STUDENT MEMBER UNDER THIS PARAGRAPH MAY NOT:

1. BE CONSIDERED A GIFT OR COMPENSATION UNDER TITLE 5 OF THE GENERAL PROVISIONS ARTICLE;

2. BE CONSIDERED COMPENSATION UNDER:

A. PARAGRAPH (1) OF THIS SUBSECTION; OR

B. § 12-101(A)(3) OF THE STATE GOVERNMENT ARTICLE; OR

3. CAUSE THE STUDENT MEMBER TO BE CLASSIFIED AS AN EMPLOYEE OF THE UNIVERSITY SYSTEM OF MARYLAND.

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 594

(Senate Bill 1025)

AN ACT concerning

Task Force on ~~Reciprocity~~ of Fishing License Penalties

FOR the purpose of establishing the Task Force on ~~Reciprocity~~ of Fishing License Penalties; providing for the composition, chair, and staffing of the Task Force; requiring the Governor to make ~~a certain request~~ requests regarding the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make recommendations regarding certain matters; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; stating the intent of the General Assembly that the Task Force constitute a commission to study and make recommendations concerning revision and amendments to the Potomac River Compact of 1958, as described in a certain section of the Compact; providing for the termination of this Act; and generally relating to the Task Force on ~~Reciprocity~~ of Fishing License Penalties.

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

That:

- (a) There is a Task Force on ~~Reciprocity~~ of Fishing License Penalties.
- (b) (1) Subject to paragraph (2) of this subsection, the Task Force consists of:
- (i) the Secretary of Natural Resources, or the Secretary's designee;
 - (ii) members appointed by the Governor.

and

(2) The Governor shall request that the Governor of Virginia appoint members to the Task Force.

(3) The Governor shall request that the Potomac River Fisheries Commission appoint at least one member to the Task Force.

(c) (1) Subject to paragraph (2) of this subsection, the Secretary of Natural Resources, or the Secretary's designee, shall chair the Task Force.

(2) The Governor shall request that the ~~Virginia Secretary of Natural Resources, or the Secretary's~~ Commissioner of the Virginia Marine Resources Commission, or the Commissioner's designee, cochair the Task Force.

(d) (1) Subject to paragraph (2) of this subsection, the Department of Natural Resources shall provide staff for the Task Force.

(2) The Governor shall request that the Potomac River Fisheries Commission provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall study and make recommendations on:

(1) fishing license penalty reciprocity between Maryland and the Potomac River Fisheries Commission;

(2) if Virginia participates in the Task Force, fishing license penalty reciprocity between Virginia and the Potomac River Fisheries Commission; ~~and~~

(3) the logistics associated with providing fishing license penalty reciprocity; and

(4) actions the Potomac River Fisheries Commission can take, consistent with the Interstate Wildlife Violator Compact, to prohibit a person from participating in a fishery under the Potomac River Fisheries Commission's jurisdiction if the person's license to catch, sell, buy, process, transport, export, or otherwise deal in fish in Maryland has been suspended or revoked.

(g) On or before December 1, 2021, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Task Force established by this Act constitute a commission to study and make recommendations concerning revision and amendments to the Potomac River Compact of 1958, as described in Article IV, Section 5, of the Compact.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020. It shall remain effective for a period of 2 years and, at the end of June 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 595**(Senate Bill 1081)**

AN ACT concerning

Prior Authorizations of State Debt – Alterations

FOR the purpose of amending certain prior authorizations of State Debt to alter the requirement that certain grantees provide certain matching funds; extending the deadline for certain grantees to present certain evidence that a matching fund will be presented; extending the termination date of certain grants; changing the locations of certain capital projects; altering the purposes of certain grants; changing the names of certain grantees; altering the authorized uses of certain grants; altering certain matching fund and expenditure requirements; providing for the reimbursement of certain expenses and debt; making technical corrections; and generally relating to amending prior authorizations of State Debt.

BY repealing and reenacting, with amendments,
Chapter 424 of the Acts of the General Assembly of 2013
Section 1(3) Item ZA02(BK) and ZA03(AV) and (AX)

BY repealing and reenacting, with amendments,
Chapter 463 of the Acts of the General Assembly of 2014
Section 1(3) Item KA05(C)(1)

BY repealing and reenacting, with amendments,
Chapter 463 of the Acts of the General Assembly of 2014, as amended by Chapter 27
of the Acts of the General Assembly of 2016 and Chapter 22 of the Acts of the
General Assembly of 2017
Section 1(3) Item ZA03(AR)

BY adding to
Chapter 463 of the Acts of the General Assembly of 2014, as amended by Chapter 27
of the Acts of the General Assembly of 2016 and Chapter 22 of the Acts of the
General Assembly of 2017
Section 1(3) Item ZA03(AR-1)

BY repealing and reenacting, with amendments,
Chapter 495 of the Acts of the General Assembly of 2015
Section 1(3) Item ZA02(AJ) and (AR) and ZA03(AT)

BY repealing and reenacting, with amendments,
Chapter 495 of the Acts of the General Assembly of 2015, as amended by Chapter 27
of the Acts of the General Assembly of 2016 and Chapter 9 of the Acts of the
General Assembly of 2018
Section 1(3) Item ZA00(H)

BY repealing and reenacting, with amendments,
 Chapter 27 of the Acts of the General Assembly of 2016, as amended by Chapter 22
 of the Acts of the General Assembly of 2017 and Chapter 9 of the Acts of the
 General Assembly of 2018

Section 1(3) Item ZA02(AP) and ZA03(AN)

BY repealing and reenacting, with amendments,
 Chapter 27 of the Acts of the General Assembly of 2016, as amended by Chapter 9 of
 the Acts of the General Assembly of 2018

Section 1(3) Item ZA00(AS), ZA02(P) and (AY), and ZA03(Q) and (AU)

BY repealing and reenacting, with amendments,

Chapter 22 of the Acts of the General Assembly of 2017

Section 1(3) Item ZA00(AR) ~~and~~, ZA02(M), and ZA03(G)

BY repealing and reenacting, with amendments,

Chapter 22 of the Acts of the General Assembly of 2017, as amended by Chapter 9 of
 the Acts of the General Assembly of 2018

Section 1(3) Item ZA02(AH)

BY repealing and reenacting, with amendments,

Chapter 22 of the Acts of the General Assembly of 2017, as amended by Chapter 737
 of the Acts of the General Assembly of 2019

Section 1(3) Item ZA02(BH)

BY repealing and reenacting, with amendments,

Chapter 9 of the Acts of the General Assembly of 2018

Section 1(3) Item ZA02(N), (S), (AI), (BT), and (CA) and ZA03(H), (O), (R), (BE), and
 (BR)

BY repealing and reenacting, with amendments,

Chapter 14 of the Acts of the General Assembly of 2019

Section 1(3) Item ZA00(K), (DE), and (ER), ZA02(Y), (AL), and (BI), and ZA03(Q),
 (S), (AK), (BM), (BR), and (BU)

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

Chapter 424 of the Acts of 2013

Section 1(3)

ZA02

LOCAL SENATE INITIATIVES

(BK) City of District Heights Senior Day Facility Expansion. Provide
 a grant equal to the lesser of (i) \$100,000 or (ii) the amount of

the matching fund provided, to the Mayor and City Commissioners of the City of District Heights for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of the City of District Heights Senior Day Facility. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property. **NOTWITHSTANDING SECTION 1(7) OF THIS ACT, THIS GRANT MAY NOT TERMINATE BEFORE JUNE 1, 2023** (Prince George’s County) 100,000

ZA03 LOCAL HOUSE OF DELEGATES INITIATIVES

(AV) Cheverly American Legion Post 108. Provide a **\$40,000** grant [of \$40,000] to the Executive Committee of the Cheverly American Legion Post 108, Inc. for the construction, repair, renovation, reconstruction, and capital equipping of the Cheverly American Legion Post 108[, subject to a requirement that the grantee provide and expend a matching fund of \$30,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act]. **NOTWITHSTANDING SECTION 1(7) OF THIS ACT, THIS GRANT MAY NOT TERMINATE BEFORE JUNE 1, 2022** (Prince George’s County) 40,000

(AX) City of District Heights Senior Day Facility Expansion. Provide a grant equal to the lesser of (i) \$150,000 or (ii) the amount of the matching fund provided, to the Mayor and City Commissioners of the City of District Heights for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of the City of District Heights Senior Day Facility. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property. **NOTWITHSTANDING SECTION 1(7) OF THIS ACT, THIS GRANT MAY NOT TERMINATE BEFORE JUNE 1, 2023** (Prince George’s County) 150,000

Chapter 463 of the Acts of 2014

Section 1(3)

DEPARTMENT OF NATURAL RESOURCES

KA05 CAPITAL GRANTS AND LOANS ADMINISTRATION
(Statewide)

(C) Program Open Space. Provide funds for the purchase of conservation easements and acquisition of land, and to make grants to local jurisdictions for the purchase of conservation easements and acquisition of land, and development of recreational facilities. Funds appropriated for local grants shall be administered in accordance with §§ 5–905 and 5–906 of the Natural Resources Article 41,635,000

(1) Program Open Space – Stateside – Prior Funds Replacement. Notwithstanding §§ 5–905 and 5–906 of the Natural Resources Article, \$6,000,000 of this authorization is restricted for the purposes of providing a grant to Baltimore City for the construction of capital improvements to the Gwynns Falls/Leakin Park Urban Children in Nature Campus project and \$300,000 of this authorization is restricted for the purposes of providing a grant to the Board of Directors of [The Royal Theater and Community Heritage Corporation] **THE UPTON PLANNING COMMITTEE, INC.** for [the acquisition, clearance, and site preparation of land and the design of athletic and open space uses] **CONSTRUCTION OF CAPITAL IMPROVEMENTS TO ROBERT C. MARSHALL PARK** 18,872,000

Chapter 463 of the Acts of 2014, as amended by Chapter 27 of the Acts of 2016 and Chapter 22 of the Acts of 2017

Section 1(3)

ZA03 LOCAL HOUSE OF DELEGATES INITIATIVES

(AR) Community Action Council Food Bank Facility. Provide a grant equal to the lesser of (i) [~~\$200,000~~] **\$10,000** or (ii) the amount of the matching fund provided, to the Board of Directors of the Community Action Council of Howard County, Maryland, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the

Community Action Council Food Bank Facility. Notwithstanding Section 1(5) of this Act, the grantee has until June 1, 2018, to present evidence that a matching fund will be provided and the matching fund may consist of in kind contributions. Notwithstanding Section 1(7) of this Act, this grant may not terminate before June 1, 2023 (Howard County) [200,000]
10,000

(AR-1) LONG REACH HEAD START CENTER. PROVIDE A GRANT EQUAL TO THE LESSER OF (I) \$190,000 OR (II) THE AMOUNT OF THE MATCHING FUND PROVIDED, TO THE BOARD OF DIRECTORS OF THE COMMUNITY ACTION COUNCIL OF HOWARD COUNTY, MARYLAND, INC. FOR THE ACQUISITION, PLANNING, DESIGN, CONSTRUCTION, REPAIR, RENOVATION, RECONSTRUCTION, AND CAPITAL EQUIPPING OF THE LONG REACH HEAD START CENTER. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2022, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED AND THE MATCHING FUND MAY CONSIST OF IN KIND CONTRIBUTIONS. NOTWITHSTANDING SECTION 1(7) OF THIS ACT, THIS GRANT MAY NOT TERMINATE BEFORE JUNE 1, 2027 (HOWARD COUNTY) 190,000

Chapter 495 of the Acts of 2015

Section 1(3)

ZA02 LOCAL HOUSE OF DELEGATES INITIATIVES
(Statewide)

(AJ) Damascus Volunteer Fire Department. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Damascus Volunteer Fire Department, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Damascus Volunteer Fire Department building, **INCLUDING THE PURCHASE AND INSTALLATION OF HVAC EQUIPMENT AND UPGRADES**, located in Montgomery County (Montgomery County) 50,000

(AR) The Writer’s Center. Provide a grant equal to the lesser of (i) \$60,000 or (ii) the amount of the matching fund provided, to the

Board of Directors of The Writer’s Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of The Writer’s Center facility, located in Montgomery County. **NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE GRANTEE MAY BE REIMBURSED FOR EXPENSES OR DEBT INCURRED ON OR AFTER JANUARY 1, 2013** (Montgomery County) 60,000

ZA03 SENATE INITIATIVES
(Statewide)

(AT) Damascus Volunteer Fire Department. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Damascus Volunteer Fire Department, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Damascus Volunteer Fire Department building, **INCLUDING THE PURCHASE AND INSTALLATION OF HVAC EQUIPMENT AND UPGRADES**, located in Montgomery County (Montgomery County) 50,000

Chapter 495 of the Acts of 2015, as amended by Chapter 27 of the Acts of 2016 and Chapter 9 of the Acts of 2018

Section 1(3)

ZA00 MISCELLANEOUS GRANT PROGRAMS

(H) Maryland Food Bank. Provide a grant of \$3,500,000 to the Board of Directors of the Maryland Food Bank, Inc. to assist in funding the acquisition, design, construction, and equipping of [two new food bank branches in Baltimore County and Wicomico County] **THE MARYLAND FOOD BANK AND THE EXPANSION OF ITS WORKFORCE DEVELOPMENT TRAINING PROGRAM** (Statewide) 3,500,000

Chapter 27 of the Acts of 2016, as amended by Chapter 22 of the Acts of 2017 and Chapter 9 of the Acts of 2018

Section 1(3)

ZA02 LOCAL SENATE INITIATIVES

(AP) Friendsville Veterans Memorial. Provide a grant equal to the lesser of (i) \$80,000 or (ii) the amount of the matching fund

provided, to the Board of Directors of the Garrett Memorial Veterans of Foreign Wars, Post 10,077, Inc. and the Mayor and Town Council of the Town of Friendsville for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Friendsville Veterans Memorial, located in Garrett County. Notwithstanding Section 1(5) of this Act, the grantee has until June 1, [2020] **2022**, to present evidence that a matching fund will be provided and the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Garrett County) 80,000

ZA03 LOCAL HOUSE OF DELEGATES INITIATIVES

(AN) Friendsville Veterans Memorial. Provide a grant equal to the lesser of (i) \$20,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Garrett Memorial Veterans of Foreign Wars, Post 10,077, Inc. and the Mayor and Town Council of the Town of Friendsville for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Friendsville Veterans Memorial, located in Garrett County. Notwithstanding Section 1(5) of this Act, the grantee has until June 1, [2020] **2022**, to present evidence that a matching fund will be provided and the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Garrett County) 20,000

Chapter 27 of the Acts of 2016, as amended by Chapter 9 of the Acts of 2018

Section 1(3)

ZA00 MISCELLANEOUS GRANT PROGRAMS

(AS) Damascus High School Athletic Facilities. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Damascus High School Athletic Booster Club Inc. and the County Executive and County Council of Montgomery County for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of athletic facilities for Damascus High School, including site improvements, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the grantee has until June 1, [2020] **2022**, to present evidence that a matching fund will be provided. **NOTWITHSTANDING SECTION 1(7) OF THIS**

ACT, THIS GRANT MAY NOT TERMINATE BEFORE JUNE 1, 2024 (Montgomery County)	75,000
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ZA02 LOCAL SENATE INITIATIVES

(P)	International Black Fire Fighters Museum. Provide a \$50,000 grant [equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided,] to the Board of Directors of the African American Fire Fighters Historical Society, Inc. and the Mayor and City Council of Baltimore City for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the International Black Fire Fighters Museum, located in Baltimore City[. Notwithstanding Section 1(5) of this Act, the grantee has until June 1, 2020, to present evidence that a matching fund will be provided and the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act] (Baltimore City)	50,000
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(AY)	Damascus High School Athletic Facilities. Provide a grant equal to the lesser of (i) \$75,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Damascus High School Athletic Booster Club Inc. and the County Executive and County Council of Montgomery County for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of athletic facilities for Damascus High School, including site improvements, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the grantee has until June 1, [2020] 2022 , to present evidence that a matching fund will be provided. NOTWITHSTANDING SECTION 1(7) OF THIS ACT, THIS GRANT MAY NOT TERMINATE BEFORE JUNE 1, 2024 (Montgomery County)	75,000
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ZA03 LOCAL HOUSE OF DELEGATES INITIATIVES

(Q)	International Black Fire Fighters Museum. Provide a \$200,000 grant [equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided,] to the Board of Directors of the African American Fire Fighters Historical Society, Inc. and the Mayor and City Council of Baltimore City for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the International Black Fire Fighters Museum, located in Baltimore City[. Notwithstanding Section 1(5) of this Act, the grantee has until June 1, 2020, to present evidence that a	
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matching fund will be provided and the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act] (Baltimore City) 200,000

(AU) Damascus High School Athletic Facilities. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Damascus High School Athletic Booster Club Inc. and the County Executive and County Council of Montgomery County for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of athletic facilities for Damascus High School, including site improvements, located in Montgomery County. Notwithstanding Section 1(5) of this Act, the grantee has until June 1, [2020] **2022**, to present evidence that a matching fund will be provided. **NOTWITHSTANDING SECTION 1(7) OF THIS ACT, THIS GRANT MAY NOT TERMINATE BEFORE JUNE 1, 2024** (Montgomery County) 50,000

Chapter 22 of the Acts of 2017

Section 1(3)

ZA00 MISCELLANEOUS GRANT PROGRAMS

(AR) Route 1 Baltimore Avenue Revitalization. Provide funds to the State Highway Administration (SHA) for the planning, design, construction, repair, renovation, reconstruction, site work, and capital equipping of capital infrastructure improvements along Route 1 Baltimore Avenue in College Park, Maryland, provided that SHA shall consult with the City of College Park and the College Park City–University Partnership on the list of projects to be funded with this authorization. **FURTHER PROVIDED THAT THE GRANT FUNDS SHALL BE USED BY SHA TO PAY THE CITY OF COLLEGE PARK AND THE UNIVERSITY OF MARYLAND, COLLEGE PARK’S SHARE OF THE COST OF PEDESTRIAN LIGHTING CAPITAL INFRASTRUCTURE IMPROVEMENTS** (Prince George’s County) 1,300,000

ZA02 LOCAL HOUSE OF DELEGATES INITIATIVES

(M) Shake and Bake Family Fun Center. Provide a grant equal to the lesser of (i) \$20,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Shake and Bake Community Development Center, Inc. for the acquisition, planning, design, construction, repair, renovation,

reconstruction, site improvement, and capital equipping of the Shake and Bake Family Fun Center, located in Baltimore City. Notwithstanding Section 1(5) of this Act, the **GRANTEE HAS UNTIL JUNE 1, 2022, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED AND THE** matching fund may consist of in kind contributions (Baltimore City) 20,000

ZA03 LOCAL SENATE INITIATIVES

(G) [Arundel Volunteer Fire Department Community Center.] PASCAL CRISIS STABILIZATION CENTER. Provide a grant equal to the lesser of (i) \$125,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the [Arundel Volunteer Fire Department, Inc.] ROBERT A. PASCAL YOUTH & FAMILY SERVICES, INC. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the [Arundel Volunteer Fire Department Community Center.] PASCAL CRISIS STABILIZATION CENTER, located in Anne Arundel County. Notwithstanding Section 1(5) of this Act, THE GRANTEE HAS UNTIL JUNE 1, 2022, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED AND the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Anne Arundel County) 125,000

Chapter 22 of the Acts of 2017, as amended by Chapter 9 of the Acts of 2018

Section 1(3)

ZA02 LOCAL HOUSE OF DELEGATES INITIATIVES

(AH) ManneqART Facility. Provide a **\$50,000** grant [equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided,] to the Board of Directors of ManneqART, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the ManneqART facility, located in [Baltimore City. Notwithstanding Section 1(5) of this Act, the grantee has until June 1, 2020, to present evidence that a matching fund will be provided and the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Baltimore City)] **HOWARD COUNTY (HOWARD COUNTY) 50,000**

Chapter 22 of the Acts of 2017, as amended by Chapter 737 of the Acts of 2019

Section 1(3)

ZA02 LOCAL HOUSE OF DELEGATES INITIATIVES

- (BH) Riverdale Park Station Pedestrian Improvements. Provide a grant equal to the lesser of (i) \$350,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the College Park City–University Partnership, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of walkways[, trails, and a public “Village Green” at Riverdale Park Station] **AND TRAILS IN RIVERDALE PARK, INCLUDING THE INSTALLATION OF LIGHTING**, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, the grantee has until June 1, 2021, to present evidence that a matching fund will be provided and the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act (Prince George’s County) 350,000

Chapter 9 of the Acts of 2018

Section 1(3)

ZA02 LOCAL SENATE INITIATIVES

- (N) Carmel Community Reaching Out Center. Provide a grant equal to the lesser of (i) \$90,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the First Mount Carmel Christian Community Church, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Carmel Community Reaching Out Center. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property. **NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE GRANTEE MAY BE REIMBURSED FOR EXPENSES OR DEBT INCURRED ON OR AFTER JANUARY 1, 2017** (Baltimore City) 90,000
- (S) HARBEL Community Building. Provide a **\$100,000** grant [equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided,] to the Board of Directors of the

HARBEL Community Organization, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the HARBEL Community Building, including improvements to the building’s parking lots (Baltimore City) 100,000

(AI) [The Glenn L. Martin Maryland Aviation Museum.] AVIATION STATION. Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Glenn L. Martin Maryland Aviation Museum, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of [The Glenn L. Martin Maryland Aviation Museum, including the acquisition of historic artifacts] AVIATION STATION. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Baltimore County) 50,000

(BT) [Boys and Girls Club Sports Park] **LIBERTY SPORTS PARK.** Provide a **\$50,000** grant [equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Prince George’s County Boys & Girls Club, Inc.] **TO THE BOARD OF DIRECTORS OF THE GREEN BRANCH MANAGEMENT GROUP CORP.** for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of [Boys and Girls Club Sports Park, including improvements to the sports fields and parking lot. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property] **THE LIBERTY SPORTS PARK** (Prince George’s County) 50,000

(CA) [Maryland Intergenerational Family Life Center] **LIBERTY SPORTS PARK.** Provide a **\$50,000** grant [equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided,] to the [Board of Trustees of the Judah Temple A.M.E. Zion Church] **BOARD OF DIRECTORS OF THE GREEN BRANCH MANAGEMENT GROUP CORP.** for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the [Maryland Intergenerational Family Life Center] **LIBERTY SPORTS PARK** (Prince George’s County) 50,000

ZA03 LOCAL HOUSE OF DELEGATES INITIATIVES

(H) Lloyd Keaser Community Center. Provide a **\$35,000** grant

- [equal to the lesser of (i) \$35,000 or (ii) the amount of the matching fund provided,] to the Board of Directors of the Taxpayers Improvement Association of Patapsco Park, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Lloyd Keaser Community Center, including repairs to the building's roof, bathrooms, and HVAC system[. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property] (Anne Arundel County) 35,000
- (O) Harvey Johnson Community Center. Provide a **\$200,000** grant [equal to the lesser of (i) \$200,000 or (ii) the amount of the matching fund provided,] to the Board of Directors of the Beloved Community Services Corporation for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Harvey Johnson Community Center[. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions] (Baltimore City) 200,000
- (R) [Langston Hughes Community, Business and Resource Center] **JAMES D. GROSS RECREATION CENTER**. Provide a grant equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided, to the [Board of Directors of Youth Educational Services Incorporated] **MAYOR AND CITY COUNCIL OF BALTIMORE CITY** for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the [Langston Hughes Community, Business and Resource Center] **JAMES D. GROSS RECREATION CENTER**. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Baltimore City) 250,000
- (BE) [Boys and Girls Club Sports Park] **LIBERTY SPORTS PARK**. Provide a **\$50,000** grant [equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Prince George's County Boys & Girls Club, Inc.] **TO THE BOARD OF DIRECTORS OF THE GREEN BRANCH MANAGEMENT GROUP CORP.** for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of [Boys and Girls Club Sports Park, including improvements to the sports fields and parking lot. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property]

	THE LIBERTY SPORTS PARK (Prince George’s County)	50,000
(BR)	Smithsburg Town Hall Tower. Provide a \$12,000 grant [equal to the lesser of (i) \$12,000 or (ii) the amount of the matching fund provided,] to the Board of Directors of the Smithsburg Historical Society, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Smithsburg Town Hall Tower (Washington County)	12,000

Chapter 14 of the Acts of 2019

Section 1(3)

ZA00 MISCELLANEOUS GRANT PROGRAMS

(K)	Chesapeake Bay Maritime Museum – New Library and Exhibit Building. Provide a grant to the Board of Governors of the Chesapeake Bay Maritime Museum for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of [a new library and exhibit building for] the Chesapeake Bay Maritime Museum, INCLUDING THE MUSEUM’S EXISTING LIBRARY AND COLLECTIONS FACILITIES (Talbot County) ...	250,000
(DE)	[Blue Whale Recycling Plant] BERKELEY SPRINGS INSTRUMENTS FACILITY . Provide a grant to [the Board of County Commissioners of Allegany County] BERKELEY SPRINGS INSTRUMENTS, LLC for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of [the Blue Whale Recycling Plant] A FACILITY FOR BERKELEY SPRINGS INSTRUMENTS, LLC IN THE FROSTBURG BUSINESS PARK (Allegany County)	300,000
(ER)	[Huntington Heritage Society] GREEN BRANCH ATHLETIC COMPLEX . Provide a grant to the [Mayor and City Council of the City of Bowie] BOARD OF DIRECTORS OF THE GREEN BRANCH MANAGEMENT GROUP CORP. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of [an historic property in the Old Towne of Bowie] THE GREEN BRANCH ATHLETIC COMPLEX (Prince George’s County)	300,000

ZA02 LOCAL HOUSE OF DELEGATES INITIATIVES

(Statewide)

- (Y) Pikesville High School Artificial Turf Field. Provide a **\$250,000** grant [equal to the lesser of (i) \$250,000 or (ii) the amount of the matching fund provided,] to the County Executive and County Council of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of **A STADIUM FIELD HOUSE, A STADIUM TRACK**, an artificial turf field, **AND OTHER STADIUM AREA FACILITIES** at Pikesville High School, located in Baltimore County (Baltimore County) 250,000
- (AL) Jericho Road Stone Bank Barn. Provide a grant [equal to the lesser of (i)] OF \$200,000, [or (ii) the amount of the matching fund provided,] to the Board of Directors of the Friends of Jerusalem Mill for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Jericho Road Stone Bank Barn building, located in Harford County, SUBJECT TO A REQUIREMENT THAT THE GRANTEE PROVIDE AND EXPEND A MATCHING FUND OF \$100,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Harford County) 200,000
- (BI) YMCA of Hagerstown. Provide a grant equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Young Men’s Christian Association of Hagerstown, Maryland, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the [indoor pools at the] Hagerstown YMCA, **INCLUDING THE REPAIR AND REPLACEMENT OF THE ROOF AND HVAC EQUIPMENT**, located in Washington County. **NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE MATCHING FUND MAY CONSIST OF FUNDS EXPENDED PRIOR TO THE EFFECTIVE DATE OF THIS ACT** (Washington County) 100,000

ZA03 LOCAL SENATE INITIATIVES
(Statewide)

- (Q) Parkville High School Turf Field. Provide a **\$100,000** grant [equal to the lesser of (i) \$100,000 or (ii) the amount of the matching fund provided,] to the Baltimore County Board of

- Education for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of a turf field at Parkville High School, located in Baltimore County[. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions] (Baltimore County) 100,000
- (S) Pikesville High School Artificial Turf Field. Provide a **\$600,000** grant [equal to the lesser of (i) \$600,000 or (ii) the amount of the matching fund provided,] to the County Executive and County Council of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of **A STADIUM FIELD HOUSE, A STADIUM TRACK**, an artificial turf field, **AND OTHER STADIUM AREA FACILITIES** at Pikesville High School, located in Baltimore County (Baltimore County) 600,000
- (AK) Jericho Road Stone Bank Barn. Provide a grant [equal to the lesser of (i)] OF \$50,000, [or (ii) the amount of the matching fund provided,] to the Board of Directors of the Friends of Jerusalem Mill for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Jericho Road Stone Bank Barn building, located in Harford County, SUBJECT TO A REQUIREMENT THAT THE GRANTEE PROVIDE AND EXPEND A MATCHING FUND OF \$25,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions (Harford County) 50,000
- (BM) [Upper Marlboro Welcome Center] **DOWNTOWN UPPER MARLBORO PROJECT**. Provide a grant equal to the lesser of (i) \$175,000 or (ii) the amount of the matching fund provided, to the Mayor and Board of Town Commissioners of the Town of Upper Marlboro for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the [Old Stone Building to be the Upper Marlboro Welcome Center] **DOWNTOWN UPPER MARLBORO PARKING LOT AND POCKET PARK**, located in Prince George’s County. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or in kind contributions (Prince George’s County) 175,000
- (BR) Boonsboro Parking Lot. Provide a grant equal to the lesser of (i) \$25,000 or (ii) the amount of the matching fund provided, to

the Mayor and Town Council of the Town of Boonsboro for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Town of Boonsboro parking lot, located in Washington County.

NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE MATCHING FUND MAY CONSIST OF IN KIND CONTRIBUTIONS (Washington County)

25,000

- (BU) **YMCA OF Hagerstown.** Provide a grant equal to the lesser of (i) \$50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of The Young Men’s Christian Association of Hagerstown, Maryland, Incorporated for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the [indoor pools at the] Hagerstown YMCA, **INCLUDING THE REPAIR AND REPLACEMENT OF THE ROOF AND HVAC EQUIPMENT**, located in Washington County (Washington County)

50,000

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 596

(House Bill 97)

AN ACT concerning

St. Mary’s County – Public Facilities Bond

FOR the purpose of authorizing and empowering the County Commissioners of St. Mary’s County, from time to time, to borrow not more than \$33,000,000 in order to finance the construction, improvement, or development of certain public facilities in St. Mary’s County, as herein defined, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds

and refunding bonds and the interest thereon and any income derived therefrom from all State, county, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and generally relating to the issuance and sale of such bonds.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, as used herein, the term “County” means the body politic and corporate of the State of Maryland known as the County Commissioners of St. Mary’s County, and the term “construction, improvement, or development of public facilities” means the acquisition, alteration, construction, reconstruction, enlargement, equipping, expansion, extension, improvement, rehabilitation, renovation, upgrading, and repair of public buildings and facilities and public works projects, including, but not limited to, public works projects such as highways, roads, bridges and storm drains, public school buildings and facilities, boating facilities, shore erosion and other marine property, landfills, and recycling facilities, public operational buildings and facilities such as buildings and facilities for County administrative use, capital improvements to the Wicomico Shores Taxing District, County athletic facilities, the community college, community swimming pools, public safety, health, and social services, libraries, commuter air service facilities, refuse disposal buildings and facilities, and parks and recreation buildings and facilities, together with the costs of acquiring land or interests in land as well as any related architectural, financial, legal, planning, or engineering services.

SECTION 2. AND BE IT FURTHER ENACTED, That the County is hereby authorized to finance any part or all of the costs of the public facilities described in Section 1 of this Act, and to borrow money and incur indebtedness for that purpose, at one time or from time to time, in an amount not exceeding, in the aggregate, \$33,000,000, and to evidence such borrowing by the issuance and sale upon its full faith and credit of general obligation bonds in like par amount, which may be issued at one time or from time to time, in one or more groups or series, as the County may determine.

SECTION 3. AND BE IT FURTHER ENACTED, That the bonds shall be issued in accordance with a resolution of the County, which shall describe generally the construction, improvement, or development of public facilities for which the proceeds of the bond sale are intended and the amount needed for those purposes. The County shall have and is hereby granted full and complete authority and discretion in the resolution to fix and determine with respect to the bonds of any issue: the designation, date of issue, denomination or denominations, form or forms, and tenor of the bonds which, without limitation, may be issued in registered form within the meaning of § 19–204 of the Local Government Article of the Annotated Code of Maryland, as amended; the rate or rates of interest payable thereon, or the method of determining the same, which may include a variable rate; the date or dates and amount or amounts of maturity, which need not be in equal par amounts or in consecutive annual installments, provided only that no bond of any issue shall mature later than 30 years from the date of its issue; the manner of selling the bonds, which may be at either public or private sale, for such price or prices as may be determined to be in the best interests of St. Mary’s County; the manner of executing and sealing the bonds,

which may be by facsimile; the terms and conditions, if any, under which bonds may be tendered for payment or purchase prior to their stated maturity; the terms or conditions, if any, under which bonds may or shall be redeemed prior to their stated maturity; the place or places of payment of the principal of and the interest on the bonds, which may be at any bank or trust company within or without the State of Maryland; covenants relating to compliance with applicable requirements of federal income tax law, including (without limitation) covenants regarding the payment of rebate or penalties in lieu of rebate; covenants relating to compliance with applicable requirements of federal or state securities laws; and generally all matters incident to the terms, conditions, issuance, sale, and delivery thereof.

The bonds may be made redeemable before maturity, at the option of the County, at such price or prices and under such terms and conditions as may be fixed by the County prior to the issuance of the bonds, either in the resolution or in a bond order pursuant to the bond resolution. The bonds may be issued in registered form and provision may be made for the registration of the principal only. In case any officer whose signature appears on any bond ceases to be such officer before the delivery thereof, such signature shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery. The bonds and the issuance and sale thereof shall be exempt from the provisions of §§ 19–205 and 19–206 of the Local Government Article of the Annotated Code of Maryland, as amended.

The County may enter into agreements with agents, banks, fiduciaries, insurers, or others for the purpose of enhancing the marketability of any security for the bonds and for the purpose of securing any tender option that may be granted to holders of the bonds, all as may be determined and presented in the aforesaid resolution, which may (but need not) state as security for the performance by the County of any monetary obligations under such agreements the same security given by the County to bondholders for the performance by the County of its monetary obligations under the bonds.

If the County determines in the resolution to offer any of the bonds by solicitation of competitive bids at public sale, the resolution shall fix the terms and conditions of the public sale and shall adopt a form of notice of sale, which shall outline the terms and conditions, and a form of advertisement, which shall be published in one or more daily or weekly newspapers having a general circulation in the County and which may also be published in one or more journals having a circulation primarily among banks and investment bankers. At least one publication of the advertisement shall be made not less than 10 days before the sale of the bonds.

Upon delivery of any bonds to the purchaser or purchasers, payment therefor shall be made to the Treasurer of St. Mary's County or such other official of St. Mary's County as may be designated to receive such payment in a resolution passed by the County before such delivery.

SECTION 4. AND BE IT FURTHER ENACTED, That the net proceeds of the sale of bonds shall be used and applied exclusively and solely for the acquisition, construction, improvement, or development of public facilities for which the bonds are sold. If the

amounts borrowed shall prove inadequate to finance the projects described in the resolution, the County may issue additional bonds with the limitations hereof for the purpose of evidencing the borrowing of additional funds for such financing, provided the resolution authorizing the sale of additional bonds shall so recite, but if the net proceeds of the sale of any issue of bonds exceed the amount needed to finance the projects described in the resolution, the excess funds so borrowed and not expended shall be applied to the payment of the next principal maturity of the bonds or to the redemption of any part of the bonds which have been made redeemable or to the purchase and cancellation of bonds, unless the County shall adopt a resolution allocating the excess funds to the acquisition, construction, improvement, or development of other public facilities, as defined and within the limits set forth in this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That the bonds hereby authorized shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest on the bonds as and when they become payable. In each and every fiscal year that any of the bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all the assessable property within the corporate limits of the County in rate and amount sufficient to provide for or assure the payment, when due, of the principal of and interest on all the bonds maturing in each such fiscal year and, in the event the proceeds from the taxes so levied in any such fiscal year shall prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any such deficiency. The County may apply to the payment of the principal of and interest on any bonds issued hereunder any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality thereof, or from any other source, if such funds are granted for the purpose of assisting the County in financing the acquisition, construction, improvement, or development of the public facilities defined in this Act and, to the extent of any such funds received or receivable in any fiscal year, the taxes that are required to be levied under this Act may be reduced accordingly.

SECTION 6. AND BE IT FURTHER ENACTED, That the County is further authorized and empowered, at any time and from time to time, to issue its bonds in the manner hereinabove described for the purpose of refunding, by payment at maturity or upon purchase or redemption, any bonds issued hereunder. The validity of any such refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the obligations so refunded. The powers herein granted with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds. Such refunding bonds may be issued by the County in such an amount as shall be necessary for the purpose of providing it with funds to pay any of its outstanding bonds issued hereunder at maturity, for the purpose of providing it with funds to purchase in the open market any of its outstanding bonds issued hereunder, prior to the maturity thereof, or for the purpose of providing it with funds for the redemption prior to maturity of any outstanding bonds issued hereunder which are, by their terms, redeemable, for the purpose of providing it with funds to pay interest on any outstanding bonds issued hereunder prior to their payment at maturity of purchase or redemption in advance of maturity, or for the purpose of providing it with funds to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds issued hereunder. The proceeds of the sale of any such refunding bonds

shall be segregated and set apart by the County as a separate trust fund to be used solely for the purpose of paying the purchase or redemption prices of the bonds to be refunded.

SECTION 7. AND BE IT FURTHER ENACTED, That the County may, prior to the preparation of definitive bonds, issue interim certificates or temporary bonds, exchangeable for definitive bonds when such bonds have been executed and are available for such delivery, provided, however, that any such interim certificates or temporary bonds shall be issued in all respects subject to the restrictions and requirements set forth in this Act. The County may, by appropriate resolution, provide for the replacement of any bonds issued hereunder which shall have become mutilated or lost or destroyed upon such conditions and after receiving such indemnity as the County may require.

SECTION 8. AND BE IT FURTHER ENACTED, That any and all obligations issued pursuant to the authority of this Act, their transfer, the interest payable thereon, and any income derived therefrom in the hands of the holders thereof from time to time (including any profit made in the sale thereof) shall be and are hereby declared to be at all times exempt from State, county, municipal, or other taxation of every kind and nature whatsoever within the State of Maryland. Nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes.

SECTION 9. AND BE IT FURTHER ENACTED, That the authority to borrow money and issue bonds conferred on the County by this Act shall be deemed to provide an additional and alternative authority for borrowing money and shall be regarded as supplemental and additional to powers conferred upon the County by other laws and shall not be regarded as in derogation of any power now existing; and all Acts of the General Assembly of Maryland heretofore passed authorizing the County to borrow money are hereby continued to the extent that the powers contained in such Acts have not been exercised, and nothing contained in this Act may be construed to impair, in any way, the validity of any bonds that may have been issued by the County under the authority of any said Acts, and the validity of the bonds is hereby ratified, confirmed, and approved. This Act, being necessary for the welfare of the inhabitants of St. Mary's County, shall be liberally construed to effect the purposes hereof. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

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

Chapter 597

(House Bill 911)

AN ACT concerning

Natural Resources – Fishery Management Plans – Oysters

FOR the purpose of altering the date by which the Department of Natural Resources is required to convene in a certain manner the Oyster Advisory Commission; altering the version of the fishery management plan for oysters that the Department is required to develop before taking certain management action governing oyster sanctuaries; repealing a certain provision of law authorizing the Commission to meet and deliberate in closed session under certain circumstances; altering the dates by which certain interim reports related to oyster management are required to be submitted to the Governor and the General Assembly; requiring the Department to include certain information in a certain interim report; altering the date by which a certain final report related to oyster management is required to be submitted to the Governor and the General Assembly; requiring the Department to implement a certain version of the fishery management plan for oysters consistent with certain law; making certain technical corrections; making this Act an emergency measure; and generally relating to fishery management plans for oysters.

BY repealing and reenacting, without amendments,
 Article – Natural Resources
 Section 4–204(c)(1) and 4–215(b)(6)
 Annotated Code of Maryland
 (2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
 Article – Natural Resources
 Section 4–204(c)(2)(i) and 4–215(e)(4) and (5)
 Annotated Code of Maryland
 (2018 Replacement Volume and 2019 Supplement)
 (As enacted by Chapters 5 and 9 of the Acts of the General Assembly of 2020)

BY repealing and reenacting, with amendments,
 Chapter 5 of the Acts of the General Assembly of 2020
 Section 3

BY repealing and reenacting, with amendments,
 Chapter 9 of the Acts of the General Assembly of 2020
 Section 3

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

Article – Natural Resources

4–204.

(c) (1) There is an Oyster Advisory Commission in the Department.

(2) (i) On or before [June 1, 2019] **APRIL 1, 2020**, and subject to subparagraph (ii) of this paragraph, the Department shall, in coordination with the University of Maryland Center for Environmental Science, convene the members of the Commission.

4–215.

(b) The Department shall prepare fishery management plans for the following species:

(6) Oysters;

(e) (4) (i) Subject to subparagraph (ii) of this paragraph, the Department may not take any action to reduce or alter the boundaries of the oyster sanctuaries established in “Oyster Sanctuaries of the Chesapeake Bay and its Tidal Tributaries (September 2010)” until the Department has developed [a] **AN UPDATED** fisheries management plan for the scientific management of the oyster stock based on management strategies and measurements recommended by the Oyster Advisory Commission under paragraph (5) of this subsection and determined by the Department in consultation with the University of Maryland Center for Environmental Science.

(ii) The fishery management plan developed in accordance with paragraph (5) of this subsection shall:

1. End the overfishing of oysters in all areas and regions of the Chesapeake Bay and its tributaries where overfishing has occurred according to biological reference points established by the most recent oyster stock assessment while maintaining a harvest in the fishery;

2. Achieve fishing mortality rates at target levels;

3. Increase oyster abundance;

4. Increase oyster habitat; and

5. Facilitate the long-term sustainable harvest of oysters, including the public fishery.

(iii) This paragraph may not be construed to prevent the Department from:

1. Selecting the final two tributaries for tributary-scale oyster restoration sanctuary projects in accordance with the 2014 Chesapeake Bay Agreement; or

2. Establishing, in the discretion of the Department, any dimensions for a tributary–scale oyster restoration sanctuary project.

(5) (i) The Department shall:

1. In coordination with the University of Maryland Center for Environmental Science and the Oyster Advisory Commission, develop a package of consensus recommendations for enhancing and implementing the fishery management plan for oysters that will be informed by a collaboratively developed, science–based modeling tool to quantify the long–term impacts of identified management actions and possible combinations of management actions on:

- A. Oyster abundance;
- B. Oyster habitat;
- C. Oyster harvest;
- D. Oyster harvest revenue; and
- E. Nitrogen removal; and

2. Hold public listening sessions throughout the State to identify possible management actions for use in the public oyster fishery.

(ii) The Oyster Advisory Commission, with the assistance of external conflict resolution and facilitation specialists, shall:

1. Develop a package of consensus recommendations through a facilitated consensus solutions process, based on a 75% majority agreement level for each recommendation;

2. Recommend management actions or combinations of management actions to achieve the targets identified in the oyster stock assessment with the goal of increasing oyster abundance; and

3. Review model results for each management action or combination of management actions to inform its recommendations.

(iii) [Notwithstanding § 3–305 of the General Provisions Article, and with the consent of a 75% majority of its members, the Oyster Advisory Commission may meet and deliberate in closed session to develop the package of consensus recommendations for enhancing and implementing the fishery management plan for oysters under this paragraph.

(iv) 1. The Department shall submit interim reports on the development of the package of consensus recommendations by [December 1, 2019, August

1, 2020, and December 1, 2020] **AUGUST 1, 2020, AND DECEMBER 1, 2020, AND AUGUST 1, 2021**, to the Governor and, in accordance with § [2–1246] **2–1257** of the State Government Article, the General Assembly.

2. IN ADDITION TO THE REQUIREMENTS UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE DEPARTMENT SHALL INCLUDE IN THE INTERIM REPORT SUBMITTED BY AUGUST 1, 2021:

A. THE STATUS OF THE DEVELOPMENT OF THE SCIENCE-BASED MODELING TOOL USED TO QUANTIFY THE LONG-TERM IMPACTS OF IDENTIFIED MANAGEMENT ACTIONS; AND

B. A SUMMARY OF THE MODEL RESULTS OF ANY ACTIONS IDENTIFIED BY THE OYSTER ADVISORY COMMISSION ON OR BEFORE THE DATE OF THE INTERIM REPORT.

3. The Department shall provide a final report by ~~July~~ **DECEMBER** 1, 2021, which will include an implementation schedule for the consensus recommendations, to the Governor and, in accordance with § [2–1246] **2–1257** of the State Government Article, the General Assembly.

[(v)] (IV) To be responsive to changes in the oyster resource due to environmental conditions, the Department shall:

1. Review the status of the stock relative to reference points every 2 years and conduct a benchmark stock assessment every 6 years with consideration of new methods and with external peer review; and

2. With the input of interested stakeholders, implement management actions that increase oyster habitat, maintain harvest, and grow the oyster stock.

Chapter 5 of the Acts of 2020

SECTION 3. AND BE IT FURTHER ENACTED, That the Department of Natural Resources shall implement the 2019 Fishery Management Plan for Oysters **CONSISTENT WITH § 4–215(E)(4)(I) OF THE NATURAL RESOURCES ARTICLE** pending the development of consensus recommendations in accordance with this Act.

Chapter 9 of the Acts of 2020

SECTION 3. AND BE IT FURTHER ENACTED, That the Department of Natural Resources shall implement the 2019 Fishery Management Plan for Oysters **CONSISTENT WITH § 4–215(E)(4)(I) OF THE NATURAL RESOURCES ARTICLE** pending the development of consensus recommendations in accordance with this Act.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

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

Chapter 598

(Senate Bill 808)

AN ACT concerning

Natural Resources – Fishery Management Plans – Oysters

FOR the purpose of altering the date by which the Department of Natural Resources is required to convene in a certain manner the Oyster Advisory Commission; altering the version of the fishery management plan for oysters that the Department is required to develop before taking certain management action governing oyster sanctuaries; repealing a certain provision of law authorizing the Commission to meet and deliberate in closed session under certain circumstances; altering the dates by which certain interim reports related to oyster management are required to be submitted to the Governor and the General Assembly; requiring the Department to include certain information in a certain interim report; altering the date by which a certain final report related to oyster management is required to be submitted to the Governor and the General Assembly; requiring the Department to implement a certain version of the fishery management plan for oysters consistent with certain law; making certain technical corrections; making this Act an emergency measure; and generally relating to fishery management plans for oysters.

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 4–204(c)(1) and 4–215(b)(6)
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–204(c)(2)(i) and 4–215(e)(4) and (5)
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)
(As enacted by Chapters 5 and 9 of the Acts of the General Assembly of 2020)

BY repealing and reenacting, with amendments,
Chapter 5 of the Acts of the General Assembly of 2020
Section 3

BY repealing and reenacting, with amendments,
Chapter 9 of the Acts of the General Assembly of 2020
Section 3

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

Article – Natural Resources

4–204.

(c) (1) There is an Oyster Advisory Commission in the Department.

(2) (i) On or before [June 1, 2019] **APRIL 1, 2020**, and subject to subparagraph (ii) of this paragraph, the Department shall, in coordination with the University of Maryland Center for Environmental Science, convene the members of the Commission.

4–215.

(b) The Department shall prepare fishery management plans for the following species:

(6) Oysters;

(e) (4) (i) Subject to subparagraph (ii) of this paragraph, the Department may not take any action to reduce or alter the boundaries of the oyster sanctuaries established in “Oyster Sanctuaries of the Chesapeake Bay and its Tidal Tributaries (September 2010)” until the Department has developed [a] **AN UPDATED** fisheries management plan for the scientific management of the oyster stock based on management strategies and measurements recommended by the Oyster Advisory Commission under paragraph (5) of this subsection and determined by the Department in consultation with the University of Maryland Center for Environmental Science.

(ii) The fishery management plan developed in accordance with paragraph (5) of this subsection shall:

1. End the overfishing of oysters in all areas and regions of the Chesapeake Bay and its tributaries where overfishing has occurred according to biological reference points established by the most recent oyster stock assessment while maintaining a harvest in the fishery;

2. Achieve fishing mortality rates at target levels;

3. Increase oyster abundance;
4. Increase oyster habitat; and
5. Facilitate the long-term sustainable harvest of oysters, including the public fishery.

(iii) This paragraph may not be construed to prevent the Department from:

1. Selecting the final two tributaries for tributary-scale oyster restoration sanctuary projects in accordance with the 2014 Chesapeake Bay Agreement; or
2. Establishing, in the discretion of the Department, any dimensions for a tributary-scale oyster restoration sanctuary project.

(5) (i) The Department shall:

1. In coordination with the University of Maryland Center for Environmental Science and the Oyster Advisory Commission, develop a package of consensus recommendations for enhancing and implementing the fishery management plan for oysters that will be informed by a collaboratively developed, science-based modeling tool to quantify the long-term impacts of identified management actions and possible combinations of management actions on:

- A. Oyster abundance;
- B. Oyster habitat;
- C. Oyster harvest;
- D. Oyster harvest revenue; and
- E. Nitrogen removal; and

2. Hold public listening sessions throughout the State to identify possible management actions for use in the public oyster fishery.

(ii) The Oyster Advisory Commission, with the assistance of external conflict resolution and facilitation specialists, shall:

1. Develop a package of consensus recommendations through a facilitated consensus solutions process, based on a 75% majority agreement level for each recommendation;

2. Recommend management actions or combinations of management actions to achieve the targets identified in the oyster stock assessment with the goal of increasing oyster abundance; and

3. Review model results for each management action or combination of management actions to inform its recommendations.

(iii) [Notwithstanding § 3–305 of the General Provisions Article, and with the consent of a 75% majority of its members, the Oyster Advisory Commission may meet and deliberate in closed session to develop the package of consensus recommendations for enhancing and implementing the fishery management plan for oysters under this paragraph.

(iv) 1. The Department shall submit interim reports on the development of the package of consensus recommendations by [December 1, 2019, August 1, 2020, and December 1, 2020] **AUGUST 1, 2020, AND DECEMBER 1, 2020, AND AUGUST 1, 2021**, to the Governor and, in accordance with § [2–1246] **2–1257** of the State Government Article, the General Assembly.

2. IN ADDITION TO THE REQUIREMENTS UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE DEPARTMENT SHALL INCLUDE IN THE INTERIM REPORT SUBMITTED BY AUGUST 1, 2021:

A. THE STATUS OF THE DEVELOPMENT OF THE SCIENCE–BASED MODELING TOOL USED TO QUANTIFY THE LONG–TERM IMPACTS OF IDENTIFIED MANAGEMENT ACTIONS; AND

B. A SUMMARY OF THE MODEL RESULTS OF ANY ACTIONS IDENTIFIED BY THE OYSTER ADVISORY COMMISSION ON OR BEFORE THE DATE OF THE INTERIM REPORT.

~~2.~~ **3.** The Department shall provide a final report by ~~July~~ **DECEMBER** 1, 2021, which will include an implementation schedule for the consensus recommendations, to the Governor and, in accordance with § [2–1246] **2–1257** of the State Government Article, the General Assembly.

[(v)] **(IV)** To be responsive to changes in the oyster resource due to environmental conditions, the Department shall:

1. Review the status of the stock relative to reference points every 2 years and conduct a benchmark stock assessment every 6 years with consideration of new methods and with external peer review; and

2. With the input of interested stakeholders, implement management actions that increase oyster habitat, maintain harvest, and grow the oyster stock.

Chapter 5 of the Acts of 2020

SECTION 3. AND BE IT FURTHER ENACTED, That the Department of Natural Resources shall implement the 2019 Fishery Management Plan for Oysters **CONSISTENT WITH § 4-215(E)(4)(I) OF THE NATURAL RESOURCES ARTICLE** pending the development of consensus recommendations in accordance with this Act.

Chapter 9 of the Acts of 2020

SECTION 3. AND BE IT FURTHER ENACTED, That the Department of Natural Resources shall implement the 2019 Fishery Management Plan for Oysters **CONSISTENT WITH § 4-215(E)(4)(I) OF THE NATURAL RESOURCES ARTICLE** pending the development of consensus recommendations in accordance with this Act.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

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

Chapter 599

(House Bill 330)

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Petition of Support

FOR the purpose of repealing, in Anne Arundel County, the requirement that certain applicants for certain local alcoholic beverages licenses include a petition of support with the license application; making this Act an emergency measure; and generally relating to applications for alcoholic beverages licenses in Anne Arundel County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 4-110 and 11-102

Annotated Code of Maryland

(2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 11–1401
Annotated Code of Maryland
(2016 Volume and 2019 Supplement)

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

Article – Alcoholic Beverages

4–110.

The application shall also include a petition of support signed by at least 10 residents who are owners of real estate and registered voters of the precinct in which the business is to be conducted stating:

(1) the length of time each of the residents has been acquainted with the applicant or, if the applicant is a corporation, acquainted with the individuals making the application;

(2) that they have examined the application, have good reason to believe that the statements contained in the application are true, and in their judgment the applicant is a suitable person to obtain the license; and

(3) that they are familiar with the premises on which the proposed business is to be conducted and that they believe the premises are suitable for the conduct of business as a retail dealer.

11–102.

This title applies only in Anne Arundel County.

11–1401.

(a) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”) of Division I of this article apply in the county without exception or variation:

(1) § 4–102 (“Applications to be filed with local licensing board”);

(2) § 4–106 (“Payment of notice expenses”);

(3) § 4–108 (“Application form required by Comptroller”);

(4) § 4–109 (“Required information on application — In general”);

(5) § 4–111 (“Payment of license fees”); and

(6) § 4–114 (“Fees for licenses issued for less than 1 year”).

(b) (1) **SECTION 4–110 (“REQUIRED INFORMATION ON APPLICATION – PETITION OF SUPPORT”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

(2) Section 4–113 (“Refund of license fees”) of Division I of this article does not apply in the county and is superseded by § 11–1407 of this subtitle.

[(2)] (3) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”) of Division I of this article apply in the county except for racetrack licenses or beach and amusement park licenses:

(i) § 4–103 (“Application on behalf of partnership”);

(ii) § 4–104 (“Application on behalf of corporation or club”); **AND**

(iii) § 4–105 (“Application on behalf of limited liability company”)];

and

(iv) § 4–110 (“Required information on application — Petition of support”)].

(c) 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 §§ 11–1403 and 11–1404 of this subtitle; and

(2) § 4–112 (“Disposition of license fees”), subject to § 11–1406 of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

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

(Senate Bill 57)

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Petition of Support

FOR the purpose of repealing, in Anne Arundel County, the requirement that certain applicants for certain local alcoholic beverages licenses include a petition of support with the license application; making this Act an emergency measure; and generally relating to applications for alcoholic beverages licenses in Anne Arundel County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 4–110 and 11–102
Annotated Code of Maryland
(2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 11–1401
Annotated Code of Maryland
(2016 Volume and 2019 Supplement)

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

Article – Alcoholic Beverages

4–110.

The application shall also include a petition of support signed by at least 10 residents who are owners of real estate and registered voters of the precinct in which the business is to be conducted stating:

(1) the length of time each of the residents has been acquainted with the applicant or, if the applicant is a corporation, acquainted with the individuals making the application;

(2) that they have examined the application, have good reason to believe that the statements contained in the application are true, and in their judgment the applicant is a suitable person to obtain the license; and

(3) that they are familiar with the premises on which the proposed business is to be conducted and that they believe the premises are suitable for the conduct of business as a retail dealer.

11–102.

This title applies only in Anne Arundel County.

11–1401.

(a) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”) of Division I of this article apply in the county without exception or variation:

- (1) § 4–102 (“Applications to be filed with local licensing board”);
- (2) § 4–106 (“Payment of notice expenses”);
- (3) § 4–108 (“Application form required by Comptroller”);
- (4) § 4–109 (“Required information on application — In general”);
- (5) § 4–111 (“Payment of license fees”); and
- (6) § 4–114 (“Fees for licenses issued for less than 1 year”).

(b) (1) **SECTION 4–110 (“REQUIRED INFORMATION ON APPLICATION – PETITION OF SUPPORT”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

(2) Section 4–113 (“Refund of license fees”) of Division I of this article does not apply in the county and is superseded by § 11–1407 of this subtitle.

[(2)] (3) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”) of Division I of this article apply in the county except for racetrack licenses or beach and amusement park licenses:

- (i) § 4–103 (“Application on behalf of partnership”);
- (ii) § 4–104 (“Application on behalf of corporation or club”); **AND**
- (iii) § 4–105 (“Application on behalf of limited liability company”)[;

and

(iv) § 4–110 (“Required information on application — Petition of support”)].

(c) 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 §§ 11–1403 and 11–1404 of this subtitle; and

(2) § 4–112 (“Disposition of license fees”), subject to § 11–1406 of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

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

Chapter 601

(House Bill 536)

AN ACT concerning

Anne Arundel County – Liquor Licenses – Transfer of License

FOR the purpose of authorizing the Board of License Commissioners for Anne Arundel County to allow ~~a license holder~~ *an approved applicant* to transfer an alcoholic beverages license to other premises within ~~the same tax assessment district as~~ *a certain distance of* the premises for which the license was issued under certain circumstances; *providing for the application of this Act*; making this Act an emergency measure; and generally relating to alcoholic beverages in Anne Arundel County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 11–102 and 11–1701(b)
Annotated Code of Maryland
(2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 11–1702
Annotated Code of Maryland
(2016 Volume and 2019 Supplement)

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

Article – Alcoholic Beverages

11-102.

This title applies only in Anne Arundel County.

11-1701.

(b) The following sections of Title 4, Subtitle 3 (“Transfer of Local Licenses; Substitution of Names on License”) of Division I of this article apply in the county:

(1) § 4-302 (“Transfer of place of business; transfer of license and inventory”), subject to § 11-1702 of this subtitle;

(2) § 4-305 (“Filing fee and endorsement”), subject to § 11-1703 of this subtitle; and

(3) § 4-306 (“Substitution of names of officers on license”), subject to § 11-1706 of this subtitle.

11-1702.

(a) (1) Subject to subsection (b) of this section, the Board may not approve an application for the transfer of a license unless:

(i) all obligations of the transferor pertaining to the licensed establishment have been paid; or

(ii) an arrangement concerning debts and obligations satisfactory to the transferor’s creditors has been made.

(2) Paragraph (1) of this subsection also applies to approval of an application for a new license if the Board believes that the application is being used to avoid provisions regarding the transfer of a license.

(b) The Board is not bound by subsection (a) of this section unless:

(1) a creditor submits a claim, under affidavit, to the Board before the hearing held on the transfer; and

(2) the claim involves an indebtedness incurred in the operation of the licensed premises.

(c) ~~ON~~ WITHIN 1 YEAR AFTER THE DATE OF FINAL APPROVAL BY THE BOARD, AND IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS ON TRANSFERS OF LICENSES, A LICENSE HOLDER AN APPROVED APPLICANT MAY TRANSFER THE LICENSE TO OTHER PREMISES IN THE SAME TAX ASSESSMENT

~~DISTRICT~~ WITHIN ONE-HALF MILE IF THE PREMISES FOR WHICH THE LICENSE WAS ISSUED IS:

- (1) SUBSTANTIALLY DESTROYED BY FIRE, EXPLOSION, OR CATASTROPHE;
- (2) TAKEN BY CONDEMNATION; ~~OR~~
- (3) TAKEN BY THE EXERCISE OF THE POWER OF EMINENT DOMAIN; OR
- (4) NO LONGER LEASED BY THE LICENSE HOLDER DUE TO THE DELAY OF A COURT CASE OR OTHER ADMINISTRATIVE PROCESS DELAY.

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 application for an alcoholic beverages license submitted on or after January 1, 2013.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

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

Chapter 602

(House Bill 106)

AN ACT concerning

Health Occupations – Morticians and Funeral Directors – Apprenticeships

FOR the purpose of increasing the cap on the number of years that an applicant for a mortician or funeral director license may spend as an apprentice, except under certain circumstances, to be issued a license; requiring certain applicants and licensed apprentices to submit to the Maryland State Board of Morticians and Funeral Directors a certain letter; altering a certain education requirement for an individual appearing before the ~~Maryland State Board of Morticians and Funeral Directors~~ for approval of an apprentice license; requiring a licensed apprentice who was enrolled in a mortuary science program at the time the license was granted to be enrolled in the program for the duration of the apprenticeship unless the licensed apprentice graduates; clarifying that the practical experience of an apprentice is required to include at least a certain number of working hours; making this Act an

emergency measure; and generally relating to apprenticeships under the State Board of Morticians and Funeral Directors.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 7–303(b) and 7–306
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

7–303.

(b) The Board shall examine all applications for licensure for the practice of mortuary science or funeral direction and shall issue the mortician or funeral director license to an individual who:

- (1) Is judged to be of good moral character;
- (2) Has completed not less than 1 year and not more than [2] 4 years of licensed apprenticeship, unless the Board allowed extensions for additional 1–year terms;
- (3) Except as otherwise provided in this section, has graduated with an associate of arts degree in mortuary science or its equivalent from a school accredited by the American Board of Funeral Service Education or approved by the Board, or has acquired at least an associate of arts degree and completed a course in mortuary science that is accredited by the American Board of Funeral Service Education or approved by the Board;
- (4) For an individual applying for a license to practice as a mortician, passed the national board examination administered by the Conference of Funeral Service Examining Boards of the United States;
- (5) For an individual applying for a license to practice as a funeral director, passed the arts and sciences State board examinations, administered by the Conference of Funeral Service Examining Boards of the United States;
- (6) Except as provided in subsection (c) of this section, has passed a written examination on Maryland law and regulations governing the practice of mortuary science and a practical examination demonstrating competency in the preparation of dead human bodies for final disposition and sanitary science; and
- (7) Has submitted an application to the Board on the required form and has paid a fee set by the Board.

7-306.

(a) An individual shall obtain an apprentice license from the Board before beginning an apprenticeship in this State.

(b) (1) A mortician apprentice shall have an apprentice sponsor who:

(i) Is a licensed mortician whose license is in good standing with the Board; and

(ii) Is employed by the same funeral establishment that employs the apprentice.

(2) A funeral director apprentice shall have an apprentice sponsor who:

(i) Is a licensed mortician or funeral director whose license is in good standing with the Board; and

(ii) Is employed by the same funeral establishment that employs the apprentice.

(3) An apprentice may have more than one apprentice sponsor.

(c) **(1)** An applicant for an apprentice license shall ~~pay~~:

(I) PAY to the Board a fee set by the Board; AND

(II) SUBMIT A LETTER FROM THE DIRECTOR OF THE MORTUARY SCIENCE PROGRAM IN WHICH THE APPLICANT IS ENROLLED THAT:

1. INCLUDES THE SEAL OF THE SCHOOL; AND

2. VERIFIES THAT THE APPLICANT IS ACTIVELY ENROLLED IN THE PROGRAM.

(2) WHEN APPLYING FOR LICENSE RENEWAL, A LICENSED APPRENTICE SHALL SUBMIT TO THE BOARD A LETTER FROM THE DIRECTOR OF THE MORTUARY SCIENCE PROGRAM IN WHICH THE LICENSED APPRENTICE IS ENROLLED THAT:

(I) INCLUDES THE SEAL OF THE SCHOOL; AND

(II) VERIFIES THAT THE LICENSED APPRENTICE IS ACTIVELY ENROLLED IN THE PROGRAM.

(d) (1) (I) ~~[Prior to an]~~ ~~AN~~ ~~BEFORE AN~~ individual ~~[appearing]~~ APPEARS before the Board for approval of an apprentice license, the individual ~~must complete two-thirds of the academic credits for]~~ **SHALL BE ENROLLED IN OR HAVE GRADUATED FROM** a mortuary science program at a school accredited by the American Board of Funeral Service or approved by the Board~~],~~ with a 2.0 grade point average or higher that is verified with a certified copy of the college transcript~~]~~ ~~BEFORE THE INDIVIDUAL APPEARS BEFORE THE BOARD FOR APPROVAL OF AN APPRENTICE LICENSE, IF THE INDIVIDUAL HAS A GRADE POINT AVERAGE.~~

(II) **A LICENSED APPRENTICE WHO WAS ENROLLED IN A MORTUARY SCIENCE PROGRAM AT THE TIME THE LICENSE WAS GRANTED SHALL REMAIN ENROLLED IN THE PROGRAM FOR THE DURATION OF THE APPRENTICESHIP UNLESS THE LICENSED APPRENTICE GRADUATES.**

(2) The applicant and a licensed mortician or licensed funeral director shall appear before the Board to seek the Board's approval for an apprentice license for the applicant.

(3) On termination of the sponsor-apprentice relationship, both the sponsor and the apprentice shall independently notify the Board in writing of:

(i) The date of termination;

(ii) The name, date of death, date of service, and evidence of the service for each decedent for whom a funeral service was conducted under subsection (e)(1)(i) of this section in which the apprentice participated; and

(iii) The name, date of death, date of the preparation for disposition, and a copy of the decedent's filed death certificate for each decedent for whom the apprentice assisted in accordance with subsection (e)(1)(ii) of this section.

(4) Prior approval must be granted by the Board before a change of sponsorship occurs.

(e) (1) The practical experience of an apprentice shall include:

(i) Participation in at least 20 funerals;

(ii) Except as provided in paragraph (2) of this subsection, assistance in the preparation and embalming of at least 20 dead human bodies for final disposition; and

(iii) Completion of **AT LEAST** 1,000 working hours in a licensed funeral establishment under the direct supervision of the apprentice sponsor.

(2) For an apprentice funeral director, the practical experience under paragraph (1)(ii) of this subsection may not include embalming.

(3) For purposes of paragraph (1)(iii) of this subsection, direct supervision may include instruction by a licensed mortician or funeral director employed or supervised by the apprentice sponsor that is observed in person by the apprentice sponsor.

(f) While the license is effective, an apprentice license authorizes the licensee to assist a licensed mortician or funeral director in the practice of mortuary science or funeral direction only as part of a training program to become a licensed mortician or funeral director.

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

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

Chapter 603

(Senate Bill 439)

AN ACT concerning

Health Occupations – Morticians and Funeral Directors – Apprenticeships

FOR the purpose of increasing the cap on the number of years that an applicant for a mortician or funeral director license may spend as an apprentice, except under certain circumstances, to be issued a license; requiring certain applicants and licensed apprentices to submit to the Maryland State Board of Morticians and Funeral Directors a certain letter; altering a certain education requirement for an individual appearing before the Maryland State Board of Morticians and Funeral Directors for approval of an apprentice license; requiring a licensed apprentice who was enrolled in a mortuary science program at the time the license was granted to be enrolled in the program for the duration of the apprenticeship unless the licensed apprentice graduates; clarifying that the practical experience of an apprentice is required to include at least a certain number of working hours; making this Act an emergency measure; and generally relating to apprenticeships under the State Board of Morticians and Funeral Directors.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 7–303(b) and 7–306
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

7–303.

(b) The Board shall examine all applications for licensure for the practice of mortuary science or funeral direction and shall issue the mortician or funeral director license to an individual who:

- (1) Is judged to be of good moral character;
- (2) Has completed not less than 1 year and not more than [2] 4 years of licensed apprenticeship, unless the Board allowed extensions for additional 1–year terms;
- (3) Except as otherwise provided in this section, has graduated with an associate of arts degree in mortuary science or its equivalent from a school accredited by the American Board of Funeral Service Education or approved by the Board, or has acquired at least an associate of arts degree and completed a course in mortuary science that is accredited by the American Board of Funeral Service Education or approved by the Board;
- (4) For an individual applying for a license to practice as a mortician, passed the national board examination administered by the Conference of Funeral Service Examining Boards of the United States;
- (5) For an individual applying for a license to practice as a funeral director, passed the arts and sciences State board examinations, administered by the Conference of Funeral Service Examining Boards of the United States;
- (6) Except as provided in subsection (c) of this section, has passed a written examination on Maryland law and regulations governing the practice of mortuary science and a practical examination demonstrating competency in the preparation of dead human bodies for final disposition and sanitary science; and
- (7) Has submitted an application to the Board on the required form and has paid a fee set by the Board.

7–306.

(a) An individual shall obtain an apprentice license from the Board before beginning an apprenticeship in this State.

(b) (1) A mortician apprentice shall have an apprentice sponsor who:

(i) Is a licensed mortician whose license is in good standing with the Board; and

(ii) Is employed by the same funeral establishment that employs the apprentice.

(2) A funeral director apprentice shall have an apprentice sponsor who:

(i) Is a licensed mortician or funeral director whose license is in good standing with the Board; and

(ii) Is employed by the same funeral establishment that employs the apprentice.

(3) An apprentice may have more than one apprentice sponsor.

(c) **(1)** An applicant for an apprentice license shall ~~pay:~~

(I) PAY to the Board a fee set by the Board; AND

(II) SUBMIT A LETTER FROM THE DIRECTOR OF THE MORTUARY SCIENCE PROGRAM IN WHICH THE APPLICANT IS ENROLLED THAT:

1. INCLUDES THE SEAL OF THE SCHOOL; AND

2. VERIFIES THAT THE APPLICANT IS ACTIVELY ENROLLED IN THE PROGRAM.

(2) WHEN APPLYING FOR LICENSE RENEWAL, A LICENSED APPRENTICE SHALL SUBMIT TO THE BOARD A LETTER FROM THE DIRECTOR OF THE MORTUARY SCIENCE PROGRAM IN WHICH THE LICENSED APPRENTICE IS ENROLLED THAT:

(I) INCLUDES THE SEAL OF THE SCHOOL; AND

(II) VERIFIES THAT THE LICENSED APPRENTICE IS ACTIVELY ENROLLED IN THE PROGRAM.

(d) (1) **(I) [Prior to an] AN BEFORE AN individual [appearing] APPEARS before the Board for approval of an apprentice license, the individual ~~must complete two-thirds of the academic credits for]~~ **SHALL BE ENROLLED IN OR HAVE GRADUATED****

FROM a mortuary science program at a school accredited by the American Board of Funeral Service or approved by the Board, with a 2.0 grade point average or higher that is verified with a certified copy of the college transcript] ~~BEFORE THE INDIVIDUAL APPEARS BEFORE THE BOARD FOR APPROVAL OF AN APPRENTICE LICENSE, IF THE INDIVIDUAL HAS A GRADE POINT AVERAGE.~~

(II) A LICENSED APPRENTICE WHO WAS ENROLLED IN A MORTUARY SCIENCE PROGRAM AT THE TIME THE LICENSE WAS GRANTED SHALL REMAIN ENROLLED IN THE PROGRAM FOR THE DURATION OF THE APPRENTICESHIP UNLESS THE LICENSED APPRENTICE GRADUATES.

(2) The applicant and a licensed mortician or licensed funeral director shall appear before the Board to seek the Board's approval for an apprentice license for the applicant.

(3) On termination of the sponsor-apprentice relationship, both the sponsor and the apprentice shall independently notify the Board in writing of:

(i) The date of termination;

(ii) The name, date of death, date of service, and evidence of the service for each decedent for whom a funeral service was conducted under subsection (e)(1)(i) of this section in which the apprentice participated; and

(iii) The name, date of death, date of the preparation for disposition, and a copy of the decedent's filed death certificate for each decedent for whom the apprentice assisted in accordance with subsection (e)(1)(ii) of this section.

(4) Prior approval must be granted by the Board before a change of sponsorship occurs.

(e) (1) The practical experience of an apprentice shall include:

(i) Participation in at least 20 funerals;

(ii) Except as provided in paragraph (2) of this subsection, assistance in the preparation and embalming of at least 20 dead human bodies for final disposition; and

(iii) Completion of **AT LEAST** 1,000 working hours in a licensed funeral establishment under the direct supervision of the apprentice sponsor.

(2) For an apprentice funeral director, the practical experience under paragraph (1)(ii) of this subsection may not include embalming.

(3) For purposes of paragraph (1)(iii) of this subsection, direct supervision may include instruction by a licensed mortician or funeral director employed or supervised by the apprentice sponsor that is observed in person by the apprentice sponsor.

(f) While the license is effective, an apprentice license authorizes the licensee to assist a licensed mortician or funeral director in the practice of mortuary science or funeral direction only as part of a training program to become a licensed mortician or funeral director.

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

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

Chapter 604

(House Bill 6)

AN ACT concerning

Public Safety – 9–1–1 Fees – Audits

FOR the purpose of requiring certain telephone companies and commercial mobile radio service (CMRS) providers to keep records of 9–1–1 fees collected and remitted under certain provisions of law for a certain period of time; altering the amount of and the expenses for which certain telephone companies and CMRS providers are entitled to receive a certain credit; requiring the Comptroller, in consultation with the Emergency Number Systems Board, rather than the Board, to adopt procedures for certain auditing surcharge collection and remittance; requiring that the procedures be consistent with certain audit and appeal procedures; authorizing the Comptroller to issue an administrative subpoena for a certain purpose; requiring the Comptroller to develop and distribute certain informational materials; requiring that certain information provided to the Comptroller be confidential, privileged, and proprietary; establishing that the Comptroller is entitled to a certain percentage of ~~the~~ certain 9–1–1 fees to cover certain audit expenses; requiring the Comptroller to submit a certain report to the Board on or before a certain date each year; authorizing the Comptroller to adopt certain regulations; authorizing the disclosure of tax information to the Board; making this Act an emergency measure; and generally relating to audits of 9–1–1 fees.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 1–310
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 13–203(c)(8) and (9)
Annotated Code of Maryland
(2016 Replacement Volume and 2019 Supplement)

BY adding to
Article – Tax – General
Section 13–203(c)(10)
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 – Public Safety

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 9–1–1 fee.

(c) (1) Subject to paragraphs (2) through (5) of this subsection, the 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 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 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 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 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 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) SHALL KEEP RECORDS OF 9–1–1 FEES COLLECTED AND REMITTED UNDER THIS PARAGRAPH FOR AT LEAST 4 YEARS AFTER THE FEE IS REMITTED; AND

[(iii)] (IV) is entitled to credit, against the money from the 9–1–1 fees to be remitted to the Comptroller, an amount equal to **[0.75%] 0.50%** of the 9–1–1 fees to cover the expenses of billing, collecting, [and] remitting, **AND KEEPING RECORDS OF** the 9–1–1 fees and any additional charges.

(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 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) SHALL KEEP RECORDS OF 9-1-1 FEES COLLECTED AND REMITTED UNDER THIS PARAGRAPH FOR AT LEAST 4 YEARS AFTER THE FEE IS REMITTED; AND

~~[(iii)] (IV)~~ is entitled to credit, against the money from the 9-1-1 fees to be remitted to the Comptroller, an amount equal to ~~[0.75%]~~ **0.50%** of the 9-1-1 fees to cover the expenses of billing, collecting, [and] remitting, **AND KEEPING RECORDS OF** the 9-1-1 fees and any additional charges.

(3) The Comptroller shall deposit the money remitted in the 9-1-1 Trust Fund.

~~[(4)] (F)~~ **(1) The COMPTROLLER, IN CONSULTATION WITH THE Board, shall adopt procedures for auditing surcharge collection and remittance by TELEPHONE COMPANIES AND CMRS providers OF 9-1-1 FEES COLLECTED UNDER THIS SECTION AND UNDER § 1-311 OF THIS SUBTITLE.**

(2) THE PROCEDURES ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CONSISTENT WITH THE AUDIT AND APPEAL PROCEDURES ESTABLISHED FOR THE SALES AND USE TAX UNDER TITLES 11 AND 13 OF THE TAX - GENERAL ARTICLE.

(3) THE COMPTROLLER MAY ISSUE AN ADMINISTRATIVE SUBPOENA TO COMPEL COMPLIANCE WITH AN AUDIT CONDUCTED UNDER THIS SUBSECTION.

(4) THE COMPTROLLER SHALL DEVELOP AND DISTRIBUTE INFORMATIONAL MATERIALS TO TELEPHONE COMPANIES AND CMRS PROVIDERS REGARDING:

(I) PROPER COLLECTION AND REMITTANCE OF 9-1-1 FEES;
AND

(II) THE AUDIT PROCEDURES ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(5) On request of a **TELEPHONE COMPANY OR CMRS** provider, and except as otherwise required by law, the information that the **TELEPHONE COMPANY OR CMRS** provider reports to the [Board] **COMPTRROLLER** shall be confidential, privileged, and proprietary and may not be disclosed to any person other than the **TELEPHONE COMPANY OR CMRS** provider.

(6) THE COMPTRROLLER IS ENTITLED TO AN AMOUNT EQUAL TO 0.5% OF THE 9-1-1 FEES COLLECTED UNDER THIS SECTION TO COVER THE EXPENSES OF CONDUCTING AUDITS UNDER THIS SUBSECTION.

(7) ON OR BEFORE DECEMBER 1 EACH YEAR, THE COMPTRROLLER SHALL SUBMIT AN ANNUAL REPORT TO THE BOARD DETAILING THE AUDITS CONDUCTED DURING THE IMMEDIATELY PRECEDING YEAR AND THE OUTCOME OF EACH AUDIT.

(8) THE COMPTRROLLER MAY ADOPT REGULATIONS NECESSARY TO CARRY OUT THE REQUIREMENTS OF THIS SUBSECTION.

[(f)] (G) Notwithstanding any other provision of this subtitle, the 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)] (H) A CMRS provider that pays or collects 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.

Article – Tax – General

13-203.

(c) Tax information may be disclosed to:

(8) the Maryland Department of Health in accordance with the federal Children’s Health Insurance Program Reauthorization Act of 2009; [and]

(9) the State Board of Individual Tax Preparers; AND

(10) THE EMERGENCY NUMBER SYSTEMS BOARD.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to

each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

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

Chapter 605

(Senate Bill 61)

AN ACT concerning

Public Safety – 9–1–1 Fees – Audits

FOR the purpose of requiring certain telephone companies and commercial mobile radio service (CMRS) providers to keep records of 9–1–1 fees collected and remitted under certain provisions of law for a certain period of time; altering the amount of and the expenses for which certain telephone companies and CMRS providers are entitled to receive a certain credit; requiring the Comptroller, in consultation with the Emergency Number Systems Board, rather than the Board, to adopt procedures for certain auditing surcharge collection and remittance; requiring that the procedures be consistent with certain audit and appeal procedures; authorizing the Comptroller to issue an administrative subpoena for a certain purpose; requiring the Comptroller to develop and distribute certain informational materials; requiring that certain information provided to the Comptroller be confidential, privileged, and proprietary; establishing that the Comptroller is entitled to a certain percentage of ~~the~~ certain 9–1–1 fees to cover certain audit expenses; requiring the Comptroller to submit a certain report to the Board on or before a certain date each year; authorizing the Comptroller to adopt certain regulations; authorizing the disclosure of tax information to the Board; making this Act an emergency measure; and generally relating to audits of 9–1–1 fees.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 1–310
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 13–203(c)(8) and (9)
Annotated Code of Maryland
(2016 Replacement Volume and 2019 Supplement)

BY adding to
Article – Tax – General

Section 13–203(c)(10)
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 – Public Safety

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 9–1–1 fee.

(c) (1) Subject to paragraphs (2) through (5) of this subsection, the 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 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 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 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 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 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) SHALL KEEP RECORDS OF 9-1-1 FEES COLLECTED AND REMITTED UNDER THIS PARAGRAPH FOR AT LEAST 4 YEARS AFTER THE FEE IS REMITTED; AND

[(iii)] **(IV)** is entitled to credit, against the money from the 9-1-1 fees to be remitted to the Comptroller, an amount equal to [0.75%] **0.50%** of the 9-1-1 fees to cover the expenses of billing, collecting, [and] remitting, **AND KEEPING RECORDS OF** the 9-1-1 fees and any additional charges.

(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 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) SHALL KEEP RECORDS OF 9-1-1 FEES COLLECTED AND REMITTED UNDER THIS PARAGRAPH FOR AT LEAST 4 YEARS AFTER THE FEE IS REMITTED; AND

[(iii)] **(IV)** is entitled to credit, against the money from the 9-1-1 fees to be remitted to the Comptroller, an amount equal to [0.75%] **0.50%** of the 9-1-1 fees to

cover the expenses of billing, collecting, [and] remitting, AND KEEPING RECORDS OF the 9–1–1 fees and any additional charges.

(3) The Comptroller shall deposit the money remitted in the 9–1–1 Trust Fund.

[(4)] (F) (1) The COMPTROLLER, IN CONSULTATION WITH THE Board, shall adopt procedures for auditing surcharge collection and remittance by TELEPHONE COMPANIES AND CMRS providers OF 9–1–1 FEES COLLECTED UNDER THIS SECTION AND UNDER § 1–311 OF THIS SUBTITLE.

(2) THE PROCEDURES ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CONSISTENT WITH THE AUDIT AND APPEAL PROCEDURES ESTABLISHED FOR THE SALES AND USE TAX UNDER TITLES 11 AND 13 OF THE TAX – GENERAL ARTICLE.

(3) THE COMPTROLLER MAY ISSUE AN ADMINISTRATIVE SUBPOENA TO COMPEL COMPLIANCE WITH AN AUDIT CONDUCTED UNDER THIS SUBSECTION.

(4) THE COMPTROLLER SHALL DEVELOP AND DISTRIBUTE INFORMATIONAL MATERIALS TO TELEPHONE COMPANIES AND CMRS PROVIDERS REGARDING:

(I) PROPER COLLECTION AND REMITTANCE OF 9–1–1 FEES;
AND

(II) THE AUDIT PROCEDURES ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(5) On request of a TELEPHONE COMPANY OR CMRS provider, and except as otherwise required by law, the information that the TELEPHONE COMPANY OR CMRS provider reports to the [Board] COMPTROLLER shall be confidential, privileged, and proprietary and may not be disclosed to any person other than the TELEPHONE COMPANY OR CMRS provider.

(6) THE COMPTROLLER IS ENTITLED TO AN AMOUNT EQUAL TO 0.5% OF THE 9–1–1 FEES COLLECTED UNDER THIS SECTION TO COVER THE EXPENSES OF CONDUCTING AUDITS UNDER THIS SUBSECTION.

(7) ON OR BEFORE DECEMBER 1 EACH YEAR, THE COMPTROLLER SHALL SUBMIT AN ANNUAL REPORT TO THE BOARD DETAILING THE AUDITS CONDUCTED DURING THE IMMEDIATELY PRECEDING YEAR AND THE OUTCOME OF EACH AUDIT.

(8) THE COMPTROLLER MAY ADOPT REGULATIONS NECESSARY TO CARRY OUT THE REQUIREMENTS OF THIS SUBSECTION.

[(f)] (G) Notwithstanding any other provision of this subtitle, the 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)] (H) A CMRS provider that pays or collects 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.

Article – Tax – General

13–203.

(c) Tax information may be disclosed to:

(8) the Maryland Department of Health in accordance with the federal Children’s Health Insurance Program Reauthorization Act of 2009; [and]

(9) the State Board of Individual Tax Preparers; AND

(10) THE EMERGENCY NUMBER SYSTEMS BOARD.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

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

Chapter 606

(House Bill 999)

AN ACT concerning

**Member–Regulated Cooperatives – Establishment
(Rural Broadband for the Eastern Shore Act of 2020)**

FOR the purpose of establishing a process for an electric cooperative to operate as a member-regulated cooperative in a certain area; requiring a cooperative's board of directors to hold a certain meeting and certain forums and provide a certain notice and certain information to the cooperative's members on whether to operate as a member-regulated cooperative; requiring a cooperative's board of directors to select an independent auditor to control and supervise certain procedures for voting; requiring the independent auditor to certify the results of a certain vote to the Public Service Commission; specifying that the ~~Public Service~~ Commission does not have jurisdiction over a member-regulated cooperative, subject to certain exceptions; requiring the Commission to expedite the review of a certain waiver; prohibiting a member-regulated cooperative from exercising a certain power of condemnation for the sole purpose of providing broadband Internet service; specifying certain provisions of law that apply to a member-regulated cooperative; requiring a member-regulated cooperative to make certain information available to its members; prohibiting a member-regulated cooperative from adopting a new rate or changes to its rates or certain charges unless the member-regulated cooperative provides certain notice and opportunities to its members; requiring a member-regulated cooperative to implement a certain net metering program; requiring a member-regulated cooperative to adopt certain procedures for handling complaints from its members; prohibiting a member-regulated cooperative from requiring a member to use a certain complaint process; authorizing a member to take certain actions if the member uses a certain complaint process; stating that a decision made under a certain complaint process is binding on the member-regulated cooperative; requiring a member-regulated cooperative to establish certain policies regarding termination of service; authorizing the board of directors to amend certain policies regarding termination of service; requiring a member-regulated cooperative to report to certain committees of the General Assembly on the status of the deployment of broadband Internet service to the member-regulated cooperative's members on or before a certain date each year; prohibiting a member-regulated cooperative from denying access to certain facilities subject to a certain exception; requiring a member-regulated cooperative to charge a reasonable rate for access to certain facilities subject to a certain prohibition; ~~authorizing certain entities to file a complaint with the Commission regarding certain rates, terms, and conditions; requiring that the Commission hear and resolve a certain complaint in a certain manner;~~ establishing a process for a member-regulated cooperative to revert to a cooperative; stating that the Commission has jurisdiction over a member-regulated cooperative that has elected to revert to a cooperative on issuance of a certain order; requiring the Commission to issue a certain order within a certain period of time; stating that the provisions of this Act prevail if there is a certain conflict; defining certain terms; making conforming changes; declaring the intent of the General Assembly; making this Act an emergency measure; and generally relating to electric cooperatives and member-regulated cooperatives.

BY renumbering

Article – Corporations and Associations

Section 5-635 through 5-642, respectively, and the part “Part VI. Miscellaneous Provisions”

to be Section ~~5-645~~ ~~5-646~~ 5-647 through ~~5-652~~ ~~5-653~~ 5-654, respectively, and the part “Part VII. Miscellaneous Provisions”
Annotated Code of Maryland
(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 2-112(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 5-601 and 5-632(b)
Annotated Code of Maryland
(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,
Article – Corporations and Associations
Section 5-607(a)(12) and (c)
Annotated Code of Maryland
(2014 Replacement Volume and 2019 Supplement)

BY adding to
Article – Corporations and Associations
Section 5-635 through ~~5-642~~ ~~5-643~~ 5-644 to be under the new part “Part VI.
Member-Regulated Cooperatives”
Annotated Code of Maryland
(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section ~~5-646(b)~~ 5-647(b)
Annotated Code of Maryland
(2014 Replacement Volume and 2019 Supplement)
(As enacted by Section 1 of this Act)

Preamble

WHEREAS, In 1938, 184 rural residents joined together under the Rural Electrification Act to form Choptank Electric Cooperative, an electric cooperative that would bring electricity to their homes and farms because for-profit electric companies would not; and

WHEREAS, Today, Choptank Electric Cooperative delivers reliable and cost-effective electricity that improves the quality of life to 54,150 members in nine counties on Maryland’s Eastern Shore; and

WHEREAS, Choptank Electric Cooperative is owned by its members, not shareholders; and

WHEREAS, Choptank Electric Cooperative owns 650 miles of existing middle-mile communications fiber; and

WHEREAS, Choptank Electric Cooperative is governed by a board of directors who are members of the cooperative and are democratically elected by their fellow members; and

WHEREAS, Choptank Electric Cooperative members want to bring high-speed fiber Internet service to their homes, farms, and rural businesses to attain the standard of connectivity with the world that is enjoyed by their neighbors in Maryland's more urban areas; and

WHEREAS, Despite numerous studies and significant financial investment, the delivery of universal broadband Internet service to the rural residents on Maryland's Eastern Shore has still not occurred; and

WHEREAS, Current statutory and regulatory restrictions prevent the members of Choptank Electric Cooperative from using their economies-of-scale to deliver broadband Internet service quickly and efficiently to their homes; and

WHEREAS, The Rural Broadband for the Eastern Shore Act of 2020 will empower the members of Choptank Electric Cooperative to regulate themselves and provide economically efficient broadband Internet service; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 5-635 through 5-642, respectively, and the part "Part VI. Miscellaneous Provisions" of Article – Corporations and Associations of the Annotated Code of Maryland be renumbered to be Section(s) ~~5-645~~ ~~5-646~~ 5-647 through ~~5-652~~ ~~5-653~~ 5-654, respectively, and the part "Part VII. Miscellaneous Provisions".

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

Article – Public Utilities

2-112.

(a) (1) [To] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, TO the full extent that the Constitution and laws of the United States allow, the Commission has jurisdiction over each public service company that engages in or operates a utility business in the State and over motor carrier companies as provided in Title 9 of this article.

(2) EXCEPT AS PROVIDED IN TITLE 5, SUBTITLE 6, PART VI OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE, THE COMMISSION DOES NOT HAVE JURISDICTION OVER A MEMBER-REGULATED COOPERATIVE AS DEFINED IN § 5-601 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.

Article – Corporations and Associations

5-601.

- (a) In this subtitle the following words have the meanings indicated.
- (b) **“COMMISSION” MEANS THE PUBLIC SERVICE COMMISSION.**
- (c) **“Cooperative”** means a corporation that:
 - (1) Is organized under this subtitle; or
 - (2) Becomes subject to this subtitle in the manner provided in this subtitle.

[(c)] (D) **“Electric plant”** means the material, equipment, and property owned by a cooperative and used or to be used for or in connection with electric service.

[(d)] (E) **“Member”** means a person or household that has been qualified and accepted for membership in a cooperative in accordance with its bylaws.

(F) “MEMBER-REGULATED COOPERATIVE” MEANS A COOPERATIVE:

(1) THAT PROVIDES RETAIL ELECTRIC SERVICE TO ITS MEMBERS ON THE EASTERN SHORE OF MARYLAND; AND

(2) WHOSE BOARD OF DIRECTORS HAS PASSED A BINDING RESOLUTION TO OPERATE AS A MEMBER-REGULATED COOPERATIVE.

[(e)] (G) (1) **“Person”** has the meaning stated in § 1-101 of this article.

(2) **“Person”** includes:

- (i) The State;
- (ii) A county, municipal corporation, or other political subdivision of the State; and
- (iii) A unit of federal, State, or local government.

5-607.

(a) A cooperative has the power to:

(12) Construct, maintain, or operate or allow others to construct, maintain, or operate conducting or communications facilities that furnish telecommunications, broadband Internet access, or related services, along, on, under, or across:

(i) Real property, personal property, rights-of-way, and easements owned, held, or otherwise used by the cooperative; and

(ii) Publicly owned lands, roadways, and public ways, with the prior consent of the governing body of the municipal corporation or county in which the facilities are proposed to be constructed and under any reasonable regulations and conditions imposed by the governing body of the municipal corporation or county;

(c) To ensure that electric customers do not subsidize the cost of broadband services, an electric cooperative shall allocate properly all costs incurred under subsection (a)(12) of this section between electricity-related services and broadband services.

5-632.

(b) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A proposed dissolution shall be approved by the affirmative vote of not less than two-thirds of the members voting on the matter at an annual or special meeting of the members.

(2) A PROPOSED DISSOLUTION OF A MEMBER-REGULATED COOPERATIVE SHALL BE APPROVED BY THE AFFIRMATIVE VOTE OF ~~NOT LESS THAN TWO-THIRDS~~ A MAJORITY OF THE MEMBERS VOTING AT A MEETING AT WHICH AT LEAST 15% OF THE MEMBERS VOTE.

PART VI. MEMBER-REGULATED COOPERATIVES.

5-635.

(A) (1) TO OPERATE AS A MEMBER-REGULATED COOPERATIVE, A COOPERATIVE SHALL:

(I) SUBMIT A REQUEST FOR A WAIVER FROM THE APPLICATION OF AFFILIATE REGULATIONS IN ACCORDANCE WITH COMAR 20.40.01.04; OR

(II) CONDUCT A ~~COOPERATIVE SHALL PASS, BY UNANIMOUS VOTE OF ITS BOARD OF DIRECTORS, A BINDING RESOLUTION TO OPERATE AS A MEMBER-REGULATED COOPERATIVE~~ VOTE OF THE COOPERATIVE'S MEMBERS IN ACCORDANCE WITH THIS SECTION.

(2) THE COMMISSION SHALL EXPEDITE THE REVIEW OF A WAIVER REQUESTED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION.

~~(B) WITHIN 10 DAYS AFTER THE PASSAGE OF A BINDING RESOLUTION UNDER SUBSECTION (A) OF THIS SECTION, THE COOPERATIVE SHALL FILE A DECLARATION WITH THE COMMISSION STATING THAT IT HAS ELECTED TO OPERATE AS A MEMBER-REGULATED COOPERATIVE.~~

(B) A VOTE UNDER THIS SECTION:

(1) MAY BE CALLED BY A COOPERATIVE'S BOARD OF DIRECTORS; OR

(2) SHALL BE CALLED WITHIN 100 DAYS AFTER RECEIPT BY THE BOARD OF DIRECTORS OF A PETITION SIGNED BY AT LEAST 1,000 COOPERATIVE MEMBERS.

(C) (1) A COOPERATIVE'S BOARD OF DIRECTORS SHALL HOLD A MEETING WITH THE COOPERATIVE'S MEMBERS ON WHETHER TO OPERATE AS A MEMBER-REGULATED COOPERATIVE.

(2) (I) THE COOPERATIVE'S BOARD OF DIRECTORS SHALL PROVIDE NOTICE OF THE MEETING TO THE MEMBERS OF THE COOPERATIVE.

(II) THE NOTICE SHALL:

1. INCLUDE:

A. THE PURPOSE OF THE MEETING, INCLUDING INFORMATION ON MEMBER-REGULATED COOPERATIVES;

B. DIRECTIONS FOR VOTING ON WHETHER TO OPERATE AS A MEMBER-REGULATED COOPERATIVE;

C. A FORM OR WRITTEN BALLOT FOR THE VOTE;

D. THE TIME, DATE, AND PLACE OF THE MEETING;

AND

E. THE TIME, DATE, AND PLACE OF THE FORUMS REQUIRED UNDER SUBSECTION (D) OF THIS SECTION; AND

2. BE PROVIDED IN WRITING TO THE COOPERATIVE'S MEMBERS AND THE COMMISSION BY MAIL OR BY HAND DELIVERY AT LEAST 40 DAYS BUT NOT MORE THAN 90 DAYS BEFORE THE DATE OF THE MEETING.

(D) (1) A COOPERATIVE'S BOARD OF DIRECTORS SHALL HOLD AT LEAST TWO OPEN FORUMS TO ALLOW THE COOPERATIVE'S MEMBERS TO DISCUSS OR MAKE INQUIRIES CONCERNING OPERATING AS A MEMBER-REGULATED COOPERATIVE.

(2) FORUMS SHALL BE HELD:

(I) ON SEPARATE DATES AT DIFFERENT LOCATIONS WITHIN THE COOPERATIVE'S SERVICE TERRITORY;

(II) AT TIMES THAT ARE CONVENIENT FOR THE COOPERATIVE'S MEMBERS TO ATTEND; AND

(III) AT LEAST 10 DAYS AFTER DELIVERY OF THE NOTICE REQUIRED UNDER SUBSECTION (C)(2) OF THIS SECTION BUT NOT LATER THAN 20 DAYS BEFORE THE DATE OF THE MEETING REQUIRED UNDER SUBSECTION (C)(1) OF THIS SECTION.

(3) A COOPERATIVE'S MEMBERS SHALL HAVE:

(I) THE OPPORTUNITY AT EACH FORUM TO MAKE INQUIRIES ABOUT OPERATING AS A MEMBER-REGULATED COOPERATIVE; AND

(II) A REASONABLE, EQUAL OPPORTUNITY TO PRESENT THE MEMBERS' VIEWS CONCERNING OPERATING AS A MEMBER-REGULATED COOPERATIVE, INCLUDING PRESENTING VIEWS IN OPPOSITION TO OPERATING AS A MEMBER-REGULATED COOPERATIVE.

(E) (1) IF A COOPERATIVE'S BOARD OF DIRECTORS MAILES INFORMATION TO ITS MEMBERS REGARDING OPERATING AS A MEMBER-REGULATED COOPERATIVE THAT IS IN ADDITION TO THE INFORMATION PROVIDED IN THE NOTICE, THE COOPERATIVE'S BOARD OF DIRECTORS SHALL INCLUDE IN THE MAILING ANY MATERIALS PROVIDED IN OPPOSITION TO OPERATING AS A MEMBER-REGULATED COOPERATIVE IF THE MATERIALS ARE ACCOMPANIED BY A PETITION SIGNED BY AT LEAST 100 OF THE COOPERATIVE'S MEMBERS.

(2) A COOPERATIVE SHALL PAY FOR MAILING THE MATERIALS IN AN AMOUNT EQUAL TO THE COST OF MAILING THE COOPERATIVE'S NOTICE UNDER SUBSECTION (C) OF THIS SECTION.

(3) IF THE COST OF MAILING THE MATERIALS IS GREATER THAN THE COST OF MAILING THE COOPERATIVE'S NOTICE, THE DIFFERENCE SHALL BE PAID:

(I) PRO RATA BY THE COOPERATIVE'S MEMBERS SUBMITTING MATERIALS IN OPPOSITION; AND

(II) BY AN ADVANCE DEPOSIT IN AN AMOUNT ESTIMATED TO COVER THE EXCESS COSTS.

(F) (1) A COOPERATIVE'S BOARD OF DIRECTORS SHALL SELECT AN INDEPENDENT AUDITOR TO CONTROL AND SUPERVISE THE PROCEDURES FOR VOTING.

(2) EACH OF A COOPERATIVE'S MEMBERS IS ENTITLED TO ONE VOTE ON WHETHER TO OPERATE AS A MEMBER-REGULATED COOPERATIVE, REGARDLESS OF THE METHOD USED TO CAST A VOTE.

(3) A COOPERATIVE'S MEMBER MAY VOTE AT THE MEETING UNDER SUBSECTION (A) OF THIS SECTION BY:

(I) WRITTEN BALLOT;

(II) USE OF A VOTING MACHINE; OR

(III) IF AUTHORIZED BY THE COOPERATIVE'S CHARTER OR BYLAWS, BY ELECTRONIC BALLOT.

(4) IF A COOPERATIVE USES WRITTEN BALLOTS UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE WRITTEN BALLOTS SHALL BE:

(I) INCLUDED WITH THE NOTICE REQUIRED UNDER SUBSECTION (C) OF THIS SECTION; AND

(II) CAST AND COUNTED IF RECEIVED BY THE COOPERATIVE'S BOARD OF DIRECTORS BEFORE THE END OF THE MEETING UNDER SUBSECTION (A) OF THIS SECTION.

(5) (I) ANY PROCEDURES ADOPTED FOR THE USE AND TRANSMISSION OF ELECTRONIC BALLOTS SHALL ENSURE THAT EACH ELECTRONIC BALLOT WAS SENT BY A COOPERATIVE MEMBER WHO IS ENTITLED TO VOTE.

(II) AN ELECTRONIC BALLOT SHALL BE CAST AND COUNTED IF SUBMITTED ELECTRONICALLY BEFORE THE END OF THE MEETING UNDER SUBSECTION (A) OF THIS SECTION.

(G) TO OPERATE AS A MEMBER-REGULATED COOPERATIVE SHALL REQUIRE THE AFFIRMATIVE VOTE OF A MAJORITY OF THE COOPERATIVE'S MEMBERS VOTING AT A MEETING AT WHICH AT LEAST 15% OF THE MEMBERS VOTE.

(H) THE INDEPENDENT AUDITOR SELECTED BY THE COOPERATIVE'S BOARD OF DIRECTORS UNDER SUBSECTION (F) OF THIS SECTION SHALL CERTIFY TO THE COMMISSION, IN WRITING, THE RESULTS OF A VOTE UNDER THIS SECTION WITHIN 5 BUSINESS DAYS AFTER THE DATE OF THE VOTE.

5-636.

~~(C) (1) (A)~~ SUBJECT TO ~~PARAGRAPH (2) OF THIS SUBSECTION~~ SUBSECTION (B) OF THIS SECTION, WITHIN 180 DAYS AFTER ~~FILING A DECLARATION UNDER SUBSECTION (B) OF THIS SECTION~~ PROVIDING A CERTIFICATION TO THE COMMISSION UNDER § 5-635(H) OF THIS SUBTITLE, THE COOPERATIVE'S BOARD OF DIRECTORS, BY A SUPERMAJORITY VOTE, SHALL:

~~(1) (1)~~ ADOPT BYLAWS FOR THE MEMBER-REGULATED COOPERATIVE; AND

~~(1) (2)~~ AMEND THE COOPERATIVE'S ARTICLES OF INCORPORATION TO REFLECT THE COOPERATIVE'S CONVERSION TO BEING A MEMBER-REGULATED COOPERATIVE.

~~(2) (B)~~ THE BYLAWS AND AMENDED ARTICLES OF INCORPORATION SHALL:

~~(1) (1)~~ AUTHORIZE THE MEMBER-REGULATED COOPERATIVE TO PROVIDE BROADBAND INTERNET SERVICE; ~~AND~~

~~(1) (2)~~ ESTABLISH A PLAN FOR MAKING BROADBAND INTERNET SERVICE AVAILABLE TO MEMBERS IN A MANNER THAT MAXIMIZES DEPLOYMENT WITH AVAILABLE FINANCIAL RESOURCES;

(3) INCLUDE AN ALLOCATION METHOD IN ACCORDANCE WITH § 5-607(C) OF THIS SUBTITLE TO ENSURE THAT ELECTRIC CUSTOMERS DO NOT SUBSIDIZE THE COST OF BROADBAND INTERNET SERVICE; AND

(4) EXCEPT AS PROVIDED IN ~~§ 5-636(A)(2)~~ § 5-637(A)(2) OF THIS SUBTITLE, BE CONSISTENT WITH THIS SUBTITLE.

~~5-636.~~ 5-637.

(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS SUBTITLE APPLIES TO THE PROVISION OF BROADBAND INTERNET SERVICE BY A MEMBER-REGULATED COOPERATIVE.

(2) A MEMBER-REGULATED COOPERATIVE MAY NOT, FOR THE SOLE PURPOSE OF PROVIDING BROADBAND INTERNET SERVICE, EXERCISE THE POWER OF CONDEMNATION UNDER § 5-607(A)(16) OF THIS SUBTITLE.

(B) A MEMBER-REGULATED COOPERATIVE IS SUBJECT TO THE FOLLOWING PROVISIONS OF THE PUBLIC UTILITIES ARTICLE:

- (1) § 5-103;
- (2) § 5-201;
- (3) § 5-202;
- (4) § 5-303;
- (5) § 5-304;
- (6) § 7-103;
- (7) § 7-104;
- (8) § 7-203;
- (9) § 7-207;
- (10) § 7-302;
- (11) TITLE 7, SUBTITLE 5, PART I AND PART II;
- (12) TITLE 7, SUBTITLE 7; AND
- (13) § 13-101.

~~5-637. 5-638.~~

(A) A MEMBER-REGULATED COOPERATIVE SHALL MAKE AVAILABLE TO ITS MEMBERS:

(1) RATE SCHEDULES, TARIFFS, AND TERMS AND CONDITIONS OF SERVICE;

(2) FINANCIAL AND STATISTICAL INFORMATION REGARDING:

- (I) OPERATING REVENUES;
- (II) REVENUES PER RATE CLASS;
- (III) NUMBER OF MEMBERS PER RATE CLASS; AND
- (IV) NUMBER OF METERS PER RATE CLASS;

(3) DATA AND INFORMATION CONCERNING LOAD MANAGEMENT, ENERGY CONSERVATION, AND OTHER SIMILAR PROGRAMS;

(4) INFORMATION CONCERNING ONGOING CONSUMER EDUCATION PROGRAMS; AND

(5) INFORMATION CONCERNING THE MEMBER-REGULATED COOPERATIVE'S PERFORMANCE, INCLUDING INCOME STATEMENTS, BALANCE SHEETS, AND RELIABILITY DATA.

(B) A MEMBER-REGULATED COOPERATIVE MAY NOT ADOPT A NEW RATE OR INCREASE OR DECREASE ITS RATES OR CHARGES FOR THE SERVICES IT PROVIDES UNLESS THE MEMBER-REGULATED COOPERATIVE PROVIDES TO ITS MEMBERS:

- (1) NOTICE OF THE PROPOSED RATES;
- (2) THE OPPORTUNITY TO COMMENT ON THE PROPOSED RATES; AND
- (3) THE OPPORTUNITY TO OBSERVE THE PORTION OF THE MEETING IN WHICH THE BOARD OF DIRECTORS VOTES ON THE PROPOSED RATES.

~~5-638.~~ 5-639.

A MEMBER-REGULATED COOPERATIVE SHALL:

- (1) IMPLEMENT A NET METERING PROGRAM THAT IS CONSISTENT WITH § 7-306 OF THE PUBLIC UTILITIES ARTICLE; AND
- (2) USE THE PROCESS ESTABLISHED UNDER ~~§ 5-639~~ § 5-640 OF THIS SUBTITLE TO RESOLVE COMPLAINTS RELATED TO NET METERING.

~~5-639.~~ 5-640.

(A) A MEMBER-REGULATED COOPERATIVE SHALL ADOPT PROCEDURES TO HEAR, DECIDE, AND RESOLVE, IN A PROMPT AND FAIR MANNER, COMPLAINTS FROM ITS MEMBERS, INCLUDING COMPLAINTS REGARDING NET METERING.

(B) (1) THE PROCEDURES ADOPTED UNDER SUBSECTION (A) OF THIS SECTION SHALL PROVIDE FOR A FORMAL AND AN INFORMAL COMPLAINT PROCESS.

(2) A FORMAL COMPLAINT PROCEEDING SHALL INCLUDE, AT A MINIMUM:

(I) THE RIGHT TO PRESENT A COMPLAINT IN WRITING;

(II) THE RIGHT TO HAVE A COMPLAINT HEARD BY THE CHIEF EXECUTIVE OFFICER OF THE MEMBER-REGULATED COOPERATIVE, OR THE CHIEF EXECUTIVE OFFICER'S DESIGNEE;

(III) THE RIGHT TO A WRITTEN RESPONSE THAT STATES THE REASONS FOR THE MEMBER-REGULATED COOPERATIVE'S DECISION; AND

(IV) THE RIGHT TO HAVE THE COMPLAINT AND RESPONSE REVIEWED BY THE BOARD OF DIRECTORS.

(C) (1) A MEMBER-REGULATED COOPERATIVE MAY NOT REQUIRE A MEMBER TO USE THE FORMAL OR INFORMAL COMPLAINT PROCESS.

(2) IF A MEMBER USES THE FORMAL OR INFORMAL COMPLAINT PROCESS, THE MEMBER MAY:

(I) ACCEPT THE DECISION RESULTING FROM THE PROCESS; OR

(II) REJECT THE DECISION RESULTING FROM THE PROCESS AND PURSUE ANY OTHER REMEDY AUTHORIZED BY LAW.

(D) A DECISION MADE UNDER A FORMAL OR INFORMAL COMPLAINT PROCESS IS BINDING ON THE MEMBER-REGULATED COOPERATIVE.

~~5-640.~~ 5-641.

(A) A MEMBER-REGULATED COOPERATIVE SHALL ESTABLISH POLICIES REGARDING TERMINATION OF SERVICE, INCLUDING TERMINATION OF SERVICE:

(1) TO LOW-INCOME MEMBERS;

(2) TO A MEMBER IN COLD WEATHER; AND

(3) TO A MEMBER IN HOT WEATHER.

(B) THE BOARD OF DIRECTORS MAY, AS NECESSARY, AMEND THE POLICIES REGARDING TERMINATION OF SERVICE.

~~5-641.~~ 5-642.

(A) ON OR BEFORE DECEMBER 1 EACH YEAR, A MEMBER-REGULATED COOPERATIVE SHALL REPORT TO THE SENATE FINANCE COMMITTEE AND THE HOUSE ECONOMIC MATTERS COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON THE STATUS OF THE DEPLOYMENT OF BROADBAND INTERNET SERVICE TO THE MEMBER-REGULATED COOPERATIVE'S MEMBERS.

~~(A)~~ (B) (1) EXCEPT AS PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION, A MEMBER-REGULATED COOPERATIVE MAY NOT PROHIBIT A TELECOMMUNICATIONS OR CABLE SERVICE PROVIDER FROM ACCESSING A POLE, DUCT, CONDUIT, RIGHT-OF-WAY, OR SIMILAR FACILITY OWNED OR CONTROLLED, IN WHOLE OR IN PART, BY THE MEMBER-REGULATED COOPERATIVE.

(2) A MEMBER-REGULATED COOPERATIVE MAY DENY ACCESS TO A FACILITY SPECIFIED UNDER PARAGRAPH (1) OF THIS SUBSECTION:

(I) ON A NONDISCRIMINATORY BASIS; AND

(II) IF THE MEMBER-REGULATED COOPERATIVE DETERMINES

THAT:

1. THE FACILITY DOES NOT HAVE SUFFICIENT CAPACITY TO ALLOW ACCESS; OR

2. ALLOWING ACCESS WOULD CREATE SAFETY, RELIABILITY, OR ENGINEERING CONCERNS.

~~(B)~~ (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A MEMBER-REGULATED COOPERATIVE SHALL CHARGE A REASONABLE RATE FOR ACCESS TO A FACILITY SPECIFIED UNDER SUBSECTION ~~(A)(1)~~ (B)(1) OF THIS SECTION.

(2) A MEMBER-REGULATED COOPERATIVE MAY NOT CHARGE A RATE FOR ACCESS TO A FACILITY SPECIFIED UNDER SUBSECTION ~~(A)(1)~~ (B)(1) OF THIS SECTION THAT IS MORE THAN THE RATES CHARGED FOR ACCESS BY A LOCAL

EXCHANGE CARRIER, ELECTRIC COMPANY, WATER COMPANY, OR OTHER UTILITY OPERATING IN THE MEMBER-REGULATED COOPERATIVE'S SERVICE AREA.

~~(3) (i) A CABLE OPERATOR, TELECOMMUNICATIONS CARRIER, OR OTHER ENTITY AUTHORIZED TO ACCESS A FACILITY SPECIFIED UNDER SUBSECTION (A)(1) OF THIS SECTION BY A MEMBER-REGULATED COOPERATIVE MAY FILE A COMPLAINT WITH THE COMMISSION REGARDING THE MEMBER-REGULATED COOPERATIVE'S RATES, TERMS, AND CONDITIONS FOR ACCESS.~~

~~(ii) THE COMMISSION SHALL HEAR AND RESOLVE A COMPLAINT FILED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IN ACCORDANCE WITH 47 U.S.C. § 224 AND 47 C.F.R. §§ 1.1401 THROUGH 1.1415, INCLUSIVE.~~

~~5-642, 5-643.~~

(A) (1) A MEMBER-REGULATED COOPERATIVE SHALL HOLD AN ELECTION TO REVERT TO A COOPERATIVE ON:

(i) A ~~SUPERMAJORITY~~ MAJORITY VOTE OF THE BOARD OF DIRECTORS; OR

(ii) RECEIPT BY THE BOARD OF DIRECTORS OF A PETITION SIGNED BY AT LEAST 1,000 MEMBERS.

(2) A MEMBER-REGULATED COOPERATIVE MAY HOLD AN ELECTION TO REVERT TO A COOPERATIVE ONLY ONCE EVERY 12 MONTHS.

~~(B) (1) A MEMBER-REGULATED COOPERATIVE SHALL REVERT TO A COOPERATIVE ON THE AFFIRMATIVE VOTE OF TWO-THIRDS OF THE MEMBERS VOTE TO REVERT TO A COOPERATIVE SHALL BE HELD IN ACCORDANCE WITH § 5-635 OF THIS SUBTITLE.~~

(2) WITHIN 5 DAYS AFTER AN AFFIRMATIVE VOTE TO REVERT TO A COOPERATIVE, THE MEMBER-REGULATED COOPERATIVE SHALL FILE A DECLARATION WITH THE COMMISSION STATING THAT IT HAS REVERTED TO A COOPERATIVE.

(C) (1) THE COMMISSION SHALL HAVE JURISDICTION OVER A MEMBER-REGULATED COOPERATIVE THAT HAS ELECTED TO REVERT TO A COOPERATIVE ON ISSUANCE OF AN ORDER BY THE COMMISSION.

(2) THE COMMISSION SHALL ISSUE THE ORDER UNDER PARAGRAPH (1) OF THIS SUBSECTION WITHIN 180 DAYS AFTER THE FILING OF A DECLARATION UNDER SUBSECTION (B)(2) OF THIS SECTION.

~~5-642. 5-643. 5-644.~~

IF THERE IS A CONFLICT BETWEEN THE PROVISIONS OF THIS PART AND OTHER PROVISIONS OF LAW, THE PROVISIONS OF THIS PART SHALL PREVAIL.

~~5-643. 5-644. 5-645.~~ RESERVED.

~~5-644. 5-645. 5-646.~~ RESERVED.

~~5-646. 5-647.~~

(b) On payment of the fees provided for in [§ 5-637] ~~§ 5-647 § 5-648 § 5-649~~ of this subtitle, the Department shall accept for record any articles or certificate filed with the Department under this section if the Department finds that the articles or certificate conform to the requirements of this subtitle.

SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that, during the 2028 legislative session, the General Assembly shall deliberate and determine whether the provisions of this Act shall be terminated and of no further force and effect. If the General Assembly does not take any action to terminate this Act, the provisions of this Act shall continue to be in full force and effect.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect October 1, 2020~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

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

Chapter 607

(House Bill 40)

AN ACT concerning

Criminal Procedure – Evidence – Causing Unavailability of Witness

FOR the purpose of altering ~~certain provisions~~ the standard of proof by which the court must make a certain finding relating to the admission in evidence, during certain

criminal trials, of a statement offered against a party who caused the unavailability of the declarant of the statement under certain circumstances; making this Act an emergency measure; and generally relating to evidence and criminal trials.

BY repealing and reenacting, with amendments,
 Article – Courts and Judicial Proceedings
 Section 10–901
 Annotated Code of Maryland
 (2013 Replacement Volume and 2019 Supplement)

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

Article – Courts and Judicial Proceedings

10–901.

(a) During the trial of a criminal case in which the defendant is charged with a felonious violation of Title 5 of the Criminal Law Article or with the commission of a crime of violence as defined in § 14–101 of the Criminal Law Article ~~in which the defendant is charged with a felonious violation of Title 5 of the Criminal Law Article or with the commission of a crime of violence as defined in § 14–101 of the Criminal Law Article~~, a statement as defined in Maryland Rule 5–801(a) is not excluded by the hearsay rule if the statement is offered against a party ~~that~~ that has engaged in, directed, or conspired to commit wrongdoing that was intended to and did procure the unavailability of the declarant of the statement, as defined in Maryland Rule 5–804] ~~WHO WRONGFULLY CAUSED OR ACQUIESCED IN WRONGFULLY CAUSING THE UNAVAILABILITY OF THE DECLARANT OF THE STATEMENT.~~

(b) Subject to subsection (c) of this section, before admitting a statement under this section, the court shall hold a hearing outside the presence of the jury at which~~]:~~:

(1) The Maryland Rules of Evidence are strictly applied; and

(2) The] ~~THE~~ court finds by [clear and convincing] **A PREPONDERANCE OF THE** evidence that the party against whom the statement is offered ~~engaged in, directed, or conspired to commit the wrongdoing that procured the unavailability of the declarant]~~ ~~WHO WRONGFULLY CAUSED OR ACQUIESCED IN WRONGFULLY CAUSING THE UNAVAILABILITY OF THE DECLARANT OF THE STATEMENT.~~

(c) A statement may not be admitted under this section unless~~]:~~:

(1) The statement was:

(i) Given under oath subject to the penalty of perjury at a trial, hearing, or other proceeding or in a deposition;

(ii) Reduced to writing and signed by the declarant; or

(iii) Recorded in substantially verbatim fashion by stenographic or electronic means contemporaneously with the making of the statement; and

(2) As ~~fast~~^{AS} soon as is practicable after the proponent of the statement learns that the declarant will be unavailable, the proponent notifies the adverse party of:

~~{(i)}~~ ~~(1)~~ The intention to offer the statement;

~~{(ii)}~~ ~~(2)~~ The particulars of the statement; and

~~{(iii)}~~ ~~(3)~~ The identity of the witness through whom the statement will be offered.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect October 1, 2020~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

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

Chapter 608

(Senate Bill 64)

AN ACT concerning

Criminal Procedure – Evidence – Causing Unavailability of Witness

FOR the purpose of altering ~~certain provisions the standard of proof by which the court must make a certain finding~~ certain provisions relating to the admission in evidence, during certain criminal trials, of a statement offered against a party who caused the unavailability of the declarant of the statement under certain circumstances; making this Act an emergency measure; and generally relating to evidence and criminal trials.

BY repealing and reenacting, with amendments,
 Article – Courts and Judicial Proceedings
 Section 10–901
 Annotated Code of Maryland
 (2013 Replacement Volume and 2019 Supplement)

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

Article – Courts and Judicial Proceedings

10–901.

(a) During the trial of a criminal case in which the defendant is charged with a ~~felonious~~ violation of Title 5 of the Criminal Law Article or with the commission of a crime of violence as defined in § 14–101 of the Criminal Law Article ~~]~~ **FELONY**, a statement as defined in Maryland Rule 5–801(a) is not excluded by the hearsay rule if the statement is offered against a party ~~]~~ that has engaged in, directed, or conspired to commit wrongdoing that was intended to and did procure the unavailability of the declarant of the statement, as defined in Maryland Rule 5–804] ~~WHO WRONGFULLY CAUSED OR ACQUIESCED IN WRONGFULLY CAUSING THE UNAVAILABILITY OF THE DECLARANT OF THE STATEMENT.~~

(b) Subject to subsection (c) of this section, before admitting a statement under this section, the court shall hold a hearing outside the presence of the jury at which~~]~~:

(1) The Maryland Rules of Evidence are strictly applied; and

(2) The~~]~~ ~~THE~~ court finds by [clear and convincing] **A PREPONDERANCE OF THE** evidence that the party against whom the statement is offered ~~]~~ engaged in, directed, or conspired to commit the wrongdoing that procured the unavailability of the declarant] ~~WRONGFULLY CAUSED OR ACQUIESCED IN WRONGFULLY CAUSING THE UNAVAILABILITY OF THE DECLARANT OF THE STATEMENT.~~

(c) A statement may not be admitted under this section unless~~]~~:

(1) The statement was:

(i) Given under oath subject to the penalty of perjury at a trial, hearing, or other proceeding or in a deposition;

(ii) Reduced to writing and signed by the declarant; or

(iii) Recorded in substantially verbatim fashion by stenographic or electronic means contemporaneously with the making of the statement; and

(2) As~~]~~ ~~AS~~ soon as is practicable after the proponent of the statement learns that the declarant will be unavailable, the proponent notifies the adverse party of:

~~](i)]~~ ~~(1)~~ The intention to offer the statement;

~~[(ii)]~~ ~~(2)~~ The particulars of the statement; and

~~[(iii)]~~ ~~(3)~~ The identity of the witness through whom the statement will be offered.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect October 1, 2020~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

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

Chapter 609

(House Bill 789)

AN ACT concerning

Washington County – Alcoholic Beverages – Wineries – Special Event Permits

FOR the purpose of establishing a special event permit in Washington County; authorizing a holder of a Class 3 winery license or a Class 4 limited winery license in the county to sell beer, wine produced by the holder, certain sparkling wine, and liquor for on-premises consumption at certain events under the permit; requiring a license holder to purchase certain alcoholic beverages from a licensed retailer; ~~requiring the permit~~ requiring a license holder to keep certain receipts for a certain period of time; ~~requiring the permit~~ requiring a license holder to notify the Board of License Commissioners for Washington County on or before a certain time before using the permit; establishing a certain limit on the number of times the permit may be used; establishing an annual permit fee; making conforming changes; making this Act an emergency measure; and generally relating to alcoholic beverages in Washington County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 31-102

Annotated Code of Maryland

(2016 Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 31-401

Annotated Code of Maryland

(2016 Volume and 2019 Supplement)

BY adding to

Article – Alcoholic Beverages
 Section 31–402.1
 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

31–102.

This title applies only in Washington County.

31–401.

(a) The following sections of Title 2, Subtitle 2 (“Manufacturer’s Licenses”) of Division I of this article apply in the county 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)] **(6)** § 2–210 (“Class 8 farm brewery license”);
- [(9)] **(7)** § 2–211 (“Residency requirement”);
- [(10)] **(8)** § 2–212 (“Additional licenses”);
- [(11)] **(9)** § 2–213 (“Additional fees”);
- [(12)] **(10)** § 2–214 (“Sale or delivery restricted”);
- [(13)] **(11)** § 2–216 (“Interaction between manufacturing entities and
 retailers”);

[(14)] (12) § 2–217 (“Distribution of alcoholic beverages — Prohibited practices”); and

[(15)] (13) § 2–218 (“Restrictive agreements between producers and retailers — Prohibited”).

(b) The following sections of Title 2, Subtitle 2 (“Manufacturer’s Licenses”) of Division I of this article apply in the county:

(1) § 2–205 (“CLASS 3 WINERY LICENSE”), SUBJECT TO § 31–402.1 OF THIS SUBTITLE;

(2) § 2–206 (“CLASS 4 LIMITED WINERY LICENSE”), SUBJECT TO § 31–402.1 OF THIS SUBTITLE;

[(1)] (3) § 2–208 (“Class 6 pub–brewery license”), subject to § 31–403 of this subtitle;

[(2)] (4) § 2–209 (“Class 7 micro–brewery license”), subject to § 31–404 of this subtitle; and

[(3)] (5) § 2–215 (“Beer sale on credit to retail dealer prohibited”), subject to § 31–405 of this subtitle.

31–402.1.

(A) **THERE IS A SPECIAL EVENT PERMIT.**

(B) **THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF A CLASS 3 WINERY LICENSE OR A CLASS 4 LIMITED WINERY LICENSE.**

(C) **THE PERMIT AUTHORIZES THE HOLDER TO SELL FOR ON–PREMISES CONSUMPTION BEER, WINE PRODUCED BY THE HOLDER, SPARKLING WINE THAT IS NATURALLY OR ARTIFICIALLY CARBONATED, AND LIQUOR AT AN EVENT FOR WHICH THE ENTIRE LICENSED PREMISES HAS BEEN RENTED.**

(D) **THE LICENSE HOLDER SHALL PURCHASE BEER, SPARKLING WINE THAT IS NATURALLY OR ARTIFICIALLY CARBONATED, OR LIQUOR INTENDED FOR SALE UNDER THE PERMIT FROM A LICENSED RETAILER.**

(E) **THE LICENSE HOLDER SHALL KEEP ALL RECEIPTS OF PURCHASE OF ALCOHOLIC BEVERAGES FOR 1 YEAR AFTER THE DATE OF PURCHASE.**

~~(E)~~ **(F)** THE LICENSE HOLDER THAT INTENDS TO USE THE PERMIT SHALL NOTIFY THE BOARD AT LEAST 1 WEEK BEFORE THE EVENT IS TO OCCUR.

~~(F)~~ **(G)** THE LICENSE HOLDER MAY USE THE PERMIT NOT MORE THAN ~~60~~ **32** TIMES IN A YEAR.

~~(G)~~ **(H)** THE ANNUAL PERMIT FEE IS \$1,000.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

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

Chapter 610

(House Bill 28)

AN ACT concerning

Vehicle Laws – Driver’s Licenses Confiscated for Real ID Compliance – ~~Failure to Possess or Display~~ Issuance and Display of Recall Notice

FOR the purpose of ~~establishing an exception to certain requirements that an individual possess or display a driver’s license under certain circumstances if the individual’s license has been confiscated by a law enforcement officer within a certain amount of time for failure to submit certain documents to the Motor Vehicle Administration~~ authorizing certain individuals to satisfy the requirement to possess and display a driver’s license while driving a motor vehicle by carrying and displaying a certain recall notice issued under this Act for a certain period of time; requiring a law enforcement officer who confiscates an individual’s driver’s license for failure to submit certain documents to provide the holder of the license a certain recall notice that includes certain information; requiring the Motor Vehicle Administration to develop a form for the recall notice and to provide the form to law enforcement agencies; making this Act an emergency measure; providing for the termination of this Act; and generally relating to requirements to possess or display a driver’s license.

BY repealing and reenacting, with amendments,
 Article – Transportation
 Section 16–112
 Annotated Code of Maryland

(2012 Replacement Volume and 2019 Supplement)

BY adding to

Article – Transportation

Section 16–112.1

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

16–112.

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

(2) “Credential holder” has the meaning stated in § 16–1001 of this title.

(3) “Display” means the manual surrender of the licensee’s license into the hands of the demanding officer for inspection.

(4) “Electronic credential” has the meaning stated in § 16–1001 of this title.

(b) [Each] ~~EXCEPT AS PROVIDED IN SUBJECT TO SUBSECTION (D) OF THIS SECTION, EACH~~ individual driving a motor vehicle on any highway in this State shall have his license with him.

(c) (1) [Each] ~~EXCEPT AS PROVIDED IN SUBJECT TO SUBSECTION (D) OF THIS SECTION, EACH~~ individual driving a motor vehicle on any highway in this State shall display the license to any uniformed police officer who demands it.

(2) A credential holder is deemed to have satisfied the display requirement under paragraph (1) of this subsection only if the uniformed police officer is able to access the verification system authorized under § 16–1003 of this title.

(d) ~~SUBSECTIONS (B) AND (C) OF THIS SECTION DO NOT APPLY TO AN INDIVIDUAL WHOSE LICENSE HAS BEEN CONFISCATED BY A LAW ENFORCEMENT OFFICER WITHIN THE PREVIOUS 90 DAYS FOR FAILURE TO SUBMIT THE DOCUMENTS REQUIRED UNDER § 16 106 OF THIS SUBTITLE~~ AN INDIVIDUAL MAY SATISFY SUBSECTIONS (B) AND (C) OF THIS SECTION BY POSSESSING AND DISPLAYING A RECALL NOTICE ISSUED WITHIN THE PREVIOUS 60 DAYS TO THE INDIVIDUAL UNDER § 16–112.1 OF THIS SUBTITLE.

(E) Each individual driving a motor vehicle on any highway in this State shall, if requested by the officer, sign his usual signature in the presence of the officer so that the officer may determine whether he is the licensee.

[(e)] (F) A person may not give the name of another person or give a false or fictitious name to any uniformed police officer who is attempting to determine the identity of a driver of a motor vehicle.

16-112.1.

(A) IF A LAW ENFORCEMENT OFFICER CONFISCATES AN INDIVIDUAL'S DRIVER'S LICENSE FOR FAILURE TO SUBMIT THE DOCUMENTS REQUIRED UNDER § 16-106 OF THIS SUBTITLE, THE OFFICER SHALL ISSUE TO THE INDIVIDUAL A WRITTEN RECALL NOTICE THAT INCLUDES:

(1) THE REASON FOR THE CONFISCATION OF THE LICENSE;

(2) A STATEMENT THAT THE INDIVIDUAL'S DRIVING PRIVILEGES HAVE NOT BEEN REVOKED AS A RESULT OF THE CONFISCATION;

(3) INSTRUCTIONS ON HOW THE INDIVIDUAL MAY SUBMIT THE REQUIRED DOCUMENTS TO RECEIVE A VALID DRIVER'S LICENSE; AND

(4) THE DATE OF THE ISSUANCE OF THE RECALL NOTICE.

(B) THE ADMINISTRATION SHALL:

(1) DEVELOP A FORM FOR THE RECALL NOTICE REQUIRED BY THIS SECTION; AND

(2) MAKE THE FORM AVAILABLE TO ALL LAW ENFORCEMENT AGENCIES IN THE STATE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. It shall remain effective through December 31, 2024, and, at the end of December 31, 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 611**(House Bill 56)**

AN ACT concerning

Chesapeake Bay Bridge – Reconstruction Advisory Group and Transportation Facilities Projects ~~and Traffic Study~~

FOR the purpose of establishing the Chesapeake Bay Bridge Reconstruction Advisory Group; providing for the composition, chair, and staffing of the Advisory Group; specifying the terms of the members of the Advisory Group; prohibiting a member of the Advisory Group from receiving certain compensation, but authorizing the reimbursement of certain expenses; specifying the duties of the Advisory Group; requiring any entity that conducts a traffic capacity study pertaining to the Chesapeake Bay Bridge and certain surrounding highways to report its findings and recommendations to the Advisory Group; requiring the Advisory Group to report its activities and recommendations quarterly to the Maryland Transportation Authority; requiring the Advisory Group to report its findings and recommendations to the Governor and the General Assembly on or before a certain date each year; ~~requiring the State Highway Administration, in collaboration with the Maryland Transportation Institute, to conduct a study on traffic management; providing for the purpose of the study; requiring the Administration to study and make recommendations regarding certain matters; requiring the Administration to update the Advisory Group on the progress of the study quarterly; requiring the Administration to report its findings and recommendations to the Governor and the General Assembly on or before a certain date~~ providing that the Advisory Group is a public body and subject to certain provisions of law; specifying the terms of the initial members of the Advisory Group; *prohibiting the State or a reporting agency from transferring certain ownership, operation, or management of certain existing transportation facilities projects to a certain entity or issuing a certain notice of solicitation under certain circumstances; providing for the termination of certain provisions of this Act;* defining certain terms; making this Act an emergency measure; and generally relating to the Chesapeake Bay Bridge transportation facilities projects.

BY adding to

Article – Transportation

Section 4–211

Annotated Code of Maryland

(2015 Replacement Volume and 2019 Supplement)

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

Article – Transportation

4-211.

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

(2) "ADVISORY GROUP" MEANS THE CHESAPEAKE BAY BRIDGE RECONSTRUCTION ADVISORY GROUP.

(3) "CHESAPEAKE BAY BRIDGE" MEANS THE WILLIAM PRESTON LANE, JR. MEMORIAL CHESAPEAKE BAY BRIDGE AND PARALLEL CHESAPEAKE BAY BRIDGE.

(B) THERE IS A CHESAPEAKE BAY BRIDGE RECONSTRUCTION ADVISORY GROUP IN THE ~~AUTHORITY~~ DEPARTMENT.

(C) THE ADVISORY GROUP 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 EXECUTIVE DIRECTOR OF THE AUTHORITY, OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND~~

~~(4) THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:~~

~~(i) THREE MEMBERS WHO LIVE IN ANNE ARUNDEL COUNTY;~~

~~(ii) THREE MEMBERS WHO LIVE IN QUEEN ANNE'S COUNTY;~~

~~AND~~

~~(iii) TWO MEMBERS WHO ARE FAMILIAR WITH ISSUES FACED BY COMMUTERS WHO CROSS THE CHESAPEAKE BAY.~~

(1) THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY'S DESIGNEE;

(2) THE STATE HIGHWAY ADMINISTRATOR, OR THE ADMINISTRATOR'S DESIGNEE;

(3) THE EXECUTIVE DIRECTOR OF THE AUTHORITY, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(4) TWO CITIZEN MEMBERS APPOINTED BY THE ANNE ARUNDEL COUNTY COUNCIL;

(5) TWO CITIZEN MEMBERS APPOINTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE’S COUNTY; AND

(6) THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:

(i) THREE CITIZEN MEMBERS WHO LIVE IN ANNE ARUNDEL COUNTY AND ARE FAMILIAR WITH ISSUES FACED BY COMMUTERS WHO CROSS THE CHESAPEAKE BAY BRIDGE; AND

(ii) THREE CITIZEN MEMBERS WHO LIVE IN QUEEN ANNE’S COUNTY AND ARE FAMILIAR WITH ISSUES FACED BY COMMUTERS WHO CROSS THE CHESAPEAKE BAY BRIDGE.

(D) (1) THE TERM OF AN APPOINTED MEMBER IS 3 YEARS.

(2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE ADVISORY GROUP ON JULY 1, 2020.

(3) AT THE END OF A TERM, AN APPOINTED MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) AN APPOINTED 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.

(E) FROM AMONG ITS MEMBERS, THE ADVISORY GROUP SHALL ELECT A CHAIR EACH YEAR.

(F) THE AUTHORITY SHALL PROVIDE STAFF FOR THE ADVISORY GROUP.

(G) A MEMBER OF THE ADVISORY GROUP:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE ADVISORY GROUP; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(H) THE ADVISORY GROUP SHALL:

(1) ~~HOLD MONTHLY MEETINGS~~ ADOPT BYLAWS;

~~(2) STUDY ISSUES ASSOCIATED WITH TRAFFIC ON:~~

~~(i) THE CHESAPEAKE BAY BRIDGE; AND~~

~~(ii) U.S. ROUTE 50 BETWEEN THE SEVERN RIVER BRIDGE AND THE KENT NARROWS BRIDGE; AND~~

~~(3) MAKE RECOMMENDATIONS TO THE AUTHORITY REGARDING WAYS TO IMPROVE THE FLOW OF TRAFFIC ON:~~

~~(i) THE CHESAPEAKE BAY BRIDGE; AND~~

~~(ii) U.S. ROUTE 50 BETWEEN THE SEVERN RIVER BRIDGE AND THE KENT NARROWS BRIDGE.~~

(2) PROVIDE THE AUTHORITY WITH AN INDEPENDENT, CITIZEN-INFORMED PERSPECTIVE ON THE AUTHORITY'S OPERATIONS AT THE CHESAPEAKE BAY BRIDGE; AND

(3) (i) ASSIST THE AUTHORITY IN:

1. ASSESSING POTENTIAL CONCERNS ABOUT ACTIVITY RELATING TO THE CHESAPEAKE BAY BRIDGE; AND

2. EDUCATING THE GENERAL PUBLIC ABOUT ACTIVITY RELATING TO THE CHESAPEAKE BAY BRIDGE; AND

(ii) WORK COLLABORATIVELY WITH THE AUTHORITY AND PROVIDE PERTINENT INPUT RELATED TO TRAFFIC AND CUSTOMER SERVICE ISSUES.

(i) THE ADVISORY GROUP IS A PUBLIC BODY AND IS SUBJECT TO TITLE 3 OF THE GENERAL PROVISIONS ARTICLE.

~~(j)~~ (j) ANY ENTITY THAT CONDUCTS A TRAFFIC CAPACITY STUDY PERTAINING TO THE CHESAPEAKE BAY BRIDGE AND U.S. ROUTE 50 BETWEEN THE SEVERN RIVER BRIDGE AND THE KENT NARROWS BRIDGE INTERSTATE 97 AND MARYLAND ROUTE 404 SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE ADVISORY GROUP.

~~(k)~~ (k) (1) THE ADVISORY GROUP SHALL REPORT ITS ACTIVITIES AND RECOMMENDATIONS QUARTERLY TO THE AUTHORITY.

(2) ON OR BEFORE JULY 1, 2021, AND EACH JULY 1 THEREAFTER, THE ADVISORY GROUP SHALL REPORT ITS ACTIVITIES AND RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial appointed members of the Chesapeake Bay Bridge Reconstruction Advisory Group shall expire as follows:

- (1) four members in 2021;
- (2) ~~four~~ three members in 2022; and
- (3) ~~four~~ three members in 2023.

~~SECTION 3. AND BE IT FURTHER ENACTED, That:~~

~~(a) The State Highway Administration, in collaboration with the Maryland Transportation Institute, shall conduct a study on traffic technology and traffic management techniques used around the world to maximize traffic movement.~~

~~(b) The purpose of the study is to identify traffic technology and traffic management techniques that may be used to maximize the efficiency of traffic movement on U.S. Route 50 between the Severn River Bridge and the Kent Narrows Bridge and on the Chesapeake Bay Bridge.~~

~~(c) In conducting the study, the State Highway Administration shall:~~

~~(1) analyze the existing traffic conditions on U.S. Route 50 between the Severn River Bridge and the Kent Narrows Bridge and on the Chesapeake Bay Bridge;~~

~~(2) identify traffic technology and traffic management techniques used in cities, states, and countries to manage congestion and traffic effectively, including platooning, metering technology, and lane narrowing;~~

~~(3) explore the options for implementing traffic technology and traffic management techniques on U.S. Route 50 between the Severn River Bridge and the Kent Narrows Bridge and on the Chesapeake Bay Bridge; and~~

~~(4) develop recommendations on the feasibility of implementing, financing, and operating traffic technology and traffic management techniques on U.S. Route 50 between the Severn River Bridge and the Kent Narrows Bridge and on the Chesapeake Bay Bridge.~~

~~(d) (1) The State Highway Administration shall update the Chesapeake Bay Bridge Reconstruction Advisory Group on the progress of the study quarterly.~~

~~(2) On or before January 1, 2021, the State Highway Administration shall submit a report of its findings and 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:

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

(2) "Other agreement" includes a public-private partnership as defined in § 10A-101 of the State Finance and Procurement Article.

(3) "Private entity" has the meaning stated in § 10A-101 of the State Finance and Procurement Article.

(4) "Public-private partnership" has the meaning stated in § 10A-101 of the State Finance and Procurement Article.

(5) "Reporting agency" has the meaning stated in § 10A-101 of the State Finance and Procurement Article.

(6) (i) "Transportation facilities project" has the meaning indicated in § 4-101 of the Transportation Article.

(ii) "Transportation facilities project" includes the Thomas J. Hatem Bridge.

(iii) "Transportation facilities project" does not include the I-495 and I-270 P3 Program.

(b) Notwithstanding any other provision of law, the State or a reporting agency may not:

(1) transfer by sale, lease, or other agreement the full or partial ownership, operation, or management of an existing transportation facilities project to a private entity;
or

(2) issue a public notice of solicitation for a public-private partnership for an existing transportation facilities project.

~~SECTION 4. § 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020~~ *is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. Section 3 of this Act shall remain effective through the end of March 1, 2021, and, at the end of March 1, 2021, Section 3 of this Act, with no further*

action required by the General Assembly, shall be abrogated and of no further force and effect.

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

Chapter 612

(House Bill 560)

AN ACT concerning

State Board of Physicians and Allied Health Advisory Committees – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Board of Physicians and the related allied health advisory committees by extending to a certain date the termination provisions relating to statutory and regulatory authority of the State Board of Physicians and the committees; altering the reasons for which a disciplinary panel of the Board is authorized to deny a certain license or refuse to renew or reinstate an applicant's license; altering the data that is required to be included in a certain annual report by the Board ~~to include certain information regarding standard of care complaints and peer review~~; authorizing a disciplinary panel to issue a cease and desist order or obtain injunctive relief against an individual for certain unlicensed practice or misrepresentation; repealing the requirement that the Board chair and executive director be bonded; altering the circumstances under which a medical student or an individual in a postgraduate medical training program may practice medicine in the State without a license; altering the circumstances under which a physician may practice medicine at a hospital in the State without a license; altering the circumstances under which a physician in a neighboring state may practice medicine in the State without a license; requiring certain license applicants to complete, rather than submit to, a criminal history records check; prohibiting a disciplinary panel from reinstating a certain license unless the licensee completes, rather than submits to, a criminal history records check; establishing a certain maximum license term for all physicians and allied health licensees; altering the circumstances under which certain licenses may be renewed or reinstated; altering the actions a disciplinary panel may take after being assigned certain complaints; authorizing a disciplinary panel to direct certain licensed physicians and allied health professionals to submit to a certain examination; authorizing a disciplinary panel to impose a fine on a licensee in addition to imposing certain sanctions under certain circumstances; requiring the Board to pay certain fines into the General Fund of the State; authorizing a disciplinary panel to require a licensee to comply with certain terms and conditions under certain circumstances; repealing the authority of a disciplinary panel under certain circumstances to impose a fine instead of suspending a license; altering the medical malpractice information that is required to be posted to a licensee's public profile; exempting, under certain circumstances,

an individual licensed by and residing in another jurisdiction to practice respiratory care in the State from a certain licensure requirement; authorizing a disciplinary panel, rather than the Board, to impose a certain civil penalty for a violation of certain provisions of law; clarifying that certain penalties apply to violations of certain provisions of law; altering the memberships of the Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiology Assistance Advisory Committee, the Athletic Trainer Advisory Committee, the Naturopathic Doctors Formulary Council, and the Naturopathic Medicine Advisory Committee; altering the circumstances under which the Board is required to reinstate certain licenses; altering the grounds for which a disciplinary panel may take certain actions against certain applicants and licensees; requiring an athletic trainer to submit a certain copy of the evaluation and treatment protocol for Board approval, rather than obtaining Board approval of the evaluation and treatment protocol, before being authorized to practice athletic training; altering the circumstances under which a certain supervising physician may assume a certain role; authorizing the Board to terminate the evaluation and treatment protocol of an athletic trainer or delegation agreement of a physician assistant under certain circumstances; altering the time at which an athletic trainer or a physician assistant is authorized to assume certain duties under certain circumstances; requiring a supervising physician or an employer to notify the Board within a certain time period of the termination of a physician assistant for certain reasons; requiring a physician assistant and supervising physician to notify the Board within a certain period of time of the termination of the relationship under a delegation agreement for any reason; authorizing a physician assistant to terminate a delegation agreement at any time subject to certain notice requirements; altering the time period that certain health occupations boards must provide certain licensees and certificate holders to provide the board with a certain response; authorizing a disciplinary panel to impose a certain civil penalty in lieu of a certain sanction for a certain violation; prohibiting a certain athletic trainer from practicing until the athletic trainer receives certain approval; specifying the time period within which a supervising physician and an athletic trainer is required to notify the Board of certain information; altering a certain defined term; requiring the Board to include certain information and make certain recommendations in certain reports; requiring the Board to report to certain committees of the General Assembly on or before a certain date; repealing obsolete and redundant language; clarifying and reorganizing certain provisions of law; making conforming changes; making this Act an emergency measure; and generally relating to the State Board of Physicians and the related allied health advisory committees.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–715(a) and (b)
Annotated Code of Maryland
(2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General

Section 13–1201 and 13–1204(a) and (b)
Annotated Code of Maryland
(2019 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 1–401(b)(2) and (9), 1–604, 14–101(g) through (j), 14–205(a)(20), (b)(3), and (c)(1), ~~14–205.1(1)~~ 14–205.1, 14–206(e), 14–302, 14–306(f)(3), 14–307(i), 14–309(a)(1), 14–312.1, 14–316(a), (c), (d)(6), and (g)(1)(i), ~~14–317~~, 14–401.1(c)(1), 14–402(a) and (c), 14–404(a)(42) ~~through~~, (44), and (45), 14–407, 14–409, 14–411.1(b), 14–412, ~~14–501(e)~~ 14–413(e)(1), 14–414(e)(1), 14–502(b)(1), (2), and (3), 14–506(b)(1), 14–5A–08, 14–5A–09(e), 14–5A–10(1), 14–5A–13(a), (c), (d)(2), and (g)(1), 14–5A–17(a)(28), 14–5A–18(g)(1), ~~14–5A–19(e)(2)~~ 14–5A–19(c), 14–5A–22.1(c), 14–5A–23(a) and (b), 14–5A–25; 14–5B–01(q), 14–5B–04(a), 14–5B–05(b), 14–5B–09(b)(5), 14–5B–10(a)(1), 14–5B–12(a), (c), (d)(2), (f), and (g)(1)(i), 14–5B–14(a)(28), 14–5B–15(g)(1), ~~14–5B–16(e)(2)~~ 14–5B–16(c), 14–5B–18.1(c), 14–5B–19(a) and (b), 14–5B–21 to be under amended the subtitle “Subtitle 5B. Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiology Assistance”; 14–5C–09(b)(3), 14–5C–11(1), 14–5C–14(a), (c), and (g)(1), 14–5C–17(a)(26) through (29), 14–5C–18(g)(1), ~~14–5C–19(e)(2)~~ 14–5C–19(c), 14–5C–22.1(c), 14–5C–23(a) and (b), 14–5C–25, 14–5D–05(a), 14–5D–08(b)(3), 14–5D–09(a)(1), 14–5D–11(b) ~~and (c)~~, 14–5D–11.1(c), 14–5D–11.2, 14–5D–11.3, 14–5D–12(a), (c), (g), and (h)(1), 14–5D–14(a)(29), 14–5D–15, ~~14–5D–16(e)(2)~~ 14–5D–16(c), 14–5D–18(a) and (b), 14–5D–20, 14–5E–09(b)(3), 14–5E–11(a)(1), 14–5E–13(a), (c)(1), and (g)(1), 14–5E–16(a)(26) through (29), 14–5E–18(g)(1), ~~14–5E–19(e)(2)~~ 14–5E–19(c), 14–5E–23(a) and (b), 14–5E–25, 14–5F–04.1(a)(2)(ii)2., 14–5F–07(a)(1) and (c), 14–5F–11(g), 14–5F–12(1), 14–5F–15(a), (c), and (d)(1)(i), 14–5F–18(a)(27), 14–5F–22, 14–5F–24(c), 14–5F–29, 14–5F–32, 14–602(b)(5), 14–702, 15–103(b) and (i)(1), 15–202(a)(3), 15–203, 15–302, 15–302.1, 15–303(a)(1), 15–304(1), 15–307(a), (f), and (g)(1), 15–308(b), 15–311, 15–314(a)(42) and (43), 15–315(a), 15–316(a), 15–402.1(c), 15–403(b), and 15–502

Annotated Code of Maryland
(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 14–101(a), 14–201, 14–404(a)(40) ~~and (43)~~, 14–5B–01(a), and 15–202(a)(1) and (2)

Annotated Code of Maryland
(2014 Replacement Volume and 2019 Supplement)

BY repealing

Article – Health Occupations

Section 14-101(f), 14-208, 14-302.1, 14-312, 14-321, 14-401.1(c)(4), 14-405.1, 14-501, 14-5A-19(b), 14-5B-16(b), 14-5C-17(a)(25), and 14-5C-19(b), 14-5D-11(e), 14-5D-16(b), 14-5E-16(a)(25), and 14-5E-19(b)

Annotated Code of Maryland

(2014 Replacement Volume and 2019 Supplement)

BY adding to

Article – Health Occupations

Section 14-101(j), 14-404(a)(46), (d), and (e), 14-5A-17(d) and (e), 14-5B-14(d) and (e), 14-5C-14(h), 14-5C-17(d) and (e), 14-5D-11(e), (f), and (g), 14-5D-14(d) and (e), 14-5E-13(h), 14-5E-16(d) and (e), 14-5F-15(e), 14-5F-18(d) and (e), 15-314(a)(44) and (45), and 15-316(c)

Annotated Code of Maryland

(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 14-404(a)(43)

Annotated Code of Maryland

(2014 Replacement Volume and 2019 Supplement)

(As enacted by Chapter 470 of the Acts of the General Assembly of 2018)

BY adding to

Article – Health Occupations

Section 14-404(a)(44)

Annotated Code of Maryland

(2014 Replacement Volume and 2019 Supplement)

(As enacted by Chapter 470 of the Acts of the General Assembly of 2018)

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 14-404(a)(44)

Annotated Code of Maryland

(2014 Replacement Volume and 2019 Supplement)

(As enacted by Section 1 of this Act)

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

Article – Courts and Judicial Proceedings

5-715.

- (a) [(1)] In this section [the following words have the meanings indicated.
(2)], “Board” means the State Board of Physicians.

[(3) “Faculty” means the Medical and Chirurgical Faculty of the State of Maryland.]

(b) A person who acts without malice and is a member of the Board or a legally authorized agent of the Board, is not civilly liable for investigating, prosecuting, participating in a hearing under § 14–405 of the Health Occupations Article, or otherwise acting on an allegation of a ground for Board action made to the Board [or the Faculty].

Article – Health – General

13–1201.

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

(b) “Data use agreement” means an agreement between the Department and a national, State, or local agency or program that establishes the terms and conditions for the confidential submission, collection, storage, analysis, reporting, aggregation, and dissemination of de-identified data obtained from the Maternal Mortality Review Program.

(c) [“Faculty” means the Medical and Chirurgical Faculty in the State.

(d)] “Local team” means the multidisciplinary and multiagency maternal mortality review team established for a county.

[(e) **(D)** “Maternal mortality review committee” means the maternal mortality review committee of [the Faculty] **MEDCHI** that is a medical review committee, as defined under § 1–401 of the Health Occupations Article.

[(f) **(E)** “Maternal death” means the death of a woman during pregnancy or within 1 year after the woman ceases to be pregnant.

(F) “MEDCHI” MEANS THE MARYLAND STATE MEDICAL SOCIETY.

13–1204.

(a) The Secretary may contract with [the Faculty] **MEDCHI** to administer the Maternal Mortality Review Program.

(b) In consultation with the maternal mortality review committee of [a faculty] **MEDCHI**, the Secretary shall develop a system to:

- (1) Identify maternal death cases;
- (2) Review medical records and other relevant data;

- (3) Contact family members and other affected or involved persons to collect additional relevant data;
- (4) Consult with relevant experts to evaluate the records and data collected;
- (5) Make determinations regarding the preventability of maternal deaths;
- (6) Develop recommendations for the prevention of maternal deaths; and
- (7) Disseminate findings and recommendations to policy makers, health care providers, health care facilities, and the general public.

Article – Health Occupations

1–401.

- (b) For purposes of this section, a medical review committee is:

- (2) A committee of the [Faculty] **MARYLAND STATE MEDICAL SOCIETY** or any of its component societies or a committee of any other professional society or association composed of providers of health care;

- (9) An organization, established by the Maryland Hospital Association, Inc. and the [Faculty] **MARYLAND STATE MEDICAL SOCIETY**, that contracts with a hospital, related institution, or alternative delivery system to:

- (i) Assist in performing the functions listed in subsection (c) of this section; or

- (ii) Assist a hospital in meeting the requirements of § 19–319(e) of the Health – General Article;

1–604.

- (a) If a statute authorizes a health occupations board to use a system of peer review in standard of care cases and the peer reviewer or peer reviewers determine that there has been a violation of a standard of care, the board shall provide the licensee or certificate holder under investigation [with an]:

- (1) **AN** opportunity to review the final peer review report; and

- (2) **AT LEAST 10 BUSINESS DAYS AFTER THE REPORT WAS SENT TO THE LICENSEE OR CERTIFICATE HOLDER TO** provide the board with a written response [within 10 business days after the report was sent to the licensee or certificate holder].

(b) If a health occupations board receives a written response to a final peer review report, the board shall consider both the report and response before taking any action.

14–101.

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

[(f) “Faculty” means the Medical and Chirurgical Faculty of the State of Maryland.]

[(g) (F) “Hospital” has the meaning stated in § 19–301 of the Health – General Article.

[(h) (G) “License” means, unless the context requires otherwise, a license issued by the Board to practice medicine.

[(i) (H) “Licensed physician” means, unless the context requires otherwise, a physician, including a doctor of osteopathy, who is licensed by the Board to practice medicine.

[(j) (I) “Licensee” means an individual to whom a license is issued, including an individual practicing medicine within or as a professional corporation or professional association.

(J) “MEDCHI” MEANS THE MARYLAND STATE MEDICAL SOCIETY.

14–201.

There is a State Board of Physicians in the Department.

14–205.

(a) In addition to the powers and duties set forth in this title and in Title 15 of this article, the Board shall:

(20) Delegate to the executive director of the Board the authority to discharge Board **OR DISCIPLINARY PANEL** duties, as deemed appropriate and necessary by the Board **OR DISCIPLINARY PANEL**, and hold the executive director accountable to the Board; and

(b) (3) Subject to the Administrative Procedure Act and the hearing provisions of § 14–405 of this title, a disciplinary panel may deny a license to an applicant or, if an applicant has failed to renew the applicant’s license, refuse to renew or reinstate an applicant’s license for:

(i) Any of the reasons that are grounds for action under § 14-404, § 14-5A-17, § 14-5B-14, § 14-5C-17, § 14-5D-14, § 14-5E-16, OR § 14-5F-18 of this title, AS APPLICABLE; or

(ii) Failure to [submit to] COMPLETE a criminal history records check in accordance with § 14-308.1 of this title.

(c) (1) In addition to the duties set forth elsewhere in this title, the Board shall:

(i) [Submit an annual report to the Faculty and to the Secretary;

(ii)] Issue, for use in other jurisdictions, a certificate of professional standing to any licensed physician; and

[(iii)] (II) Keep a list of all license applicants.

14-205.1.

On or before October 1 each year, the Board shall submit to the Governor, the Secretary, and, in accordance with § 2-1257 of the State Government Article, the General Assembly an annual report that includes the following data calculated on a fiscal year basis:

(1) Relevant disciplinary indicators, including:

~~(i) The number of physicians investigated under each of the disciplinary grounds enumerated under § 14-404 of this [article] TITLE;~~

~~(ii) The number of physicians who were reprimanded or placed on probation or who had their licenses suspended or revoked;~~

~~(iii) The number of cases prosecuted and dismissed and on what grounds;~~

~~(iv) The criteria used to accept and reject cases for prosecution; [and]~~

~~(v) The number of unresolved allegations pending before the Board;~~

AND

~~(VI) WITH REGARD TO STANDARD OF CARE COMPLAINTS:~~

~~1. THE TOTAL NUMBER OF COMPLAINTS FILED;~~

~~2. THE TOTAL NUMBER OF COMPLAINTS FILED THAT WERE CLOSED OUTRIGHT OR WITH AN ADVISORY LETTER;~~

~~3. THE TOTAL NUMBER OF COMPLAINTS FILED THAT WERE SENT TO PEER REVIEW; AND~~

~~4. OF THE COMPLAINTS SENT TO PEER REVIEW, HOW OFTEN THE PEER REVIEWERS DISAGREED WHOLLY OR IN PART;~~

(I) THE NUMBER OF NEW COMPLAINTS INVESTIGATED FOR PHYSICIANS, ALLIED HEALTH PRACTITIONERS, AND UNLICENSED INDIVIDUALS;

(II) THE NUMBER OF COMPLAINTS THAT REMAIN OPEN AS OF JUNE 30 OF THE IMMEDIATELY PRECEDING FISCAL YEAR AT THE BOARD AND AT THE OFFICE OF THE ATTORNEY GENERAL;

(III) THE THREE MOST COMMON GROUNDS FOR COMPLAINTS;

(IV) THE THREE MOST COMMON SOURCES OF THE COMPLAINTS RECEIVED;

(V) THE NUMBER AND TYPES OF DISCIPLINARY ACTIONS TAKEN BY THE BOARD;

(VI) THE TOTAL NUMBER OF CASES REFERRED TO PEER REVIEW; AND

(VII) OF THE CASES REFERRED TO PEER REVIEW:

1. THE NUMBER OF PEER REVIEW CASES THAT RESULTED IN TOTAL DISAGREEMENT;

2. THE NUMBER OF PEER REVIEW CASES THAT RESULTED IN CHARGES BEING ISSUED; AND

3. THE NUMBER OF PEER REVIEW CASES THAT RESULTED IN CLOSURE OR CLOSURE WITH AN ADVISORY LETTER;

(2) [The average length of the time spent investigating allegations brought against physicians under each of the disciplinary grounds enumerated under § 14-404 of this article;

(3) The number of cases not completed within 18 months BY THE BOARD and the reasons for the failure to complete the cases in 18 months; AND

[(4)] (3) For both physicians and allied health professionals:

(i) THE TOTAL NUMBER OF ALL LICENSEES;

(II) The number of initial, [and] renewal, AND REINSTATEMENT licenses issued;

[(ii)] (III) The number of positive and negative criminal history records checks results received;

[(iii)] (IV) The number of individuals denied initial or renewal licensure due to positive criminal history records checks results; and

[(iv)] (V) The number of individuals denied initial, [or] renewal, OR REINSTATEMENT licensure due to reasons other than a positive criminal history records check[; and

(5) The adequacy of current Board staffing in meeting the workload of the Board].

14-206.

(e) A disciplinary panel may issue a cease and desist order or obtain injunctive relief against an individual for:

(1) Practicing ~~medicine~~ A PROFESSION REGULATED UNDER THIS TITLE OR TITLE 15 OF THIS ARTICLE without a license; [or]

(2) REPRESENTING TO THE PUBLIC, BY TITLE, DESCRIPTION OF SERVICES, METHODS, PROCEDURES, OR OTHERWISE, THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE ~~MEDICINE;~~

(I) MEDICINE IN THIS STATE, IN VIOLATION OF § 14-602 OF THIS TITLE; ~~OR~~

(II) RESPIRATORY CARE IN THIS STATE, IN VIOLATION OF § 14-5A-21 OF THIS TITLE;

(III) RADIATION THERAPY, RADIOGRAPHY, NUCLEAR MEDICINE TECHNOLOGY, OR RADIATION ASSISTANCE IN THIS STATE, IN VIOLATION OF § 14-5B-18 OF THIS TITLE;

(IV) POLYSOMNOGRAPHY IN THIS STATE, IN VIOLATION OF § 14-5C-21 OF THIS TITLE;

(V) ATHLETIC TRAINING IN THIS STATE, IN VIOLATION OF § 14-5D-17(3) OF THIS TITLE;

(VI) PERFUSION IN THIS STATE, IN VIOLATION OF § 14-5E-21 OF THIS TITLE;

(VII) NATUROPATHIC MEDICINE IN THIS STATE, IN VIOLATION OF § 14-5F-30 OF THIS TITLE; OR

(VIII) AS A PHYSICIAN ASSISTANT IN THIS STATE, IN VIOLATION OF § 15-402 OF THIS ARTICLE; OR

[(2)] (3) Taking any action:

(i) For which a disciplinary panel determines there is a preponderance of evidence of grounds for discipline under § 14-404 of this title; and

(ii) That poses a serious risk to the health, safety, and welfare of a patient.

[14-208.

The executive director and the Board chair shall be bonded in an amount fixed by the Board.]

14-302.

[(a)] Subject to the rules, regulations, and orders of the Board, the following individuals may practice medicine without a license:

(1) A medical student or an individual in a postgraduate medical training program that is [approved] **ACCREDITED BY AN ACCREDITING ORGANIZATION RECOGNIZED** by the Board **IN REGULATIONS**, while **THE INDIVIDUAL IS PRACTICING MEDICINE IN THE PROGRAM AND** doing the assigned duties at any office of a licensed physician, hospital, clinic, or similar facility;

(2) A physician licensed by and residing in another jurisdiction, if the physician:

(i) Is engaged in consultation with a physician licensed in the State about a particular patient and does not direct patient care; [or]

[(ii)] Meets the requirements of § 14-302.1 of this subtitle;]

(II) 1. HAS AN ACTIVE, UNRESTRICTED LICENSE TO PRACTICE MEDICINE IN THE JURISDICTION WHERE THE PHYSICIAN REGULARLY ENGAGES IN THE PRACTICE OF MEDICINE;

2. IS EMPLOYED BY OR HAS A WRITTEN AGREEMENT WITH AN ATHLETIC TEAM OR A SPORTS TEAM BASED OUTSIDE THE STATE;

3. IS DESIGNATED AS THE TEAM PHYSICIAN BY THE ATHLETIC OR SPORTS TEAM TO PROVIDE MEDICAL CARE TO THE TEAM'S MEMBERS, BAND MEMBERS, CHEERLEADING SQUAD, MASCOT, COACHES, AND OTHER STAFF WHO TRAVEL TO A SPECIFIED SPORTING EVENT TAKING PLACE IN THE STATE;

4. WHILE IN THE STATE, PROVIDES MEDICAL CARE ONLY TO INDIVIDUALS LISTED IN ITEM 3 OF THIS ITEM;

5. DOES NOT PROVIDE MEDICAL CARE IN THE STATE FOR MORE THAN 45 DAYS IN A CALENDAR YEAR; AND

6. DOES NOT ENGAGE IN THE PRACTICE OF MEDICINE AT A HOSPITAL, RELATED INSTITUTION, OR OTHER HEALTH CARE FACILITY, INCLUDING AN ACUTE CARE FACILITY, LOCATED WITHIN THE STATE; OR

(III) IS ENGAGED IN CLINICAL TRAINING OR PARTICIPATES IN TRAINING OR TEACHING OF A SKILL OR PROCEDURE IN A HOSPITAL IF:

1. THE SKILL OR PROCEDURE:

A. IS ADVANCED BEYOND THOSE SKILLS OR PROCEDURES NORMALLY TAUGHT OR EXERCISED IN THE HOSPITAL AND IN STANDARD MEDICAL EDUCATION OR TRAINING;

B. COULD NOT BE OTHERWISE CONVENIENTLY TAUGHT OR DEMONSTRATED IN STANDARD MEDICAL EDUCATION OR TRAINING IN THAT HOSPITAL; AND

C. IS LIKELY TO BENEFIT MARYLAND PATIENTS IN THIS INSTANCE;

2. ~~THE DEMONSTRATION OF THE SKILL OR PROCEDURE WOULD TAKE NOT MORE THAN 14 CONSECUTIVE DAYS WITHIN A~~ ALL SKILLS OR PROCEDURES BY THE PHYSICIAN DOES NOT EXCEED 14 DAYS TOTAL IN THE CALENDAR YEAR;

3. A LICENSED PHYSICIAN WHO PRACTICES AT A HOSPITAL IN THE STATE WILL BE RESPONSIBLE FOR THE MEDICAL CARE PROVIDED BY THAT VISITING PHYSICIAN TO PATIENTS IN THE STATE;

4. THE VISITING PHYSICIAN HAS NO HISTORY OF ANY MEDICAL DISCIPLINARY ACTION IN ANY OTHER STATE, TERRITORY, NATION, OR ANY BRANCH OF THE UNITED STATES UNIFORMED SERVICES OR THE VETERANS ADMINISTRATION, AND HAS NO SIGNIFICANT DETRIMENTAL MALPRACTICE HISTORY;

5. THE PHYSICIAN IS COVERED BY MALPRACTICE INSURANCE IN THE JURISDICTION IN WHICH THE PHYSICIAN PRACTICES; AND

6. THE HOSPITAL ENSURES THAT THE PATIENTS WILL BE PROTECTED BY ADEQUATE MALPRACTICE INSURANCE;

(3) A physician employed in the service of the federal government while performing the duties incident to that employment;

(4) A physician who resides in and is authorized to practice medicine by any state adjoining this State [and whose practice extends into this State] **FOR THE PURPOSE OF PRESCRIBING HOME HEALTH SERVICES TO A PATIENT WHO RESIDES IN THIS STATE, if THE PHYSICIAN:**

(i) [The physician does] **DOES** not have an office or other regularly appointed place in this State to meet patients; and

(ii) [The same privileges are extended to licensed physicians of this State by the adjoining state] **HAS PERFORMED AN IN-PERSON PHYSICAL EXAMINATION OF THE PATIENT WITHIN THE JURISDICTIONAL BOUNDARIES OF THE ADJOINING STATE IN WHICH THE PRESCRIBING PHYSICIAN IS AUTHORIZED TO PRACTICE MEDICINE;** and

(5) An individual while under the supervision of a licensed physician who has specialty training in psychiatry, and whose specialty training in psychiatry has been approved by the Board, if the individual submits an application to the Board on or before October 1, 1993, and either:

(i) 1. Has a master's degree from an accredited college or university; and

2. Has completed a graduate program accepted by the Board in a behavioral science that includes 1,000 hours of supervised clinical psychotherapy experience; or

(ii) 1. Has a baccalaureate degree from an accredited college or university; and

2. Has 4,000 hours of supervised clinical experience that is approved by the Board.

[(b) A physician licensed by and residing in another jurisdiction may practice medicine without a license and without submitting to a criminal history records check if the physician:

(1) Has an active, unrestricted license to practice medicine in the jurisdiction where the physician regularly engages in the practice of medicine;

(2) Is employed by or has a written agreement with an athletic team or a sports team based outside the State;

(3) Is designated as the team physician by the athletic or sports team to provide medical care to the team's members, band members, cheerleading squad, mascot, coaches, and other staff who travel to a specified sporting event taking place in the State;

(4) While in the State, provides medical care only to individuals listed in item (3) of this subsection;

(5) Does not provide medical care in the State for more than 45 days in a calendar year; and

(6) Does not engage in the practice of medicine at a hospital, related institution, or other health care facility, including an acute care facility, located within the State.]

[14-302.1.

A physician who is licensed and resides in another jurisdiction may practice medicine without a license while engaged in clinical training with a licensed physician if:

(1) The Board finds, on application by a hospital in the State, that:

(i) The physician possesses a skill or uses a procedure that:

1. Is advanced beyond those skills or procedures normally taught or exercised in the hospital and in standard medical education or training;

2. Could not be otherwise conveniently taught or demonstrated in standard medical education or training in that hospital; and

3. Is likely to benefit Maryland patients in this instance;

(ii) The demonstration of the skill or procedure would take no more than 14 consecutive days within a calendar year;

(iii) A licensed physician who practices at a hospital in the State has certified to the Board that the licensed physician will be responsible for the medical care provided by that visiting physician to patients in the State;

(iv) The visiting physician has no history of any medical disciplinary action in any other state, territory, nation, or any branch of the United States uniformed services or the Veterans Administration, and has no significant detrimental malpractice history in the judgment of the Board;

(v) The physician is covered by malpractice insurance in the jurisdiction in which the physician practices; and

(vi) The hospital assures the Board that the patients will be protected by adequate malpractice insurance; or

(2) The Board finds, on application by a Maryland hospital, that:

(i) The hospital provides training in a skill or uses a procedure that:

1. Is advanced beyond those skills or procedures normally taught or exercised in standard medical education or training;

2. Could not be otherwise conveniently taught or demonstrated in the visiting physician's practice; and

3. Is likely to benefit Maryland patients in this instance;

(ii) The demonstration or exercise of the skill or procedure will take no more than 14 consecutive days within a calendar year;

(iii) A hospital physician licensed in the State has certified to the Board that the physician will be responsible for the medical care provided by that visiting physician to patients in the State;

(iv) The visiting physician has no history of any medical disciplinary action in any other state, territory, nation, or any branch of the United States uniformed services or the Veterans Administration, and has no significant detrimental malpractice history in the judgment of the Board;

(v) The physician is covered by malpractice insurance in the jurisdiction where the physician practices; and

(vi) The hospital assures the Board that the patients will be protected by adequate malpractice insurance.]

(f) (3) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$5,000 for each instance of a hospital's failure to comply with the requirements of this subsection.

14-307.

(i) The applicant shall [submit to] **COMPLETE** a criminal history records check in accordance with § 14-308.1 of this subtitle.

14-309.

(a) To apply for a license, an applicant shall:

(1) [Submit to] **COMPLETE** a criminal history records check in accordance with § 14-308.1 of this subtitle;

[14-312.

(a) In this section, "approved school of osteopathy" means a school of osteopathy that is approved by the American Osteopathic Association.

(b) Subject to the provisions of this section, the Board shall waive the examination requirements of this subtitle for an applicant who is licensed to practice osteopathy.

(c) If the applicant is licensed to practice osteopathy in this State under § 14-321 of this subtitle, the Board may grant a waiver under this section only if the applicant:

(1) Submits to a criminal history records check in accordance with § 14-308.1 of this subtitle;

(2) Submits the application fee required by the Board under § 14-309 of this subtitle; and

(3) Provides adequate evidence that the applicant:

(i) Meets the qualifications otherwise required by this title; and

(ii) 1. Practiced osteopathy and resided in this State on June 1, 1967;

2. Graduated in or after 1940 from an approved school of osteopathy; or

3. Graduated before 1940 from an approved school of osteopathy and completed a refresher education course approved by the Board.

(d) If the applicant is licensed as a doctor of osteopathy to practice medicine in another state, the Board may grant a waiver under this section only if the applicant:

(1) Submits to a criminal history records check in accordance with § 14–308.1 of this subtitle;

(2) Submits the application fee set by the Board under § 14–309 of this subtitle;

(3) Provides adequate evidence that the applicant:

(i) Meets the qualifications otherwise required by this title;

(ii) Graduated after January 1, 1960 from an approved school of osteopathy; and

(iii) Became licensed in the other state after passing in that state an examination for the practice of medicine given by the appropriate authority in the other state to graduates of approved medical schools; and

(4) Submits evidence that the other state waives the examination of licensees of this State to a similar extent as this State waives the examination of individuals licensed in that state.]

[14–312.1.] 14–312.

On request of the Board, a physician who reports to the Board that the physician maintains medical professional liability insurance for purposes of the public individual profile maintained by the Board under § 14–411.1(b) of this title shall provide the Board with verification or other documentation that the physician maintains the insurance within 25 business days after the physician receives a request from the Board.

14–316.

(a) (1) [The Board shall provide for the term and renewal of licenses under this section.

(2)] The term of a license **ISSUED BY THE BOARD** may not [be more than] **EXCEED** 3 years.

[(3)] (2) A license expires [at the end of its term] **ON A DATE SET BY THE BOARD**, unless the license is renewed for a term as provided [by the Board] **IN THIS SECTION**.

(c) (1) Before the license expires, the licensee periodically may renew it for an additional term, if the licensee:

(i) Otherwise is entitled to be licensed;

(II) IS OF GOOD MORAL CHARACTER;

~~[(ii)]~~ **(III)** Pays to the Board a renewal fee set by the Board; and

~~[(iii)]~~ **(IV)** Submits to the Board:

1. A renewal application on the form that the Board requires;

and

2. Satisfactory evidence of compliance with any continuing education requirements set under this section for license renewal.

(2) Within 30 days after a license renewal under Section 7 of the Interstate Medical Licensure Compact established under § 14-3A-01 of this title, a compact physician shall submit to the Board the information required under paragraph ~~[(1)(iii)]~~ **(1)(IV)** of this subsection.

~~(d)~~ ~~(6)~~ [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$100 per continuing medical education credit in lieu of a sanction under § 14-404 of this title, for a first offense, for the failure of a licensee to obtain the continuing medical education credits required by the Board.

~~(g)~~ (1) Beginning October 1, 2016, the Board shall require a criminal history records check in accordance with § 14-308.1 of this subtitle for:

(i) ~~[Annual renewal]~~ **RENEWAL** applicants as determined by regulations adopted by the Board; and

~~14-317.~~

~~The Board shall reinstate the license of a physician who has failed to renew the license for any reason if the physician:~~

~~(1) Meets the renewal requirements of § 14-316 of this subtitle;~~

~~(2) IS OF GOOD MORAL CHARACTER;~~

~~[(2)]~~ ~~(3)~~ ~~Pays to the Board a reinstatement fee set by the Board; and~~

~~[(3)]~~ ~~(4)~~ ~~Submits to the Board satisfactory evidence of compliance with the qualifications and requirements established under this title for license reinstatements.~~

[14-321.

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

(2) “Practice osteopathy” means to treat a disease or ailment of the human body by manipulation.

(3) “Restricted license” means a license issued by the Board to practice osteopathy.

(b) The Board shall issue a restricted license only to an applicant who:

(1) Was licensed to practice osteopathy in this State or in another state on June 30, 1980;

(2) Is licensed to practice osteopathy in this State or in another state on the date that the application for a restricted license is submitted to the Board;

(3) Submits an application to the Board on the form that the Board requires;

(4) Pays to the Board the restricted license fee set by the Board; and

(5) Meets any other requirement set by the Board.

(c) A restricted license authorizes the license holder to practice osteopathy while the restricted license is effective.

(d) The term and renewal of a restricted license shall be as provided for a license under § 14–316 of this subtitle.

(e) (1) Subject to the requirements of the Administrative Procedure Act, the Board on the affirmative vote of a majority of its quorum, may reprimand a restricted license holder, may place any restricted license holder on probation, or suspend or revoke a restricted license for any of the grounds for Board action under § 14–404 of this title.

(2) The Board may only dismiss a case against a restricted license holder on the affirmative vote of a majority of its quorum.]

14–401.1.

(c) (1) Except as otherwise provided in this subsection, after being assigned a complaint under subsection (a) of this section, the disciplinary panel may:

(i) Refer an allegation for further investigation to the entity that has contracted with the Board under subsection (e) of this section; **OR**

(ii) Take any appropriate and immediate action as necessary; or

(iii) Come to an agreement for corrective action with a licensee pursuant to paragraph (4) of this subsection].

[(4) (i) Except as provided in subparagraph (ii) of this paragraph, if an allegation is based on § 14–404(a)(40) of this subtitle, a disciplinary panel:

1. May determine that an agreement for corrective action is warranted; and

2. Shall notify the licensee of the identified deficiencies and enter into an agreement for corrective action with the licensee as provided in this paragraph.

(ii) A disciplinary panel may not enter into an agreement for corrective action with a licensee if patient safety is an issue.

(iii) The disciplinary panel shall subsequently evaluate the licensee and shall:

1. Terminate the corrective action if the disciplinary panel is satisfied that the licensee is in compliance with the agreement for corrective action and has corrected the deficiencies; or

2. Pursue disciplinary action under § 14–404 of this subtitle if the deficiencies persist or the licensee has failed to comply with the agreement for corrective action.

(iv) An agreement for corrective action under this paragraph may not be made public or considered a disciplinary action under this title.

(v) The Board shall provide a summary of each disciplinary panel's corrective action agreements in the executive director's report of Board activities.]

14–402.

(a) In reviewing an application for licensure[, certification, or registration] or in investigating an allegation brought against a licensed physician or any allied health professional regulated by the Board under this title, the Physician Rehabilitation Program may request the Board to direct, or the Board **OR A DISCIPLINARY PANEL** on its own initiative may direct, the licensed physician or any allied health professional regulated by the Board under this title to submit to an appropriate examination.

(c) The unreasonable failure or refusal of the licensed[, certified, or registered] individual to submit to an examination is prima facie evidence of the licensed[, certified, or registered] individual's inability to practice medicine or the respective discipline

competently, unless the Board **OR DISCIPLINARY PANEL** finds that the failure or refusal was beyond the control of the licensed[, certified, or registered] individual.

14–404.

(a) Subject to the hearing provisions of § 14–405 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

(40) Fails to keep adequate medical records as determined by appropriate peer review;

(42) Fails to [submit to] **COMPLETE** a criminal history records check under § 14–308.1 of this title;

(44) Fails to meet the qualifications for licensure under Subtitle 3 of this title; [or]

(45) Fails to comply with § 1–223 of this article; **OR**

(46) FAILS TO COMPLY WITH THE REQUIREMENTS OF THE PRESCRIPTION DRUG MONITORING PROGRAM UNDER TITLE 21, SUBTITLE 2A OF ~~THIS ARTICLE~~ THE HEALTH – GENERAL ARTICLE.

(D) (1) IF, AFTER A HEARING UNDER § 14–405 OF THIS SUBTITLE, A DISCIPLINARY PANEL FINDS THAT THERE ARE GROUNDS UNDER SUBSECTION (A) OF THIS SECTION TO SUSPEND OR REVOKE A LICENSE, TO REPRIMAND A LICENSEE, OR TO PLACE A LICENSEE ON PROBATION, THE DISCIPLINARY PANEL MAY IMPOSE A FINE SUBJECT TO THE BOARD’S REGULATIONS IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE, REPRIMANDING THE LICENSEE, OR PLACING THE LICENSEE ON PROBATION.

(2) THE BOARD SHALL PAY ANY FINES COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND OF THE STATE.

(E) IN ADDITION TO ANY SANCTION AUTHORIZED UNDER THIS SECTION, A DISCIPLINARY PANEL MAY REQUIRE A LICENSEE TO COMPLY WITH SPECIFIED TERMS AND CONDITIONS DETERMINED BY THE DISCIPLINARY PANEL.

[14–405.1.

(a) If after a hearing under § 14–405 of this subtitle a disciplinary panel finds that there are grounds under § 14–404 of this subtitle to suspend or revoke a license to

practice medicine or osteopathy, or to reprimand a licensed physician or osteopath, the disciplinary panel may impose a fine subject to the Board's regulations:

(1) Instead of suspending the license; or

(2) In addition to suspending or revoking the license or reprimanding the licensee.

(b) The Board shall pay any fines collected under this section into the General Fund.]

14-407.

(a) An order of suspension or revocation is effective, in accordance with its terms and conditions, as soon as a disciplinary panel files it under this title.

(b) [On suspension or revocation of any license, the holder shall surrender the license certificate to the Board.

(c) At the end of the suspension period, the Board shall return to the licensee any license certificate surrendered under this section.

(d)] The Board shall keep a copy of the order of suspension or revocation as a permanent record.

14-409.

(a) (1) Except as provided in subsection (b) of this section, a disciplinary panel may reinstate the license of an individual whose license has been [suspended] **SURRENDERED** or revoked under this title only in accordance with:

(i) The terms and conditions of the order of [suspension or] revocation **OR LETTER OF SURRENDER**;

(ii) An order of reinstatement issued by the disciplinary panel; or

(iii) A final judgment in any proceeding for review.

~~(2) If a disciplinary panel reinstates a license under paragraph (1) of this subsection, the disciplinary panel shall notify the Board of the reinstatement.~~

~~(3)~~ **(2)** If a license is [suspended] **SURRENDERED** or revoked for a period of more than 1 year, the Board may reinstate the license after 1 year if the licensee:

(i) Meets the requirements for reinstatement as established by the Board; and

(ii) [Submits to] **COMPLETES** a criminal history records check in accordance with § 14–308.1 of this title.

(b) An individual whose license has been [suspended] **SURRENDERED** or revoked under this title and who seeks reinstatement shall meet the continuing medical education requirements established for the renewal of licenses as if the individual were licensed during the period of [suspension] **SURRENDER** or revocation.

(c) If an order of [suspension or] revocation is based on § 14–404(b) of this subtitle, and the conviction or plea subsequently is overturned at any stage of an appeal or other postconviction proceeding, the [suspension or] revocation ends when the conviction or plea is overturned.

14–411.1.

(b) The Board shall create and maintain a public individual profile on each licensee that includes the following information:

(1) A summary of charges filed against the licensee, including a copy of the charging document, until a disciplinary panel has taken action under § 14–404 of this subtitle based on the charges or has rescinded the charges;

(2) A description of any disciplinary action taken by the Board or a disciplinary panel against the licensee within the most recent 10–year period that includes a copy of the public order;

(3) A description in summary form of any final disciplinary action taken by a licensing board in any other state or jurisdiction against the licensee within the most recent 10–year period;

(4) [The number of medical malpractice final court judgments and arbitration awards against the licensee within the most recent 10–year period for which all appeals have been exhausted as reported to the Board;

(5)] A description of a conviction or entry of a plea of guilty or nolo contendere by the licensee for a crime involving moral turpitude reported to the Board under § 14–416 of this subtitle; and

[(6)] (5) As reported to the Board by the licensee, education and practice information about the licensee including:

(i) The name of any medical school that the licensee attended and the date on which the licensee graduated from the school;

(ii) A description of any internship and residency training;

(iii) A description of any specialty board certification by a recognized board of the American Board of Medical Specialties or the American Osteopathic Association;

(iv) The name of any hospital where the licensee has medical privileges;

(v) The location of the licensee's primary practice setting;

(vi) Whether the licensee participates in the Maryland Medical Assistance Program; [and]

(vii) Whether the licensee maintains medical professional liability insurance; AND

(VIII) THE NUMBER OF MEDICAL MALPRACTICE FINAL COURT JUDGMENTS AND ARBITRATION AWARDS AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR PERIOD ~~FOR WHICH ALL APPEALS HAVE BEEN EXHAUSTED.~~

14-412.

(a) If a person is a member of the Board or a legally authorized agent of the Board and is investigating, prosecuting, participating in a hearing, or otherwise acting on an allegation of a ground for Board action made to the Board [or the Faculty], the person shall have the immunity from liability described under § 5-715(b) of the Courts and Judicial Proceedings Article.

(b) A person who makes an allegation of a ground for Board action to the Board [or the Faculty] shall have the immunity from liability described under § 5-715(c) of the Courts and Judicial Proceedings Article.

~~14-501.~~

~~(c) After the Secretary reviews the standards of appropriate accrediting organizations and consults with [the Faculty] MEDCHI, the Maryland Hospital Association, and the Maryland Association of Health Maintenance Organizations, the regulations adopted by the Secretary under subsection (b) of this section shall:~~

~~(1) Provide for a procedure for the collection and release of primary source verification information;~~

~~(2) Include standards by which any organization, including [the Faculty] MEDCHI, may qualify to perform primary source verification; and~~

~~(3) Provide for the monitoring by the Secretary of any organization that qualifies to administer primary source verification.~~

14-413.

(e) (1) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$5,000 for failure to report under this section.

14-414.

(e) (1) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$5,000 for failure to report under this section.

[14-501.

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

(2) “Accrediting organization” means an organization that awards accreditation to managed care organizations, other health care organizations, hospitals, or other related institutions.

(3) “Primary source verification” means a procedure used by a hospital, related institution, or health maintenance organization to ensure the truth and accuracy of objective verifiable information submitted to the hospital, related institution, or health maintenance organization by a physician who is applying for practice privileges, entering into contract, or seeking employment with a hospital, related institution, or health maintenance organization.

(b) On or before January 1, 1997, the Secretary shall adopt regulations for a credentialing primary source verification information system that is available for all physicians licensed under this article.

(c) After the Secretary reviews the standards of appropriate accrediting organizations and consults with the Faculty, the Maryland Hospital Association, and the Maryland Association of Health Maintenance Organizations, the regulations adopted by the Secretary under subsection (b) of this section shall:

(1) Provide for a procedure for the collection and release of primary source verification information;

(2) Include standards by which any organization, including the Faculty, may qualify to perform primary source verification; and

(3) Provide for the monitoring by the Secretary of any organization that qualifies to administer primary source verification.

(d) The Secretary may authorize hospitals, related institutions, or health maintenance organizations to rely on primary source verification information provided by an organization qualified to perform primary source verification in accordance with regulations adopted by the Secretary under this section instead of requiring a hospital, related institution, or health maintenance organization to use its own primary source verification procedure to test the truth and accuracy of information submitted.

(e) This section does not prohibit a hospital, related institution, or health maintenance organization from using its own primary source verification procedure.]

14-502.

(b) This section applies to:

(1) [The Faculty] MEDCHI;

(2) A component medical society of [the Faculty] MEDCHI;

(3) A committee of [the Faculty] MEDCHI or of a component medical society of [the Faculty] MEDCHI;

14-506.

(b) The following records and other information are confidential records:

(1) Any record and other information obtained by [the Faculty] MEDCHI, a component society of [the Faculty] MEDCHI, the Maryland Institute for Emergency Medical Services Systems, a hospital staff committee, or a national medical society or group organized for research, if that record or information identifies any person; and

14-5A-08.

(a) Except as otherwise provided in this subtitle, an individual shall be licensed by the Board before the individual may practice respiratory care in this State.

(b) This section does not apply to:

(1) An individual employed by the federal government as a respiratory care practitioner while the individual is practicing within the scope of that employment; [or]

(2) A respiratory care practitioner student enrolled in an education program which is accredited by an approved accrediting organization while practicing respiratory care in the program; OR

(3) AN INDIVIDUAL PRACTICING RESPIRATORY CARE WHO IS LICENSED BY AND RESIDING IN ANOTHER JURISDICTION IF:

(I) THE INDIVIDUAL IS PARTICIPATING IN THE TRANSPORTATION OF A PATIENT FROM THAT INDIVIDUAL'S JURISDICTION OF LICENSURE INTO THE STATE;

(II) THE INDIVIDUAL PRACTICES RESPIRATORY CARE ONLY DURING THE TRANSPORTATION OF THE PATIENT; ~~AND~~

(III) THE INDIVIDUAL DOES NOT PRACTICE RESPIRATORY CARE ON ANOTHER INDIVIDUAL WHO IS NOT THE PATIENT BEING TRANSPORTED INTO THE STATE; AND

(IV) THE INDIVIDUAL DOES NOT PRACTICE RESPIRATORY CARE IN THE STATE FOR MORE THAN A TOTAL OF 14 DAYS WITHIN A CALENDAR YEAR.

14-5A-09.

(e) The applicant shall [submit to] COMPLETE a criminal history records check in accordance with § 14-308.1 of this title.

14-5A-10.

To apply for a license, an applicant shall:

(1) [Submit to] COMPLETE a criminal history records check in accordance with § 14-308.1 of this title;

14-5A-13.

(a) **(1) THE TERM OF A LICENSE ISSUED BY THE BOARD MAY NOT EXCEED 3 YEARS.**

(2) A license expires on a date set by the Board, unless the license is renewed for an additional term as provided in this section.

(c) Except as otherwise provided in this subtitle, before a license expires, the licensee periodically may renew it for an additional term, if the licensee:

(1) **IS OF GOOD MORAL CHARACTER;**

(2) Pays to the Board a renewal fee set by the Board;

[(2)] (3) Submits to the Board:

(i) A renewal application on the form that the Board requires; and

(ii) Satisfactory evidence of compliance with any continuing education or competency requirements and other requirements set under this section for license renewal; and

[(3)] (4) Meets any additional renewal requirements established by the Board.

(d) (2) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$100 per continuing education credit in lieu of a sanction under § 14-5A-17 of this subtitle, for a first offense, for the failure of a licensee to obtain the continuing education credits required by the Board.

(g) (1) Beginning October 1, 2016, the Board shall require a criminal history records check in accordance with § 14-308.1 of this title for:

(i) [Annual renewal] **RENEWAL** applicants as determined by regulations adopted by the Board; and

(ii) Each former licensee who files for reinstatement under subsection (f) of this section.

14-5A-17.

(a) Subject to the hearing provisions of § 14-405 of this title, a disciplinary panel, on the affirmative vote of a majority of a quorum of the disciplinary panel, may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license, if the applicant or licensee:

(28) Fails to [submit to] **COMPLETE** a criminal history records check under § 14-308.1 of this title.

(D) (1) IF, AFTER A HEARING UNDER § 14-405 OF THIS TITLE, A DISCIPLINARY PANEL FINDS THAT THERE ARE GROUNDS UNDER SUBSECTION (A) OF THIS SECTION TO SUSPEND OR REVOKE A LICENSE, TO REPRIMAND A LICENSEE, OR TO PLACE A LICENSEE ON PROBATION, THE DISCIPLINARY PANEL MAY IMPOSE A FINE SUBJECT TO THE BOARD'S REGULATIONS IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE, REPRIMANDING THE LICENSEE, OR PLACING THE LICENSEE ON PROBATION.

(2) THE BOARD SHALL PAY ANY FINES COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND OF THE STATE.

(E) IN ADDITION TO ANY SANCTION AUTHORIZED UNDER THIS SECTION, A DISCIPLINARY PANEL MAY REQUIRE A LICENSEE TO COMPLY WITH SPECIFIED TERMS AND CONDITIONS DETERMINED BY THE DISCIPLINARY PANEL.

14-5A-18.

(g) (1) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$1,000 for failure to report under this section.

14-5A-19.

[(b) If a disciplinary panel reinstates a license under subsection (a) of this section, the disciplinary panel shall notify the Board of the reinstatement.]

~~(e)~~ **(B)** A disciplinary panel may not reinstate a revoked license that has been revoked for a period of more than 1 year unless the licensee:

(1) Meets the requirements for reinstatement as established under this title; and

(2) [Submits to] COMPLETES a criminal history records check in accordance with § 14-308.1 of this title.

14-5A-22.1.

(c) [The Board] **A DISCIPLINARY PANEL** may impose a civil penalty of up to \$1,000 for a violation of this section.

14-5A-23.

(a) A person who violates any provision of **§§ 14-5A-20 THROUGH 14-5A-22.1** OF this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

(b) [Any] **A** person who violates [a] **ANY** provision **OF §§ 14-5A-20 THROUGH 14-5A-22.1** of this subtitle is subject to a civil fine of not more than \$5,000 to be levied by a disciplinary panel.

14-5A-25.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act and subject to the termination of this title under § 14-702 of this title, this subtitle and all rules and regulations adopted under this subtitle shall terminate and be of no effect after [June 1, 2020] **JULY 1, 2030**.

Subtitle 5B. Radiation [Oncology/Therapy] **THERAPY**, [Medical Radiation, and] **RADIOGRAPHY**, Nuclear Medicine [Technologists] **TECHNOLOGY, AND RADIOLOGY ASSISTANCE**.

14-5B-01.

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

(q) “Supervision” means the responsibility of a licensed physician to exercise on-site or immediately available direction for licensees [or holders of temporary licenses].

14-5B-04.

(a) (1) The Board shall set reasonable fees for the issuance of and renewal of licenses and other services it provides to licensees [and holders of temporary licenses].

(2) The fees charged shall be set so as to produce funds to approximate the cost of maintaining the licensure program and the other services provided to licensees [and holders of temporary licenses], including the cost of providing a rehabilitation program for licensees [and holders of temporary licenses] under § 14-401.1(g) of this title.

14-5B-05.

(b) (1) The Committee consists of ~~10~~ ~~NINE~~ members appointed by the Board.

(2) Of the ~~10~~ ~~NINE~~ members:

(i) One shall be a licensed physician who specializes in radiology;

(ii) One shall be a licensed physician who specializes in radiology and who supervises a radiologist assistant;

(iii) One shall be a licensed physician who specializes in nuclear medicine;

(iv) One shall be a licensed physician who specializes in radiation oncology;

(v) One shall be a radiation therapist;

(vi) One shall be a radiographer;

(vii) One shall be a radiologist assistant;

(viii) One shall be a nuclear medicine technologist; **AND**

(ix) One shall be a consumer member[; and

(x) One shall be a member of the Board].

14-5B-09.

(b) Except as provided in subsection (c) of this section, the applicant shall:

(5) [Submit to] **COMPLETE** a criminal history records check in accordance with § 14-308.1 of this title.

14-5B-10.

(a) To apply for a license, an applicant shall:

(1) [Submit to] **COMPLETE** a criminal history records check in accordance with § 14-308.1 of this title;

14-5B-12.

(a) **(1) THE TERM OF A LICENSE ISSUED BY THE BOARD MAY NOT EXCEED 3 YEARS.**

(2) A license expires on a date set by the Board, unless the license is renewed for an additional term as provided in this section.

(c) Except as otherwise provided in this subtitle, before a license expires, the licensed individual may periodically renew it for an additional term, if the individual:

(1) **IS OF GOOD MORAL CHARACTER;**

(2) Pays to the Board a renewal fee set by the Board;

~~(2)~~ **(3)** Submits to the Board:

(i) A renewal application on the form that the Board requires; and

(ii) Satisfactory evidence of compliance with any continuing education or competency requirements and other requirements required by the Board for license renewal; and

~~(3)~~ **(4)** Meets any additional renewal requirements established by the Board.

(d) ~~(2)~~ **(2)** [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$100 per continuing medical education credit in lieu of a sanction under § 14-5B-14 of this subtitle, for a first offense, for the failure of a licensee to obtain the continuing medical education credits required by the Board.

(f) The Board shall reinstate the license of a radiation therapist, radiographer, nuclear medicine technologist, or radiologist assistant who has failed to renew a license for any reason if the radiation therapist, radiographer, nuclear medicine technologist, or radiologist assistant:

(1) MEETS THE RENEWAL REQUIREMENTS OF THIS SECTION;

[(1)] (2) Submits to the Board:

(i) A reinstatement application on the form that the Board requires;
and

(ii) Satisfactory evidence of compliance with any continuing education or competency requirements; and

[(2)] (3) Meets any additional requirements established by the Board for reinstatement.

(g) (1) Beginning October 1, 2016, the Board shall require a criminal history records check in accordance with § 14–308.1 of this title for:

(i) **[Annual renewal] RENEWAL** applicants as determined by regulations adopted by the Board; and

14–5B–14.

(a) Subject to the hearing provisions of § 14–405 of this title, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license, if the applicant or licensee:

(28) Fails to **[submit to] COMPLETE** a criminal history records check under § 14–308.1 of this title.

(D) (1) IF, AFTER A HEARING UNDER § 14–405 OF THIS TITLE, A DISCIPLINARY PANEL FINDS THAT THERE ARE GROUNDS UNDER SUBSECTION (A) OF THIS SECTION TO SUSPEND OR REVOKE A LICENSE, TO REPRIMAND A LICENSEE, OR TO PLACE A LICENSEE ON PROBATION, THE DISCIPLINARY PANEL MAY IMPOSE A FINE SUBJECT TO THE BOARD’S REGULATIONS IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE, REPRIMANDING THE LICENSEE, OR PLACING THE LICENSEE ON PROBATION.

(2) THE BOARD SHALL PAY ANY FINES COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND OF THE STATE.

(E) IN ADDITION TO ANY SANCTION AUTHORIZED UNDER THIS SECTION, A DISCIPLINARY PANEL MAY REQUIRE A LICENSEE TO COMPLY WITH SPECIFIED TERMS AND CONDITIONS DETERMINED BY THE DISCIPLINARY PANEL.

14-5B-15.

(g) (1) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$1,000 for failure to report under this section.

14-5B-16.

[(b) If a disciplinary panel reinstates a license under subsection (a) of this section, the disciplinary panel shall notify the Board of the reinstatement.]

~~(e)~~ (B) A disciplinary panel may not reinstate a revoked license that has been revoked for a period of more than 1 year unless the licensee:

(1) Meets the requirements for reinstatement as established under this title; and

(2) [Submits to] **COMPLETES** a criminal history records check in accordance with § 14-308.1 of this title.

14-5B-18.1.

(c) [The Board] **A DISCIPLINARY PANEL** may impose a civil penalty of up to \$1,000 for employing an individual without a license under this section.

14-5B-19.

(a) A person who violates any provision of **§§ 14-5B-17 THROUGH 14-5B-18.1** OF this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

(b) [Any] **A** person who violates **ANY PROVISION OF §§ 14-5B-17 THROUGH 14-5B-18.1** OF this subtitle is subject to a civil fine of not more than \$5,000 to be levied by [the Board] **A DISCIPLINARY PANEL**.

14-5B-21.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, and subject to the termination of this title under § 14-702 of this title, this subtitle and all rules and regulations adopted under this subtitle shall terminate and be of no effect after [June 1, 2020] **JULY 1, 2030**.

14-5C-09.

(b) The applicant shall:

(3) [Submit to] **COMPLETE** a criminal history records check in accordance with § 14–308.1 of this title.

14–5C–11.

To apply for a license, an applicant shall:

(1) [Submit to] **COMPLETE** a criminal history records check in accordance with § 14–308.1 of this title;

14–5C–14.

(a) **(1) THE TERM OF A LICENSE ISSUED BY THE BOARD MAY NOT EXCEED 3 YEARS.**

(2) A license expires on a date set by the Board, unless the license is renewed for an additional term as provided in this section.

(c) Except as otherwise provided in this subtitle, before a license expires, the licensed polysomnographic technologist periodically may renew it for an additional term, if the licensee:

(1) Otherwise is entitled to be licensed;

(2) IS OF GOOD MORAL CHARACTER;

~~[(2)]~~ **(3)** Pays to the Board a renewal fee set by the Board; and

~~[(3)]~~ **(4)** Submits to the Board:

(i) A renewal application on the form that the Board requires; and

(ii) Satisfactory evidence of compliance with any continuing education or competency requirements and other requirements set under this section for license renewal.

(g) (1) Beginning October 1, 2016, the Board shall require a criminal history records check in accordance with § 14–308.1 of this title for:

(i) [Annual renewal] **RENEWAL** applicants as determined by regulations adopted by the Board; and

(ii) Each former licensee who files for reinstatement under subsection (f) of this section.

(H) A DISCIPLINARY PANEL MAY IMPOSE A CIVIL PENALTY OF UP TO \$100 PER CONTINUING EDUCATION CREDIT IN LIEU OF A SANCTION UNDER § 14-5C-17 OF THIS SUBTITLE, FOR A FIRST OFFENSE FOR FAILURE OF A LICENSEE TO OBTAIN THE CONTINUING EDUCATION CREDITS REQUIRED BY THE BOARD.

14-5C-17.

(a) Subject to the hearing provisions of § 14-405 of this title, a disciplinary panel, on the affirmative vote of a majority of a quorum of the disciplinary panel, may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license, if the applicant or licensee:

[(25) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;]

[(26) (25) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV positive;

[(27) (26) Practices or attempts to practice a polysomnography procedure or uses or attempts to use polysomnography equipment if the applicant or licensee has not received education and training in the performance of the procedure or the use of the equipment;

[(28) (27) Fails to cooperate with a lawful investigation conducted by the Board; or

[(29) (28) Fails to [submit to] COMPLETE a criminal history records check under § 14-308.1 of this title.

(D) (1) IF, AFTER A HEARING UNDER § 14-405 OF THIS TITLE, A DISCIPLINARY PANEL FINDS THAT THERE ARE GROUNDS UNDER SUBSECTION (A) OF THIS SECTION TO SUSPEND OR REVOKE A LICENSE, TO REPRIMAND A LICENSEE, OR TO PLACE A LICENSEE ON PROBATION, THE DISCIPLINARY PANEL MAY IMPOSE A FINE SUBJECT TO THE BOARD'S REGULATIONS IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE, REPRIMANDING THE LICENSEE, OR PLACING THE LICENSEE ON PROBATION.

(2) THE BOARD SHALL PAY ANY FINES COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND OF THE STATE.

(E) IN ADDITION TO ANY SANCTION AUTHORIZED UNDER THIS SECTION, A DISCIPLINARY PANEL MAY REQUIRE A LICENSEE TO COMPLY WITH SPECIFIED TERMS AND CONDITIONS DETERMINED BY THE DISCIPLINARY PANEL.

14-5C-18.

(g) (1) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$1,000 for failure to report under this section.

14-5C-19.

[(b) If a disciplinary panel reinstates a license under subsection (a) of this section, the disciplinary panel shall notify the Board of the reinstatement.]

~~(e)~~ (B) A disciplinary panel may not reinstate a revoked license that has been revoked for a period of more than 1 year unless the licensee:

(1) Meets the requirements for reinstatement as established under this title; and

(2) [Submits to] **COMPLETES** a criminal history records check in accordance with § 14-308.1 of this title.

14-5C-22.1.

(c) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of not more than \$5,000 for a violation of this section.

14-5C-23.

(a) A person who violates any provision of **§§ 14-5C-20 THROUGH 14-5C-22.1** OF this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

(b) [Any] A person who violates [a] **ANY** provision **OF §§ 14-5C-20 THROUGH 14-5C-22.1** of this subtitle is subject to a civil fine of not more than \$5,000 to be levied by [the Board] A DISCIPLINARY PANEL.

14-5C-25.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act and subject to the termination of this title under § 14-702 of this title, this subtitle and all regulations adopted under this subtitle shall terminate and be of no effect after [June 1, 2020] **JULY 1, 2030.**

14-5D-05.

(a) The Committee consists of [11] NINE members appointed by the Board as follows:

(1) (i) On or before September 30, 2011, three athletic trainers who:

1. Are certified by a national certifying board; and
2. Have a minimum of 5 years of clinical experience; and

(ii) On or after October 1, 2011, three licensed athletic trainers who:

1. Are certified by a national certifying board; and
2. Have a minimum of 5 years of clinical experience;

(2) Three licensed physicians:

(i) At least one of whom is a specialist in orthopedic or sports medicine; and

(ii) Two of whom previously or currently have partnered with or directed an athletic trainer;

(3) One **MEMBER WHO IS:**

(I) A licensed chiropractor who has sports medicine experience;

[(4)] (II) [One] A licensed physical therapist; OR

[(5)] (III) [One] A licensed occupational therapist; and

[(6)] (4) Two consumer members.

14-5D-08.

(b) The applicant shall:

(3) [Submit to] **COMPLETE** a criminal history records check in accordance with § 14-308.1 of this title.

14-5D-09.

(a) To apply for a license, an applicant shall:

(1) [Submit to] **COMPLETE** a criminal history records check in accordance with § 14–308.1 of this title;

14–5D–11.

(b) Before an athletic trainer may practice athletic training, the athletic trainer shall:

(1) Obtain a license under this subtitle;

(2) Enter into a written evaluation and treatment protocol with a licensed physician; and

(3) Except as provided in § 14–5D–11.3(a) of this subtitle, [obtain Board approval of] **SUBMIT ~~A~~ AN ORIGINAL, SIGNED COPY OF** the evaluation and treatment protocol **FOR BOARD APPROVAL**.

~~(c) (1) In the event of a sudden departure, incapacity, or death of a supervising physician, **OR CHANGE IN LICENSE STATUS THAT RESULTS IN THE PRIMARY SUPERVISING PHYSICIAN BEING UNABLE TO LEGALLY PRACTICE MEDICINE**, a designated alternate supervising physician may assume the role of the supervising physician by submitting an evaluation and treatment protocol to the Board within 15 days of the event.~~

~~(2) **THE BOARD MAY TERMINATE AN EVALUATION AND TREATMENT PROTOCOL IF:**~~

~~(i) **THE ATHLETIC TRAINER HAS A CHANGE IN LICENSE STATUS THAT RESULTS IN THE ATHLETIC TRAINER BEING UNABLE TO LEGALLY PRACTICE ATHLETIC TRAINING; OR**~~

~~(ii) **THE SUPERVISING PHYSICIAN HAS A CHANGE IN LICENSE STATUS THAT RESULTS IN THE PHYSICIAN BEING UNABLE TO LEGALLY PRACTICE MEDICINE AND AN ALTERNATE SUPERVISING PHYSICIAN DOES NOT ASSUME THE ROLE OF SUPERVISING PHYSICIAN UNDER PARAGRAPH (1) OF THIS SUBSECTION.**~~

(E) SUBJECT TO THE NOTICE REQUIRED UNDER § 14–5D–11.2 OF THIS SUBTITLE, AN ATHLETIC TRAINER MAY TERMINATE AN EVALUATION AND TREATMENT PROTOCOL FILED WITH THE BOARD UNDER THIS SECTION AT ANY TIME.

(F) (1) IN THE EVENT OF THE SUDDEN DEPARTURE, INCAPACITY, OR DEATH OF THE PRIMARY SUPERVISING PHYSICIAN OF AN ATHLETIC TRAINER, OR CHANGE IN LICENSE STATUS THAT RESULTS IN THE PRIMARY SUPERVISING PHYSICIAN BEING UNABLE TO LEGALLY PRACTICE MEDICINE, AN ALTERNATE SUPERVISING PHYSICIAN DESIGNATED UNDER SUBSECTION (C) OF THIS SECTION

MAY SUPERVISE THE ATHLETIC TRAINER FOR NOT LONGER THAN 15 DAYS FOLLOWING THE EVENT.

(2) IF THERE IS NO DESIGNATED ALTERNATE SUPERVISING PHYSICIAN OR THE DESIGNATED ALTERNATE SUPERVISING PHYSICIAN DOES NOT AGREE TO SUPERVISE THE ATHLETIC TRAINER, THE ATHLETIC TRAINER MAY NOT PRACTICE UNTIL THE ATHLETIC TRAINER RECEIVES APPROVAL OF A NEW EVALUATION AND TREATMENT PROTOCOL UNDER § 14-5D-11.3 OF THIS SUBTITLE.

(3) AN ALTERNATE SUPERVISING PHYSICIAN OR OTHER LICENSED PHYSICIAN MAY ASSUME THE ROLE OF PRIMARY SUPERVISING PHYSICIAN BY SUBMITTING A NEW EVALUATION AND TREATMENT PROTOCOL TO THE BOARD FOR APPROVAL UNDER SUBSECTION (B) OF THIS SECTION.

(4) THE BOARD MAY TERMINATE AN EVALUATION AND TREATMENT PROTOCOL IF:

(I) THE ATHLETIC TRAINER HAS A CHANGE IN LICENSE STATUS THAT RESULTS IN THE ATHLETIC TRAINER BEING UNABLE TO LEGALLY PRACTICE ATHLETIC TRAINING;

(II) AT LEAST 15 DAYS HAVE ELAPSED SINCE AN EVENT LISTED UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THERE IS AN ALTERNATE SUPERVISING PHYSICIAN DESIGNATED UNDER SUBSECTION (C) OF THIS SECTION;
OR

(III) IMMEDIATELY AFTER AN EVENT LISTED UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THERE IS NO ALTERNATE SUPERVISING PHYSICIAN DESIGNATED UNDER SUBSECTION (C) OF THIS SECTION.

(G) AN ATHLETIC TRAINER WHOSE EVALUATION AND TREATMENT PROTOCOL IS TERMINATED MAY NOT PRACTICE ATHLETIC TRAINING UNTIL THE ATHLETIC TRAINER RECEIVES PRELIMINARY APPROVAL OF A NEW EVALUATION AND TREATMENT PROTOCOL UNDER § 14-5D-11.3 OF THIS SUBTITLE.

14-5D-11.1.

(c) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$1,000 on a person who employs or supervises an individual without a license or without an approved evaluation and treatment protocol.

14-5D-11.2.

(a) A physician or an employer shall notify the Board within 10 days of the termination of an athletic trainer for reasons that would be grounds for discipline under this subtitle.

(b) A supervising physician and an athletic trainer shall notify the Board WITHIN 10 DAYS of the termination of the relationship under an evaluation and treatment protocol.

14-5D-11.3.

(a) (1) An athletic trainer may assume the duties under an evaluation and treatment protocol [after receiving a written recommendation of approval from the Committee if] **ON THE DATE THAT THE BOARD ACKNOWLEDGES RECEIPT OF THE COMPLETED EVALUATION AND TREATMENT PROTOCOL APPROPRIATE TO THE SCOPE OF PRACTICE IF THE PROTOCOL IS GIVEN PRELIMINARY APPROVAL BY BOARD STAFF AND:**

(i) The evaluation and treatment protocol does not include specialized tasks; or

(ii) The evaluation and treatment protocol includes specialized tasks that the Board previously has approved under § 14-5D-11 of this subtitle.

(2) If an evaluation and treatment protocol includes specialized tasks that have not been previously approved by the Board under § 14-5D-11 of this subtitle, an athletic trainer may only perform the specialized task after receiving written approval from the Board.

(b) The Board may disapprove an evaluation and treatment protocol or a specialized task included in the evaluation and treatment protocol if the Board determines that:

(1) The evaluation and treatment protocol does not meet the requirements of § 14-5D-11(c) of this subtitle;

(2) The athletic trainer is unable to perform the specialized task safely; or

(3) The specialized task is outside the practice scope of an athletic trainer.

(c) If the Board disapproves an evaluation and treatment protocol or a specialized task included in an evaluation and treatment protocol, the Board shall send to the primary supervising physician and the athletic trainer written notice of the disapproval.

(d) An athletic trainer who receives notice of a disapproval under subsection (c) of this section shall immediately cease practicing under the evaluation and treatment protocol or performing the specialized task.

(e) An individual member of the Board is not civilly liable for any act or omission relating to the approval, modification, or disapproval of an evaluation and treatment protocol.

14–5D–12.

(a) **(1) THE TERM OF A LICENSE ISSUED BY THE BOARD MAY NOT EXCEED 3 YEARS.**

(2) A license expires on a date set by the Board, unless the license is renewed for an additional term as provided in this section.

(c) Except as otherwise provided in this subtitle, before a license expires, the licensee periodically may renew it for an additional term, if the licensee:

(1) Otherwise is entitled to be licensed;

(2) IS OF GOOD MORAL CHARACTER;

[(2)] (3) Pays to the Board a renewal fee set by the Board; and

[(3)] (4) Submits to the Board:

(i) A renewal application on the form that the Board requires;

(ii) Satisfactory evidence of compliance with any continuing education or competency requirements; and

(iii) Any other requirements set under this section for license renewal.

(g) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$100 per continuing education credit in lieu of a sanction under § 14–5D–14 of this subtitle, for a first offense for failure of a licensee to obtain the continuing education credits required by the Board.

(h) (1) Beginning October 1, 2016, the Board shall require a criminal history records check in accordance with § 14–308.1 of this title for:

(i) **[Annual renewal] RENEWAL** applicants as determined by regulations adopted by the Board; and

(ii) Each former licensee who files for reinstatement under subsection (f) of this section.

14–5D–14.

(a) Subject to the hearing provisions of § 14–405 of this title, a disciplinary panel, on the affirmative vote of a majority of a quorum of the disciplinary panel, may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license, if the applicant or licensee:

(29) Fails to [submit to] **COMPLETE** a criminal history records check under § 14–308.1 of this title.

(D) (1) IF, AFTER A HEARING UNDER § 14–405 OF THIS TITLE, A DISCIPLINARY PANEL FINDS THAT THERE ARE GROUNDS UNDER SUBSECTION (A) OF THIS SECTION TO SUSPEND OR REVOKE A LICENSE, TO REPRIMAND A LICENSEE, OR TO PLACE A LICENSEE ON PROBATION, THE DISCIPLINARY PANEL MAY IMPOSE A FINE SUBJECT TO THE BOARD’S REGULATIONS IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE, REPRIMANDING THE LICENSEE, OR PLACING THE LICENSEE ON PROBATION.

(2) THE BOARD SHALL PAY ANY FINES COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND OF THE STATE.

(E) IN ADDITION TO ANY SANCTION AUTHORIZED UNDER THIS SECTION, A DISCIPLINARY PANEL MAY REQUIRE A LICENSEE TO COMPLY WITH SPECIFIED TERMS AND CONDITIONS DETERMINED BY THE DISCIPLINARY PANEL.

14–5D–15.

(a) (1) Except as otherwise provided in § 10–226 of the State Government Article, before the Board or a disciplinary panel takes any action under § 14–5D–14 of this subtitle, the Board or the disciplinary panel shall give the individual against whom the action is contemplated an opportunity for a hearing before a hearing officer.

(2) The hearing officer shall give notice and hold the hearing in accordance with Title 10, Subtitle 2 of the State Government Article.

(3) The Board or a disciplinary panel may administer oaths in connection with any proceedings under this section.

[(4) At least 14 days before the hearing, a hearing notice shall be sent by certified mail to the last known address of the individual.]

(b) (1) Any person aggrieved by a final decision of the Board or a disciplinary panel under this subtitle may take a direct judicial appeal.

(2) The appeal shall be made as provided for judicial review of final decisions in the Administrative Procedure Act.

(c) An order of the Board or a disciplinary panel may not be stayed pending review.

(d) The Board may appeal from any decision that reverses or modifies an order of the Board or a disciplinary panel.

14–5D–16.

[(b) If a disciplinary panel reinstates a license under subsection (a) of this section, the disciplinary panel shall notify the Board of the reinstatement.]

~~(b)~~ **(B)** A disciplinary panel may not reinstate a revoked license that has been revoked for a period of more than 1 year unless the licensee:

(1) Meets the requirements for reinstatement as established under this title; and

(2) [Submits to] **COMPLETES** a criminal history records check in accordance with § 14–308.1 of this title.

14–5D–18.

(a) A person who violates [any provision] **§ 14–5D–17** of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

(b) [Any] **A** person who violates [any provision] **§ 14–5D–17** of this subtitle is subject to a civil fine of not more than \$5,000 to be levied by a disciplinary panel.

14–5D–20.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act and subject to the termination of this title under § 14–702 of this title, this subtitle and all rules and regulations adopted under this subtitle shall terminate and be of no effect after [June 1, 2020] **JULY 1, 2030**.

14–5E–09.

(b) The applicant shall:

(3) [Submit to] **COMPLETE** a criminal history records check in accordance with § 14–308.1 of this title.

14–5E–11.

(a) To apply for a license, an applicant shall:

(1) [Submit to] **COMPLETE** a criminal history records check in accordance with § 14–308.1 of this title;

14–5E–13.

(a) (1) A license expires on a date set by the Board, unless the license is renewed for an additional term as provided in this section.

(2) **[A] THE TERM OF A license ISSUED BY THE BOARD** may not [be renewed for a term longer than 2] **EXCEED 3** years.

(c) (1) Except as otherwise provided in this subtitle, before a license expires, the licensed perfusionist periodically may renew it for an additional term, if the licensee:

(i) Otherwise is entitled to be licensed;

(II) IS OF GOOD MORAL CHARACTER;

[(ii)] (III) Pays to the Board a renewal fee set by the Board; and

[(iii)] (IV) Except as provided in paragraph (2) of this subsection, submits to the Board:

1. A renewal application on the form that the Board requires;

and

2. Satisfactory evidence of compliance with any continuing education or competency requirements and other requirements set under this section for license renewal.

(g) (1) Beginning October 1, 2016, the Board shall require a criminal history records check in accordance with § 14–308.1 of this title for:

(i) **[Annual renewal] RENEWAL** applicants as determined by regulations adopted by the Board; and

(ii) Each former licensee who files for reinstatement under subsection (f) of this section.

(H) A DISCIPLINARY PANEL MAY IMPOSE A CIVIL PENALTY OF UP TO \$100 PER CONTINUING EDUCATION CREDIT IN LIEU OF A SANCTION UNDER § 14–5E–16 OF THIS SUBTITLE, FOR A FIRST OFFENSE FOR FAILURE OF A LICENSEE TO OBTAIN THE CONTINUING EDUCATION CREDITS REQUIRED BY THE BOARD.

14–5E–16.

(a) Subject to the hearing provisions of § 14–405 of this title, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license, if the applicant or licensee:

[(25) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;]

[(26) (25) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV positive;

[(27) (26) Practices or attempts to practice a perfusion procedure or uses or attempts to use perfusion equipment if the applicant or licensee has not received education and training in the performance of the procedure or the use of the equipment;

[(28) (27) Fails to cooperate with a lawful investigation of the Board or a disciplinary panel; or

[(29) (28) Fails to [submit to] COMPLETE a criminal history records check under § 14–308.1 of this title.

(D) (1) IF, AFTER A HEARING UNDER § 14–405 OF THIS TITLE, A DISCIPLINARY PANEL FINDS THAT THERE ARE GROUNDS UNDER SUBSECTION (A) OF THIS SECTION TO SUSPEND OR REVOKE A LICENSE, TO REPRIMAND A LICENSEE, OR PLACE A LICENSEE ON PROBATION, THE DISCIPLINARY PANEL MAY IMPOSE A FINE SUBJECT TO THE BOARD’S REGULATIONS IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE, REPRIMANDING THE LICENSEE, OR PLACING THE LICENSEE ON PROBATION.

(2) THE BOARD SHALL PAY ANY FINES COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND.

(E) IN ADDITION TO ANY SANCTION AUTHORIZED UNDER THIS SECTION, A DISCIPLINARY PANEL MAY REQUIRE A LICENSEE TO COMPLY WITH SPECIFIED TERMS AND CONDITIONS DETERMINED BY THE DISCIPLINARY PANEL.

14–5E–18.

(g) (1) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$1,000 for failure to report under this section.

14–5E–19.

[(b) If a disciplinary panel reinstates a license under subsection (a) of this section, the disciplinary panel shall notify the Board of the reinstatement.]

~~(b)~~ **(B)** A disciplinary panel may not reinstate a revoked license that has been revoked for a period of more than 1 year unless the licensee:

(1) Meets the requirements for reinstatement as established under this title; and

(2) [Submits to] **COMPLETES** a criminal history records check in accordance with § 14-308.1 of this title.

14-5E-23.

(a) A person who violates any provision of **§§ 14-5E-20 THROUGH 14-5E-22** **OF** this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

(b) A person who violates any provision of **§§ 14-5E-20 THROUGH 14-5E-22** **OF** this subtitle is subject to a civil fine of not more than \$5,000 to be levied by a disciplinary panel.

14-5E-25.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act and subject to the termination of this title under § 14-702 of this title, this subtitle and all regulations adopted under this subtitle shall terminate and be of no effect after [June 1, 2020] **JULY 1, 2030**.

14-5F-04.1.

(a) (2) The Council consists of the following members:

(ii) The following members, appointed by the Board:

2. Two licensed physicians [or doctors of osteopathy] who practice in the State;

14-5F-07.

(a) (1) The Committee consists of five members appointed by the Board as follows:

(i) Two shall be individuals who practice naturopathic medicine and who:

1. On or after October 1, 2014:
 - A. Are certified by the North American Board of Naturopathic Examiners; and
 - B. Have a minimum of 2 years experience; and
2. On or after March 1, 2016, are licensed naturopathic doctors;
 - (ii) One shall be a practicing licensed physician [or practicing doctor of osteopathy who is a member of the Board];
 - (iii) One shall be a practicing licensed physician [or practicing licensed doctor of osteopathy] with experience working with naturopathic doctors; and
 - (iv) One shall be a consumer member.

(c) The physician [or doctor of osteopathy] members of the Committee shall be in good standing with the Board.

14-5F-11.

(g) An applicant shall [submit to] **COMPLETE** a criminal history records check in accordance with § 14-308.1 of this title.

14-5F-12.

To apply for a license, an applicant shall:

(1) [Submit to] **COMPLETE** a criminal history records check in accordance with § 14-308.1 of this title;

14-5F-15.

(a) (1) The term of a license issued by the Board [is 2] **MAY NOT EXCEED 3** years.

(2) A license expires [at the end of its term] **ON A DATE SET BY THE BOARD**, unless the license is renewed as provided [by the Board] **IN THIS SECTION**.

(c) The Board shall renew the license of a licensee who:

(1) Submits a renewal application on the form that the Board requires;

(2) IS OF GOOD MORAL CHARACTER;

[(2)] (3) Pays a renewal fee set by the Board;

[(3)] (4) Is otherwise entitled to be licensed;

[(4)] (5) Meets the continuing education requirements adopted by the Board; and

[(5)] (6) Provides evidence of biennial cardiopulmonary resuscitation certification.

(d) (1) Beginning October 1, 2016, the Board shall require a criminal history records check in accordance with § 14–308.1 of this title for:

(i) [Annual renewal] **RENEWAL** applicants as determined by regulations adopted by the Board; and

(E) A DISCIPLINARY PANEL MAY IMPOSE A CIVIL PENALTY OF UP TO \$100 PER CONTINUING EDUCATION CREDIT IN LIEU OF A SANCTION UNDER § 14–5F–18 OF THIS SUBTITLE, FOR A FIRST OFFENSE FOR FAILURE OF A LICENSEE TO OBTAIN THE CONTINUING EDUCATION CREDITS REQUIRED BY THE BOARD.

14–5F–18.

(a) Subject to the hearing provisions of § 14–405 of this title, a disciplinary panel, on the affirmative vote of a majority of a quorum of the disciplinary panel, may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license of any licensee if the applicant or licensee:

(27) Fails to [submit to] **COMPLETE** a criminal history records check under § 14–308.1 of this title.

(D) (1) IF, AFTER A HEARING UNDER § 14–405 OF THIS TITLE, A DISCIPLINARY PANEL FINDS THAT THERE ARE GROUNDS UNDER SUBSECTION (A) OF THIS SECTION TO SUSPEND OR REVOKE A LICENSE, TO REPRIMAND A LICENSEE, OR TO PLACE A LICENSEE ON PROBATION, THE DISCIPLINARY PANEL MAY IMPOSE A FINE SUBJECT TO THE BOARD’S REGULATIONS IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE, REPRIMANDING THE LICENSEE, OR PLACING THE LICENSEE ON PROBATION.

(2) THE BOARD SHALL PAY ANY FINES COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND.

(E) IN ADDITION TO ANY SANCTION AUTHORIZED UNDER THIS SECTION, A DISCIPLINARY PANEL MAY REQUIRE A LICENSEE TO COMPLY WITH SPECIFIED TERMS AND CONDITIONS DETERMINED BY THE DISCIPLINARY PANEL.

14-5F-22.

[(a)] If the Board or a disciplinary panel finds that there are grounds for action under § 14-5F-18 of this subtitle, the Board or the disciplinary panel shall pass an order in accordance with the Administrative Procedure Act.

[(b) (1)] If a license is revoked or suspended, the holder shall surrender the license to the Board on demand.

(2) At the end of a suspension period, the Board shall return to the licensee any license surrendered under this section.]

14-5F-24.

(c) A disciplinary panel may not reinstate a **[suspended] SURRENDERED** or revoked license that has been **[suspended] SURRENDERED** or revoked for a period of more than 1 year unless the licensee:

(1) Meets the requirements for reinstatement as established under this title; and

(2) **[Submits to] COMPLETES** a criminal history records check in accordance with § 14-308.1 of this title.

14-5F-29.

(a) Except as otherwise provided in this subtitle, an individual may not practice, attempt to practice, or offer to practice naturopathic medicine in this State without a license.

(b) An individual who violates **[any provision] SUBSECTION (A) OF THIS SECTION OR § 14-5F-30** of this subtitle is guilty of a felony and on conviction is subject to a fine not exceeding \$10,000 or imprisonment not exceeding 5 years or both.

(c) Any individual who violates **[a provision] SUBSECTION (A) OF THIS SECTION OR § 14-5F-30** of this subtitle is subject to a civil fine of not more than \$50,000 to be levied by a disciplinary panel.

(d) The Board shall pay any penalty collected under this section into the Board of Physicians Fund.

14-5F-32.

Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, this subtitle and all rules and regulations adopted under this subtitle shall terminate and be of no effect after [June 1, 2020] **JULY 1, 2030**.

14-602.

(b) Except as otherwise provided in this article, a person may not use the words or terms “Dr.”, “doctor”, “physician”, “D.O.”, or “M.D.” with the intent to represent that the person practices medicine, unless the person is:

(5) An individual in a postgraduate medical program that is [approved] **ACCREDITED BY AN ACCREDITING ORGANIZATION RECOGNIZED** by the Board **IN REGULATIONS WHILE THE INDIVIDUAL IS PRACTICING MEDICINE IN THE PROGRAM.**

14-702.

Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, this title and all rules and regulations adopted under this title shall terminate and be of no effect after [June 1, 2020] **JULY 1, 2030**.

15-103.

(b) (1) [An] **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN** employer of a physician assistant shall report to the Board, on the form prescribed by the Board, any termination of employment of the physician assistant if the cause of termination is related to a quality of care issue.

(2) **SUBJECT TO SUBSECTION (D) OF THIS SECTION, A SUPERVISING PHYSICIAN OR AN EMPLOYER OF A PHYSICIAN ASSISTANT SHALL NOTIFY THE BOARD WITHIN 10 DAYS OF THE TERMINATION OF EMPLOYMENT OF THE PHYSICIAN ASSISTANT FOR REASONS THAT WOULD BE GROUNDS FOR DISCIPLINE UNDER THIS SUBTITLE TITLE.**

(3) **A SUPERVISING PHYSICIAN AND A PHYSICIAN ASSISTANT SHALL NOTIFY THE BOARD WITHIN 10 DAYS OF THE TERMINATION OF THE RELATIONSHIP UNDER A DELEGATION AGREEMENT FOR ANY REASON.**

(i) (1) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$1,000 for failure to report under this section.

15-202.

(a) (1) The Committee shall consist of 7 members appointed by the Board.

(2) Of the 7 Committee members:

- (i) 3 shall be licensed physicians;
- (ii) 3 shall be licensed physician assistants; and
- (iii) 1 shall be a consumer.

(3) Of the licensed physician members:

- (i) At least 1 shall specialize in general surgery or a surgical subspecialty; **AND**
- (ii) At least 1 shall specialize in internal medicine, family practice, or a similar primary care specialty[; and
- (iii) 1 shall be a Board member].

15–203.

[(a)] The Board shall adopt regulations governing:

- (1) The term of office for Committee members;
- (2) The procedure for filling vacancies on the Committee;
- (3) The removal of Committee members; and
- (4) The duties of each officer.

[(b)] In addition to the regulations on removal of members adopted by the Board, upon the recommendation of the Board the Governor may remove a member whom the Board finds to have been absent from 2 successive Committee meetings without adequate reason.]

15–302.

(a) A physician may delegate medical acts to a physician assistant only after:

(1) A delegation agreement has been executed and filed with the Board;
and

(2) Any advanced duties have been authorized as required under subsection (c) of this section.

(b) The delegation agreement shall contain:

(1) A description of the qualifications of the primary supervising physician and physician assistant;

(2) A description of the settings in which the physician assistant will practice;

(3) A description of the continuous physician supervision mechanisms that are reasonable and appropriate to the practice setting;

(4) A description of the delegated medical acts that are within the primary or alternate supervising physician's scope of practice and require specialized education or training that is consistent with accepted medical practice;

(5) An attestation that all medical acts to be delegated to the physician assistant are within the scope of practice of the primary or alternate supervising physician and appropriate to the physician assistant's education, training, and level of competence;

(6) An attestation of continuous supervision of the physician assistant by the primary supervising physician through the mechanisms described in the delegation agreement;

(7) An attestation by the primary supervising physician of the physician's acceptance of responsibility for any care given by the physician assistant;

(8) A description prepared by the primary supervising physician of the process by which the physician assistant's practice is reviewed appropriate to the practice setting and consistent with current standards of acceptable medical practice;

(9) An attestation by the primary supervising physician that the physician will respond in a timely manner when contacted by the physician assistant;

(10) The following statement: "The primary supervising physician and the physician assistant attest that:

(i) They will establish a plan for the types of cases that require a physician plan of care or require that the patient initially or periodically be seen by the supervising physician; and

(ii) The patient will be provided access to the supervising physician on request"; and

(11) Any other information deemed necessary by the Board to carry out the provisions of this subtitle.

(c) (1) The Board may not require prior approval of a delegation agreement that includes advanced duties, if an advanced duty will be performed in a hospital or ambulatory surgical facility, provided that:

(i) A physician, with credentials that have been reviewed by the hospital or ambulatory surgical facility as a condition of employment, as an independent contractor, or as a member of the medical staff, supervises the physician assistant;

(ii) The physician assistant has credentials that have been reviewed by the hospital or ambulatory surgical facility as a condition of employment, as an independent contractor, or as a member of the medical staff; and

(iii) Each advanced duty to be delegated to the physician assistant is reviewed and approved within a process approved by the governing body of the health care facility before the physician assistant performs the advanced duties.

(2) (i) In any setting that does not meet the requirements of paragraph (1) of this subsection, a primary supervising physician shall obtain the Board's approval of a delegation agreement that includes advanced duties, before the physician assistant performs the advanced duties.

(ii) 1. Before a physician assistant may perform X-ray duties authorized under § 14-306(e) of this article in the medical office of the physician delegating the duties, a primary supervising physician shall obtain the Board's approval of a delegation agreement that includes advanced duties in accordance with subparagraph 2 of this subparagraph.

2. The advanced duties set forth in a delegation agreement under this subparagraph shall be limited to nonfluoroscopic X-ray procedures of the extremities, anterior-posterior and lateral, not including the head.

(3) Notwithstanding paragraph (1) of this subsection, a primary supervising physician shall obtain the Board's approval of a delegation agreement before the physician assistant may administer, monitor, or maintain general anesthesia or neuroaxial anesthesia, including spinal and epidural techniques, under the agreement.

(d) For a delegation agreement containing advanced duties that require Board approval, the Committee shall review the delegation agreement and recommend to the Board that the delegation agreement be approved, rejected, or modified to ensure conformance with the requirements of this title.

(e) The Committee may conduct a personal interview of the primary supervising physician and the physician assistant.

(f) (1) On review of the Committee's recommendation regarding a primary supervising physician's request to delegate advanced duties as described in a delegation agreement, the Board:

(i) May approve the delegation agreement; or

(ii) 1. If the physician assistant does not meet the applicable education, training, and experience requirements to perform the specified delegated acts, may modify or disapprove the delegation agreement; and

2. If the Board takes an action under item 1 of this item:

A. Shall notify the primary supervising physician and the physician assistant in writing of the particular elements of the proposed delegation agreement that were the cause for the modification or disapproval; and

B. May not restrict the submission of an amendment to the delegation agreement.

(2) To the extent practicable, the Board shall approve a delegation agreement or take other action authorized under this subsection within 90 days after receiving a completed delegation agreement including any information from the physician assistant and primary supervising physician necessary to approve or take action.

(g) If the Board determines that a primary or alternate supervising physician or physician assistant is practicing in a manner inconsistent with the requirements of this title or Title 14 of this article, the Board on its own initiative or on the recommendation of the Committee may demand modification of the practice, withdraw the approval of the delegation agreement, or refer the matter to a disciplinary panel for the purpose of taking other disciplinary action under § 14–404 or § 15–314 of this article.

(h) A primary supervising physician may not delegate medical acts under a delegation agreement to more than four physician assistants at any one time, except in a hospital or in the following nonhospital settings:

(1) A correctional facility;

(2) A detention center; or

(3) A public health facility.

(i) A person may not coerce another person to enter into a delegation agreement under this subtitle.

(j) A physician may supervise a physician assistant:

(1) As a primary supervising physician in accordance with a delegation agreement approved by the Board under this subtitle; or

(2) As an alternate supervising physician if:

(i) The alternate supervising physician supervises in accordance with a delegation agreement filed with the Board;

(ii) The alternate supervising physician supervises no more than four physician assistants at any one time, except in a hospital, correctional facility, detention center, or public health facility;

(iii) The alternate supervising physician's period of supervision, in the **TEMPORARY** absence of the primary supervising physician, does not exceed:

1. The period of time specified in the delegation agreement;
and

2. A period of 45 consecutive days at any one time; and

(iv) The physician assistant performs only those medical acts that:

1. Have been delegated under the delegation agreement filed with the Board; and

2. Are within the scope of practice of the primary supervising physician and alternate supervising physician.

(k) **SUBJECT TO THE NOTICE REQUIRED UNDER § 15–103 OF THIS TITLE, A PHYSICIAN ASSISTANT MAY TERMINATE A DELEGATION AGREEMENT FILED WITH THE BOARD UNDER THIS SUBTITLE AT ANY TIME.**

~~(L) (1) In the event of a sudden departure, incapacity, or death of a primary supervising physician, OR CHANGE IN LICENSE STATUS THAT RESULTS IN THE PRIMARY SUPERVISING PHYSICIAN BEING UNABLE TO LEGALLY PRACTICE MEDICINE, a designated alternate supervising physician may assume the role of the primary supervising physician by submitting a new delegation agreement to the Board within 15 days.~~

~~(2) THE BOARD MAY TERMINATE A DELEGATION AGREEMENT IF:~~

~~(i) THE PHYSICIAN ASSISTANT HAS A CHANGE IN LICENSE STATUS THAT RESULTS IN THE PHYSICIAN ASSISTANT BEING UNABLE TO LEGALLY PRACTICE AS A PHYSICIAN ASSISTANT; OR~~

~~(ii) THE SUPERVISING PHYSICIAN HAS A CHANGE IN LICENSE STATUS THAT RESULTS IN THE PHYSICIAN BEING UNABLE TO LEGALLY PRACTICE MEDICINE AND AN ALTERNATE SUPERVISING PHYSICIAN DOES NOT ASSUME THE ROLE OF SUPERVISING PHYSICIAN UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

(L) (1) IN THE EVENT OF THE SUDDEN DEPARTURE, INCAPACITY, OR DEATH OF THE PRIMARY SUPERVISING PHYSICIAN OF A PHYSICIAN ASSISTANT, OR

CHANGE IN LICENSE STATUS THAT RESULTS IN THE PRIMARY SUPERVISING PHYSICIAN BEING UNABLE TO LEGALLY PRACTICE MEDICINE, AN ALTERNATE SUPERVISING PHYSICIAN DESIGNATED UNDER SUBSECTION (B) OF THIS SECTION MAY SUPERVISE THE PHYSICIAN ASSISTANT FOR NOT LONGER THAN 15 DAYS FOLLOWING THE EVENT.

(2) IF THERE IS NO DESIGNATED ALTERNATE SUPERVISING PHYSICIAN OR THE DESIGNATED ALTERNATE SUPERVISING PHYSICIAN DOES NOT AGREE TO SUPERVISE THE PHYSICIAN ASSISTANT, THE PHYSICIAN ASSISTANT MAY NOT PRACTICE UNTIL THE PHYSICIAN ASSISTANT RECEIVES APPROVAL OF A NEW DELEGATION AGREEMENT UNDER § 15-302.1 OF THIS SUBTITLE.

(3) AN ALTERNATE SUPERVISING PHYSICIAN OR OTHER LICENSED PHYSICIAN MAY ASSUME THE ROLE OF PRIMARY SUPERVISING PHYSICIAN BY SUBMITTING A NEW DELEGATION AGREEMENT TO THE BOARD FOR APPROVAL UNDER SUBSECTION (B) OF THIS SECTION.

(4) THE BOARD MAY TERMINATE A DELEGATION AGREEMENT IF:

(i) THE PHYSICIAN ASSISTANT HAS A CHANGE IN LICENSE STATUS THAT RESULTS IN THE PHYSICIAN ASSISTANT BEING UNABLE TO LEGALLY PRACTICE AS A PHYSICIAN ASSISTANT;

(ii) AT LEAST 15 DAYS HAVE ELAPSED SINCE AN EVENT LISTED UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THERE IS AN ALTERNATE SUPERVISING PHYSICIAN DESIGNATED UNDER SUBSECTION (B) OF THIS SECTION; OR

(iii) IMMEDIATELY AFTER AN EVENT LISTED UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THERE IS NO ALTERNATE SUPERVISING PHYSICIAN DESIGNATED UNDER SUBSECTION (B) OF THIS SECTION.

(M) A PHYSICIAN ASSISTANT WHOSE DELEGATION AGREEMENT IS TERMINATED MAY NOT PRACTICE AS A PHYSICIAN ASSISTANT UNTIL THE PHYSICIAN ASSISTANT RECEIVES PRELIMINARY APPROVAL OF A NEW DELEGATION AGREEMENT UNDER § 15-302.1 OF THIS SUBTITLE.

[(l)] ~~(M)~~ (N) Individual members of the Board are not civilly liable for actions regarding the approval, modification, or disapproval of a delegation agreement described in this section.

[(m)] ~~(N)~~ (O) A physician assistant may practice in accordance with a delegation agreement filed with the Board under this subtitle.

15–302.1.

(a) If a delegation agreement does not include advanced duties or the advanced duties have been approved under § 15–302(c)(1) of this subtitle, a physician assistant may assume the duties under a delegation agreement on the date [of] **THAT THE BOARD ACKNOWLEDGES** receipt [by the Board] of the **COMPLETED** delegation agreement.

(b) In this section, “pending” means that a delegation agreement that includes delegation of advanced duties in a setting that does not meet the requirements under § 15–302(c)(1) of this subtitle has been executed and submitted to the Board for its approval, but:

(1) The Committee has not made a recommendation to the Board; or

(2) The Board has not made a final decision regarding the delegation agreement.

(c) Subject to subsection (d) of this section, if a delegation agreement is pending, on receipt of a temporary practice letter from the staff of the Board, a physician assistant may perform the advanced duty if:

(1) The primary supervising physician has been previously approved to supervise one or more physician assistants in the performance of the advanced duty; and

(2) The physician assistant has been previously approved by the Board to perform the advanced duty.

(d) If the Committee recommends a denial of the pending delegation agreement or the Board denies the pending delegation agreement, on notice to the primary supervising physician and the physician assistant, the physician assistant may no longer perform the advanced duty that has not received the approval of the Board.

(e) The Board may disapprove any delegation agreement if it believes that:

(1) The agreement does not meet the requirements of this subtitle; or

(2) The physician assistant is unable to perform safely the delegated duties.

(f) If the Board disapproves a delegation agreement or the delegation of any function under an agreement, the Board shall provide the primary supervising physician and the physician assistant with written notice of the disapproval.

(g) A physician assistant who receives notice that the Board has disapproved a delegation agreement or an advanced function under the delegation agreement shall immediately cease to practice under the agreement or to perform the disapproved function.

15-303.

(a) To qualify for a license, an applicant shall:

(1) [Submit to] **COMPLETE** a criminal history records check in accordance with § 14-308.1 of this article;

15-304.

An applicant for a license shall:

(1) [Submit to] **COMPLETE** a criminal history records check in accordance with § 14-308.1 of this article;

15-307.

(a) (1) Unless a license is renewed for an additional term as provided in this section, the license expires on the date set by the Board.

(2) [A] **THE TERM OF A license ISSUED BY THE BOARD** may not [be renewed for a term longer than 2] **EXCEED 3** years.

(f) For the failure of a licensee to obtain continuing medical education credits as required by the Board, [the Board] A DISCIPLINARY PANEL may impose a civil penalty not to exceed \$100 for each medical education credit not obtained by the licensee.

(g) (1) Beginning October 1, 2016, the Board shall require a criminal history records check in accordance with § 14-308.1 of this article for:

(i) [Annual renewal] **RENEWAL** applicants as determined by regulations adopted by the Board; and

(ii) Each former licensee who files for reinstatement under this title.

15-308.

(b) A disciplinary panel may not reinstate a [suspended] **SURRENDERED** or revoked license that has been [suspended] **SURRENDERED** or revoked for a period of more than 1 year unless the licensee:

(1) Meets the requirements for reinstatement as established under this title; and

(2) [Submits to] **COMPLETES** a criminal history records check in accordance with § 14-308.1 of this article.

15–311.

Subject to the hearing provisions of § 15–315 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of a quorum, may deny a license to any applicant for:

(1) Any of the reasons that are grounds for disciplinary action under § 15–314 of this subtitle; and

(2) Failure to [submit to] **COMPLETE** a criminal history records check in accordance with § 14–308.1 of this article.

15–314.

(a) Subject to the hearing provisions of § 15–315 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum, may reprimand any physician assistant, place any physician assistant on probation, or suspend or revoke a license if the physician assistant:

(42) Performs delegated medical acts without the supervision of a physician;
[or]

(43) Fails to [submit to] **COMPLETE** a criminal history records check under § 14–308.1 of this article;

(44) FAILS TO COMPLY WITH THE REQUIREMENTS OF THE PRESCRIPTION DRUG MONITORING PROGRAM UNDER TITLE 21, SUBTITLE 2A OF THIS ARTICLE THE HEALTH – GENERAL ARTICLE; OR

(45) FAILS TO COMPLY WITH ANY STATE OR FEDERAL LAW PERTAINING TO THE PRACTICE AS A PHYSICIAN ASSISTANT.

15–315.

(a) (1) Except as otherwise provided under § 10–226 of the State Government Article, before a disciplinary panel takes any action under § 15–311 or § 15–314(a) of this subtitle, the disciplinary panel shall give the individual against whom the action is contemplated an opportunity for a hearing before a hearing officer.

(2) The hearing officer shall give notice and hold the hearing in accordance with Title 10, Subtitle 2 of the State Government Article.

(3) A disciplinary panel may administer oaths in connection with any proceeding under this section.

[(4) At least 14 days before the hearing, the hearing notice required under this subtitle shall be sent by certified mail to the last known address of the individual.]

15-316.

(a) If, after a hearing under § 15-315 of this subtitle, a disciplinary panel finds that there are grounds for discipline under § 15-314(a) of this subtitle to suspend or revoke a license of a physician assistant [or to], reprimand a licensed physician assistant, **OR PLACE THE LICENSED PHYSICIAN ASSISTANT ON PROBATION**, the disciplinary panel may impose a fine subject to the Board's regulations [instead of or] in addition to suspending or revoking the license [or], reprimanding the licensee, **OR PLACING THE LICENSEE ON PROBATION**.

(C) IN ADDITION TO ANY SANCTION AUTHORIZED UNDER THIS SUBTITLE, A DISCIPLINARY PANEL MAY REQUIRE A LICENSEE TO COMPLY WITH SPECIFIED TERMS AND CONDITIONS DETERMINED BY THE DISCIPLINARY PANEL.

15-402.1.

(c) [The Board] A DISCIPLINARY PANEL may impose a civil penalty in an amount not exceeding \$1,000 for a violation of this section.

15-403.

(b) (1) In addition to the penalties under subsection (a) of this section, a person who violates § 15-401 of this subtitle may be subject to a civil penalty assessed by [the Board] **A DISCIPLINARY PANEL** in an amount not exceeding \$5,000.

(2) In addition to the penalties under paragraph (1) of this subsection, a person who violates § 15-309 of this title may be subject to a civil penalty assessed by [the Board] **A DISCIPLINARY PANEL** in an amount not exceeding \$100.

(3) The Board shall pay any civil penalty collected under this subsection into the Board of Physicians Fund.

15-502.

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, [2023] **2030**.

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

Article – Health Occupations

14-404.

(a) Subject to the hearing provisions of § 14–405 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

(43) Fails to comply with § 1–223 of this article; [or]

(44) VIOLATES ANY PROVISION OF THIS TITLE, ANY RULE OR REGULATION ADOPTED BY THE BOARD, OR ANY STATE OR FEDERAL LAW PERTAINING TO THE PRACTICE OF MEDICINE; OR

[(44)] (45) Fails to comply with the requirements of the Prescription Drug Monitoring Program under Title 21, Subtitle 2A of ~~this article~~ the Health – General Article.

SECTION 3. AND BE IT FURTHER ENACTED, That, in the annual report the State Board of Physicians is required to submit under § 14–205.1 of the Health Occupations Article, as enacted by Section 1 of this Act, on or before October 1, ~~2020~~ 2021, the Board shall include:

(1) a description of the study conducted by the Board in consultation with the Polysomnography Professional Standards Committee and the Respiratory Care Professional Standards Committee on the powers and duties of the Polysomnography Professional Standards Committee; and

(2) make recommendations on whether to alter the duties of the Polysomnography Professional Standards Committee or combine the Polysomnography Professional Standards Committee with the Respiratory Care Professional Standards Committee or another allied health advisory committee.

SECTION 4. AND BE IT FURTHER ENACTED, That, in the annual report the State Board of Physicians is required to submit under § 14–205.1 of the Health Occupations Article, as enacted by Section 1 of this Act, on or before October 1, 2021, the Board shall include:

(1) an update on licensing by reciprocity and through the Interstate Medical Licensure Compact; and

(2) recommendations on whether to continue either or both methods of licensure and whether any statutory changes are needed to accomplish the goal of streamlining licensure for out-of-state physicians.

SECTION 5. AND BE IT FURTHER ENACTED, That, on or before December 1, 2020, the State Board of Physicians shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2–1257 of the State Government Article, recommendations for improving consistency and eliminating redundancy between

practitioners regulated by the Board, including any draft legislation necessary to implement the recommendations.

SECTION ~~5~~ 6. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of the termination provision specified in Section 5 of Chapter 470 of the Acts of the General Assembly of 2018. If that termination provision does not take effect, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect. This Act may not be interpreted to have any effect on that termination provision.

SECTION ~~6~~ 7. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section ~~5~~ 6 of this Act, this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

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

Chapter 613

(Senate Bill 395)

AN ACT concerning

State Board of Physicians and Allied Health Advisory Committees – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Board of Physicians and the related allied health advisory committees by extending to a certain date the termination provisions relating to statutory and regulatory authority of the State Board of Physicians and the committees; altering the reasons for which a disciplinary panel of the Board is authorized to deny a certain license or refuse to renew or reinstate an applicant's license; altering the data that is required to be included in a certain annual report by the Board ~~to include certain information regarding standard of care complaints and peer review~~; authorizing a disciplinary panel to issue a cease and desist order or obtain injunctive relief against an individual for certain unlicensed practice or misrepresentation; repealing the requirement that the Board chair and executive director be bonded; altering the circumstances under which a medical student or an individual in a postgraduate medical training program may practice medicine in the State without a license; altering the circumstances under which a physician may practice medicine at a hospital in the State without a license; altering the circumstances under which a physician in a neighboring state may practice medicine in the State without a license; requiring certain license applicants to complete, rather than submit to, a criminal history records check; prohibiting a disciplinary panel from reinstating a certain license unless the licensee completes, rather than

submits to, a criminal history records check; establishing a certain maximum license term for all physicians and allied health licensees; altering the circumstances under which certain licenses may be renewed or reinstated; altering the actions a disciplinary panel may take after being assigned certain complaints; authorizing a disciplinary panel to direct certain licensed physicians and allied health professionals to submit to a certain examination; authorizing a disciplinary panel to impose a fine on a licensee in addition to imposing certain sanctions under certain circumstances; requiring the Board to pay certain fines into the General Fund of the State; authorizing a disciplinary panel to require a licensee to comply with certain terms and conditions under certain circumstances; repealing the authority of a disciplinary panel under certain circumstances to impose a fine instead of suspending a license; altering the medical malpractice information that is required to be posted to a licensee's public profile; exempting, under certain circumstances, an individual licensed by and residing in another jurisdiction to practice respiratory care in the State from a certain licensure requirement; authorizing a disciplinary panel, rather than the Board, to impose a certain civil penalty for a violation of certain provisions of law; clarifying that certain penalties apply to violations of certain provisions of law; altering the memberships of the Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiology Assistance Advisory Committee, the Athletic Trainer Advisory Committee, the Naturopathic Doctors Formulary Council, and the Naturopathic Medicine Advisory Committee; altering the circumstances under which the Board is required to reinstate certain licenses; altering the grounds for which a disciplinary panel may take certain actions against certain applicants and licensees; requiring an athletic trainer to submit a certain copy of the evaluation and treatment protocol for Board approval, rather than obtaining Board approval of the evaluation and treatment protocol, before being authorized to practice athletic training; altering the circumstances under which a certain supervising physician may assume a certain role; authorizing the Board to terminate the evaluation and treatment protocol of an athletic trainer or delegation agreement of a physician assistant under certain circumstances; altering the time at which an athletic trainer or a physician assistant is authorized to assume certain duties under certain circumstances; requiring a supervising physician or an employer to notify the Board within a certain time period of the termination of a physician assistant for certain reasons; requiring a physician assistant and supervising physician to notify the Board within a certain period of time of the termination of the relationship under a delegation agreement for any reason; authorizing a physician assistant to terminate a delegation agreement at any time subject to certain notice requirements; altering the time period that certain health occupations boards must provide certain licensees and certificate holders to provide the board with a certain response; authorizing a disciplinary panel to impose a certain civil penalty in lieu of a certain sanction for a certain violation; prohibiting a certain athletic trainer from practicing until the athletic trainer receives certain approval; specifying the time period within which a supervising physician and an athletic trainer is required to notify the Board of certain information; altering a certain defined term; requiring the Board to include certain information and make certain recommendations in certain reports; requiring the Board to report to certain committees of the General Assembly on or before a certain date; repealing obsolete

and redundant language; clarifying and reorganizing certain provisions of law; making conforming changes; making this Act an emergency measure; and generally relating to the State Board of Physicians and the related allied health advisory committees.

BY repealing and reenacting, with amendments,
 Article – Courts and Judicial Proceedings
 Section 5–715(a) and (b)
 Annotated Code of Maryland
 (2013 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
 Article – Health – General
 Section 13–1201 and 13–1204(a) and (b)
 Annotated Code of Maryland
 (2019 Replacement Volume)

BY repealing and reenacting, with amendments,
 Article – Health Occupations
 Section 1–401(b)(2) and (9), 1–604, 14–101(g) through (j), 14–205(a)(20), (b)(3), and (c)(1), ~~14–205.1(1)~~ 14–205.1, 14–206(e), 14–302, 14–306(f)(3), 14–307(i), 14–309(a)(1), 14–312.1, 14–316(a), (c), (d)(6), and (g)(1)(i), ~~14–317~~, 14–401.1(c)(1), 14–402(a) and (c), 14–404(a)(42) ~~through~~, (44), and (45), 14–407, 14–409, 14–411.1(b), 14–412, ~~14–501(e)~~ 14–413(e)(1), 14–414(e)(1), 14–502(b)(1), (2), and (3), 14–506(b)(1), 14–5A–08, 14–5A–09(e), 14–5A–10(1), 14–5A–13(a), (c), (d)(2), and (g)(1), 14–5A–17(a)(28), 14–5A–18(g)(1), ~~14–5A–19(e)(2)~~ 14–5A–19(c), 14–5A–22.1(c), 14–5A–23(a) and (b), 14–5A–25; 14–5B–01(q), 14–5B–04(a), 14–5B–05(b), 14–5B–09(b)(5), 14–5B–10(a)(1), 14–5B–12(a), (c), (d)(2), (f), and (g)(1)(i), 14–5B–14(a)(28), 14–5B–15(g)(1), ~~14–5B–16(e)(2)~~ 14–5B–16(c), 14–5B–18.1(c), 14–5B–19(a) and (b), 14–5B–21 to be under amended the subtitle “Subtitle 5B. Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiology Assistance”; 14–5C–09(b)(3), 14–5C–11(1), 14–5C–14(a), (c), and (g)(1), 14–5C–17(a)(26) through (29), 14–5C–18(g)(1), ~~14–5C–19(e)(2)~~ 14–5C–19(c), 14–5C–22.1(c), 14–5C–23(a) and (b), 14–5C–25, 14–5D–05(a), 14–5D–08(b)(3), 14–5D–09(a)(1), 14–5D–11(b) ~~and (c)~~, 14–5D–11.1(c), 14–5D–11.2, 14–5D–11.3, 14–5D–12(a), (c), (g), and (h)(1), 14–5D–14(a)(29), 14–5D–15, ~~14–5D–16(e)(2)~~ 14–5D–16(c), 14–5D–18(a) and (b), 14–5D–20, 14–5E–09(b)(3), 14–5E–11(a)(1), 14–5E–13(a), (c)(1), and (g)(1), 14–5E–16(a)(26) through (29), 14–5E–18(g)(1), ~~14–5E–19(e)(2)~~ 14–5E–19(c), 14–5E–23(a) and (b), 14–5E–25, 14–5F–04.1(a)(2)(ii)2., 14–5F–07(a)(1) and (c), 14–5F–11(g), 14–5F–12(1), 14–5F–15(a), (c), and (d)(1)(i), 14–5F–18(a)(27), 14–5F–22, 14–5F–24(c), 14–5F–29, 14–5F–32, 14–602(b)(5), 14–702, 15–103(b) and (i)(1), 15–202(a)(3), 15–203, 15–302, 15–302.1, 15–303(a)(1), 15–304(1), 15–307(a), ~~(f)~~, and (g)(1), 15–308(b), 15–311, 15–314(a)(42) and (43), 15–315(a), 15–316(a), 15–402.1(c), 15–403(b), and 15–502
 Annotated Code of Maryland

(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 14–101(a), 14–201, 14–404(a)(40) ~~and (43)~~, 14–5B–01(a), and 15–202(a)(1)
and (2)

Annotated Code of Maryland

(2014 Replacement Volume and 2019 Supplement)

BY repealing

Article – Health Occupations

Section 14–101(f), 14–208, 14–302.1, 14–312, 14–321, 14–401.1(c)(4), 14–405.1,
14–501, 14–5A–19(b), 14–5B–16(b), 14–5C–17(a)(25), and 14–5C–19(b),
14–5D–11(e), 14–5D–16(b), 14–5E–16(a)(25), and 14–5E–19(b)

Annotated Code of Maryland

(2014 Replacement Volume and 2019 Supplement)

BY adding to

Article – Health Occupations

Section 14–101(j), 14–404(a)(46), (d), and (e), 14–5A–17(d) and (e), 14–5B–14(d) and
(e), 14–5C–14(h), 14–5C–17(d) and (e), 14–5D–11(e), (f), and (g), 14–5D–14(d)
and (e), 14–5E–13(h), 14–5E–16(d) and (e), 14–5F–15(e), 14–5F–18(d) and (e),
15–314(a)(44) and (45), and 15–316(c)

Annotated Code of Maryland

(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 14–404(a)(43)

Annotated Code of Maryland

(2014 Replacement Volume and 2019 Supplement)

(As enacted by Chapter 470 of the Acts of the General Assembly of 2018)

BY adding to

Article – Health Occupations

Section 14–404(a)(44)

Annotated Code of Maryland

(2014 Replacement Volume and 2019 Supplement)

(As enacted by Chapter 470 of the Acts of the General Assembly of 2018)

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 14–404(a)(44)

Annotated Code of Maryland

(2014 Replacement Volume and 2019 Supplement)

(As enacted by Section 1 of this Act)

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

Article – Courts and Judicial Proceedings

5–715.

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

(2)], “Board” means the State Board of Physicians.

[(3) “Faculty” means the Medical and Chirurgical Faculty of the State of Maryland.]

(b) A person who acts without malice and is a member of the Board or a legally authorized agent of the Board, is not civilly liable for investigating, prosecuting, participating in a hearing under § 14–405 of the Health Occupations Article, or otherwise acting on an allegation of a ground for Board action made to the Board [or the Faculty].

Article – Health – General

13–1201.

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

(b) “Data use agreement” means an agreement between the Department and a national, State, or local agency or program that establishes the terms and conditions for the confidential submission, collection, storage, analysis, reporting, aggregation, and dissemination of de-identified data obtained from the Maternal Mortality Review Program.

(c) [“Faculty” means the Medical and Chirurgical Faculty in the State.

(d)] “Local team” means the multidisciplinary and multiagency maternal mortality review team established for a county.

[(e)] (D) “Maternal mortality review committee” means the maternal mortality review committee of [the Faculty] **MEDCHI** that is a medical review committee, as defined under § 1–401 of the Health Occupations Article.

[(f)] (E) “Maternal death” means the death of a woman during pregnancy or within 1 year after the woman ceases to be pregnant.

(F) **“MEDCHI” MEANS THE MARYLAND STATE MEDICAL SOCIETY.**

13–1204.

(a) The Secretary may contract with [the Faculty] **MEDCHI** to administer the Maternal Mortality Review Program.

(b) In consultation with the maternal mortality review committee of [a faculty] **MEDCHI**, the Secretary shall develop a system to:

- (1) Identify maternal death cases;
- (2) Review medical records and other relevant data;
- (3) Contact family members and other affected or involved persons to collect additional relevant data;
- (4) Consult with relevant experts to evaluate the records and data collected;
- (5) Make determinations regarding the preventability of maternal deaths;
- (6) Develop recommendations for the prevention of maternal deaths; and
- (7) Disseminate findings and recommendations to policy makers, health care providers, health care facilities, and the general public.

Article – Health Occupations

1–401.

(b) For purposes of this section, a medical review committee is:

(2) A committee of the [Faculty] **MARYLAND STATE MEDICAL SOCIETY** or any of its component societies or a committee of any other professional society or association composed of providers of health care;

(9) An organization, established by the Maryland Hospital Association, Inc. and the [Faculty] **MARYLAND STATE MEDICAL SOCIETY**, that contracts with a hospital, related institution, or alternative delivery system to:

(i) Assist in performing the functions listed in subsection (c) of this section; or

(ii) Assist a hospital in meeting the requirements of § 19–319(e) of the Health – General Article;

1–604.

(a) If a statute authorizes a health occupations board to use a system of peer review in standard of care cases and the peer reviewer or peer reviewers determine that there has been a violation of a standard of care, the board shall provide the licensee or certificate holder under investigation [with an]:

(1) AN opportunity to review the final peer review report; and

(2) AT LEAST 10 BUSINESS DAYS AFTER THE REPORT WAS SENT TO THE LICENSEE OR CERTIFICATE HOLDER TO provide the board with a written response [within 10 business days after the report was sent to the licensee or certificate holder].

(b) If a health occupations board receives a written response to a final peer review report, the board shall consider both the report and response before taking any action.

14-101.

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

[(f) “Faculty” means the Medical and Chirurgical Faculty of the State of Maryland.]

[(g) (F) “Hospital” has the meaning stated in § 19-301 of the Health – General Article.

[(h) (G) “License” means, unless the context requires otherwise, a license issued by the Board to practice medicine.

[(i) (H) “Licensed physician” means, unless the context requires otherwise, a physician, including a doctor of osteopathy, who is licensed by the Board to practice medicine.

[(j) (I) “Licensee” means an individual to whom a license is issued, including an individual practicing medicine within or as a professional corporation or professional association.

(J) “MEDCHI” MEANS THE MARYLAND STATE MEDICAL SOCIETY.

14-201.

There is a State Board of Physicians in the Department.

14-205.

(a) In addition to the powers and duties set forth in this title and in Title 15 of this article, the Board shall:

(20) Delegate to the executive director of the Board the authority to discharge Board **OR DISCIPLINARY PANEL** duties, as deemed appropriate and necessary by the Board **OR DISCIPLINARY PANEL**, and hold the executive director accountable to the Board; and

(b) (3) Subject to the Administrative Procedure Act and the hearing provisions of § 14–405 of this title, a disciplinary panel may deny a license to an applicant or, if an applicant has failed to renew the applicant’s license, refuse to renew or reinstate an applicant’s license for:

(i) Any of the reasons that are grounds for action under § 14–404, § 14–5A–17, § 14–5B–14, § 14–5C–17, § 14–5D–14, § 14–5E–16, OR § 14–5F–18 of this title, **AS APPLICABLE**; or

(ii) Failure to [submit to] **COMPLETE** a criminal history records check in accordance with § 14–308.1 of this title.

(c) (1) In addition to the duties set forth elsewhere in this title, the Board shall:

(i) [Submit an annual report to the Faculty and to the Secretary;

(ii)] Issue, for use in other jurisdictions, a certificate of professional standing to any licensed physician; and

[(iii)] **(II)** Keep a list of all license applicants.

14–205.1.

On or before October 1 each year, the Board shall submit to the Governor, the Secretary, and, in accordance with § 2–1257 of the State Government Article, the General Assembly an annual report that includes the following data calculated on a fiscal year basis:

(1) Relevant disciplinary indicators, including:

(i) ~~The number of physicians investigated under each of the disciplinary grounds enumerated under § 14–404 of this [article] TITLE;~~

(ii) ~~The number of physicians who were reprimanded or placed on probation or who had their licenses suspended or revoked;~~

(iii) ~~The number of cases prosecuted and dismissed and on what grounds;~~

(iv) ~~The criteria used to accept and reject cases for prosecution; [and]~~

~~(v) The number of unresolved allegations pending before the Board;~~
AND

~~(VI) WITH REGARD TO STANDARD OF CARE COMPLAINTS:~~

- ~~1. THE TOTAL NUMBER OF COMPLAINTS FILED;~~
- ~~2. THE TOTAL NUMBER OF COMPLAINTS FILED THAT WERE CLOSED OUTRIGHT OR WITH AN ADVISORY LETTER;~~
- ~~3. THE TOTAL NUMBER OF COMPLAINTS FILED THAT WERE SENT TO PEER REVIEW; AND~~
- ~~4. OF THE COMPLAINTS SENT TO PEER REVIEW, HOW OFTEN THE PEER REVIEWERS DISAGREED WHOLLY OR IN PART;~~

(I) THE NUMBER OF NEW COMPLAINTS INVESTIGATED FOR PHYSICIANS, ALLIED HEALTH PRACTITIONERS, AND UNLICENSED INDIVIDUALS;

(II) THE NUMBER OF COMPLAINTS THAT REMAIN OPEN AS OF JUNE 30 OF THE IMMEDIATELY PRECEDING FISCAL YEAR AT THE BOARD AND AT THE OFFICE OF THE ATTORNEY GENERAL;

(III) THE THREE MOST COMMON GROUNDS FOR COMPLAINTS;

(IV) THE THREE MOST COMMON SOURCES OF THE COMPLAINTS RECEIVED;

(V) THE NUMBER AND TYPES OF DISCIPLINARY ACTIONS TAKEN BY THE BOARD;

(VI) THE TOTAL NUMBER OF CASES REFERRED TO PEER REVIEW; AND

(VII) OF THE CASES REFERRED TO PEER REVIEW:

1. THE NUMBER OF PEER REVIEW CASES THAT RESULTED IN TOTAL DISAGREEMENT;

2. THE NUMBER OF PEER REVIEW CASES THAT RESULTED IN CHARGES BEING ISSUED; AND

3. THE NUMBER OF PEER REVIEW CASES THAT RESULTED IN CLOSURE OR CLOSURE WITH AN ADVISORY LETTER;

(2) [The average length of the time spent investigating allegations brought against physicians under each of the disciplinary grounds enumerated under § 14–404 of this article;

(3) The number of cases not completed within 18 months **BY THE BOARD** and the reasons for the failure to complete the cases in 18 months; **AND**

[(4)] (3) For both physicians and allied health professionals:

(i) **THE TOTAL NUMBER OF ALL LICENSEES;**

(ii) The number of initial, [and] renewal, **AND REINSTATEMENT** licenses issued;

(iii) (iii) The number of positive and negative criminal history records checks results received;

(iv) (iv) The number of individuals denied initial or renewal licensure due to positive criminal history records checks results; and

(v) (v) The number of individuals denied initial, [or] renewal, **OR REINSTATEMENT** licensure due to reasons other than a positive criminal history records check[; and

(5) The adequacy of current Board staffing in meeting the workload of the Board].

14–206.

(e) A disciplinary panel may issue a cease and desist order or obtain injunctive relief against an individual for:

(1) Practicing ~~medicine~~ **A PROFESSION REGULATED UNDER THIS TITLE OR TITLE 15 OF THIS ARTICLE** without a license; [or]

(2) **REPRESENTING TO THE PUBLIC, BY TITLE, DESCRIPTION OF SERVICES, METHODS, PROCEDURES, OR OTHERWISE, THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE ~~MEDICINE~~;**

(i) **MEDICINE** IN THIS STATE, IN VIOLATION OF § 14–602 OF THIS TITLE; ~~OR~~

(ii) **RESPIRATORY CARE IN THIS STATE, IN VIOLATION OF § 14–5A–21 OF THIS TITLE;**

(III) RADIATION THERAPY, RADIOGRAPHY, NUCLEAR MEDICINE TECHNOLOGY, OR RADIATION ASSISTANCE IN THIS STATE, IN VIOLATION OF § 14-5B-18 OF THIS TITLE;

(IV) POLYSOMNOGRAPHY IN THIS STATE, IN VIOLATION OF § 14-5C-21 OF THIS TITLE;

(V) ATHLETIC TRAINING IN THIS STATE, IN VIOLATION OF § 14-5D-17(3) OF THIS TITLE;

(VI) PERFUSION IN THIS STATE, IN VIOLATION OF § 14-5E-21 OF THIS TITLE;

(VII) NATUROPATHIC MEDICINE IN THIS STATE, IN VIOLATION OF § 14-5F-30 OF THIS TITLE; OR

(VIII) AS A PHYSICIAN ASSISTANT IN THIS STATE, IN VIOLATION OF § 15-402 OF THIS ARTICLE; OR

[(2)] (3) Taking any action:

(i) For which a disciplinary panel determines there is a preponderance of evidence of grounds for discipline under § 14-404 of this title; and

(ii) That poses a serious risk to the health, safety, and welfare of a patient.

[14-208.

The executive director and the Board chair shall be bonded in an amount fixed by the Board.]

14-302.

[(a)] Subject to the rules, regulations, and orders of the Board, the following individuals may practice medicine without a license:

(1) A medical student or an individual in a postgraduate medical training program that is [approved] ACCREDITED BY AN ACCREDITING ORGANIZATION RECOGNIZED by the Board IN REGULATIONS, while THE INDIVIDUAL IS PRACTICING MEDICINE IN THE PROGRAM AND doing the assigned duties at any office of a licensed physician, hospital, clinic, or similar facility;

(2) A physician licensed by and residing in another jurisdiction, if the physician:

(i) Is engaged in consultation with a physician licensed in the State about a particular patient and does not direct patient care; [or]

[(ii) Meets the requirements of § 14–302.1 of this subtitle;]

(II) 1. HAS AN ACTIVE, UNRESTRICTED LICENSE TO PRACTICE MEDICINE IN THE JURISDICTION WHERE THE PHYSICIAN REGULARLY ENGAGES IN THE PRACTICE OF MEDICINE;

2. IS EMPLOYED BY OR HAS A WRITTEN AGREEMENT WITH AN ATHLETIC TEAM OR A SPORTS TEAM BASED OUTSIDE THE STATE;

3. IS DESIGNATED AS THE TEAM PHYSICIAN BY THE ATHLETIC OR SPORTS TEAM TO PROVIDE MEDICAL CARE TO THE TEAM’S MEMBERS, BAND MEMBERS, CHEERLEADING SQUAD, MASCOT, COACHES, AND OTHER STAFF WHO TRAVEL TO A SPECIFIED SPORTING EVENT TAKING PLACE IN THE STATE;

4. WHILE IN THE STATE, PROVIDES MEDICAL CARE ONLY TO INDIVIDUALS LISTED IN ITEM 3 OF THIS ITEM;

5. DOES NOT PROVIDE MEDICAL CARE IN THE STATE FOR MORE THAN 45 DAYS IN A CALENDAR YEAR; AND

6. DOES NOT ENGAGE IN THE PRACTICE OF MEDICINE AT A HOSPITAL, RELATED INSTITUTION, OR OTHER HEALTH CARE FACILITY, INCLUDING AN ACUTE CARE FACILITY, LOCATED WITHIN THE STATE; OR

(III) IS ENGAGED IN CLINICAL TRAINING OR PARTICIPATES IN TRAINING OR TEACHING OF A SKILL OR PROCEDURE IN A HOSPITAL IF:

1. THE SKILL OR PROCEDURE:

A. IS ADVANCED BEYOND THOSE SKILLS OR PROCEDURES NORMALLY TAUGHT OR EXERCISED IN THE HOSPITAL AND IN STANDARD MEDICAL EDUCATION OR TRAINING;

B. COULD NOT BE OTHERWISE CONVENIENTLY TAUGHT OR DEMONSTRATED IN STANDARD MEDICAL EDUCATION OR TRAINING IN THAT HOSPITAL; AND

C. IS LIKELY TO BENEFIT MARYLAND PATIENTS IN THIS INSTANCE;

2. ~~THE DEMONSTRATION OF THE SKILL OR PROCEDURE WOULD TAKE NOT MORE THAN 14 CONSECUTIVE DAYS WITHIN A~~ ALL SKILLS OR PROCEDURES BY THE PHYSICIAN DOES NOT EXCEED 14 DAYS TOTAL IN THE CALENDAR YEAR;

3. A LICENSED PHYSICIAN WHO PRACTICES AT A HOSPITAL IN THE STATE WILL BE RESPONSIBLE FOR THE MEDICAL CARE PROVIDED BY THAT VISITING PHYSICIAN TO PATIENTS IN THE STATE;

4. THE VISITING PHYSICIAN HAS NO HISTORY OF ANY MEDICAL DISCIPLINARY ACTION IN ANY OTHER STATE, TERRITORY, NATION, OR ANY BRANCH OF THE UNITED STATES UNIFORMED SERVICES OR THE VETERANS ADMINISTRATION, AND HAS NO SIGNIFICANT DETRIMENTAL MALPRACTICE HISTORY;

5. THE PHYSICIAN IS COVERED BY MALPRACTICE INSURANCE IN THE JURISDICTION IN WHICH THE PHYSICIAN PRACTICES; AND

6. THE HOSPITAL ENSURES THAT THE PATIENTS WILL BE PROTECTED BY ADEQUATE MALPRACTICE INSURANCE;

(3) A physician employed in the service of the federal government while performing the duties incident to that employment;

(4) A physician who resides in and is authorized to practice medicine by any state adjoining this State [and whose practice extends into this State] **FOR THE PURPOSE OF PRESCRIBING HOME HEALTH SERVICES TO A PATIENT WHO RESIDES IN THIS STATE, if THE PHYSICIAN:**

(i) [The physician does] **DOES** not have an office or other regularly appointed place in this State to meet patients; and

(ii) [The same privileges are extended to licensed physicians of this State by the adjoining state] **HAS PERFORMED AN IN-PERSON PHYSICAL EXAMINATION OF THE PATIENT WITHIN THE JURISDICTIONAL BOUNDARIES OF THE ADJOINING STATE IN WHICH THE PRESCRIBING PHYSICIAN IS AUTHORIZED TO PRACTICE MEDICINE;** and

(5) An individual while under the supervision of a licensed physician who has specialty training in psychiatry, and whose specialty training in psychiatry has been approved by the Board, if the individual submits an application to the Board on or before October 1, 1993, and either:

(i) 1. Has a master's degree from an accredited college or university; and

2. Has completed a graduate program accepted by the Board in a behavioral science that includes 1,000 hours of supervised clinical psychotherapy experience; or

(ii) 1. Has a baccalaureate degree from an accredited college or university; and

2. Has 4,000 hours of supervised clinical experience that is approved by the Board.

[(b) A physician licensed by and residing in another jurisdiction may practice medicine without a license and without submitting to a criminal history records check if the physician:

(1) Has an active, unrestricted license to practice medicine in the jurisdiction where the physician regularly engages in the practice of medicine;

(2) Is employed by or has a written agreement with an athletic team or a sports team based outside the State;

(3) Is designated as the team physician by the athletic or sports team to provide medical care to the team's members, band members, cheerleading squad, mascot, coaches, and other staff who travel to a specified sporting event taking place in the State;

(4) While in the State, provides medical care only to individuals listed in item (3) of this subsection;

(5) Does not provide medical care in the State for more than 45 days in a calendar year; and

(6) Does not engage in the practice of medicine at a hospital, related institution, or other health care facility, including an acute care facility, located within the State.]

[14–302.1.

A physician who is licensed and resides in another jurisdiction may practice medicine without a license while engaged in clinical training with a licensed physician if:

(1) The Board finds, on application by a hospital in the State, that:

(i) The physician possesses a skill or uses a procedure that:

1. Is advanced beyond those skills or procedures normally taught or exercised in the hospital and in standard medical education or training;

2. Could not be otherwise conveniently taught or demonstrated in standard medical education or training in that hospital; and

3. Is likely to benefit Maryland patients in this instance;

(ii) The demonstration of the skill or procedure would take no more than 14 consecutive days within a calendar year;

(iii) A licensed physician who practices at a hospital in the State has certified to the Board that the licensed physician will be responsible for the medical care provided by that visiting physician to patients in the State;

(iv) The visiting physician has no history of any medical disciplinary action in any other state, territory, nation, or any branch of the United States uniformed services or the Veterans Administration, and has no significant detrimental malpractice history in the judgment of the Board;

(v) The physician is covered by malpractice insurance in the jurisdiction in which the physician practices; and

(vi) The hospital assures the Board that the patients will be protected by adequate malpractice insurance; or

(2) The Board finds, on application by a Maryland hospital, that:

(i) The hospital provides training in a skill or uses a procedure that:

1. Is advanced beyond those skills or procedures normally taught or exercised in standard medical education or training;

2. Could not be otherwise conveniently taught or demonstrated in the visiting physician's practice; and

3. Is likely to benefit Maryland patients in this instance;

(ii) The demonstration or exercise of the skill or procedure will take no more than 14 consecutive days within a calendar year;

(iii) A hospital physician licensed in the State has certified to the Board that the physician will be responsible for the medical care provided by that visiting physician to patients in the State;

(iv) The visiting physician has no history of any medical disciplinary action in any other state, territory, nation, or any branch of the United States uniformed services or the Veterans Administration, and has no significant detrimental malpractice history in the judgment of the Board;

(v) The physician is covered by malpractice insurance in the jurisdiction where the physician practices; and

(vi) The hospital assures the Board that the patients will be protected by adequate malpractice insurance.]

14-306.

(f) (3) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$5,000 for each instance of a hospital's failure to comply with the requirements of this subsection.

14-307.

(i) The applicant shall [submit to] **COMPLETE** a criminal history records check in accordance with § 14-308.1 of this subtitle.

14-309.

(a) To apply for a license, an applicant shall:

(1) [Submit to] **COMPLETE** a criminal history records check in accordance with § 14-308.1 of this subtitle;

[14-312.

(a) In this section, “approved school of osteopathy” means a school of osteopathy that is approved by the American Osteopathic Association.

(b) Subject to the provisions of this section, the Board shall waive the examination requirements of this subtitle for an applicant who is licensed to practice osteopathy.

(c) If the applicant is licensed to practice osteopathy in this State under § 14-321 of this subtitle, the Board may grant a waiver under this section only if the applicant:

(1) Submits to a criminal history records check in accordance with § 14-308.1 of this subtitle;

(2) Submits the application fee required by the Board under § 14-309 of this subtitle; and

(3) Provides adequate evidence that the applicant:

(i) Meets the qualifications otherwise required by this title; and

- (ii) 1. Practiced osteopathy and resided in this State on June 1, 1967;
2. Graduated in or after 1940 from an approved school of osteopathy; or
3. Graduated before 1940 from an approved school of osteopathy and completed a refresher education course approved by the Board.

(d) If the applicant is licensed as a doctor of osteopathy to practice medicine in another state, the Board may grant a waiver under this section only if the applicant:

- (1) Submits to a criminal history records check in accordance with § 14–308.1 of this subtitle;
- (2) Submits the application fee set by the Board under § 14–309 of this subtitle;
- (3) Provides adequate evidence that the applicant:
- (i) Meets the qualifications otherwise required by this title;
- (ii) Graduated after January 1, 1960 from an approved school of osteopathy; and
- (iii) Became licensed in the other state after passing in that state an examination for the practice of medicine given by the appropriate authority in the other state to graduates of approved medical schools; and
- (4) Submits evidence that the other state waives the examination of licensees of this State to a similar extent as this State waives the examination of individuals licensed in that state.]

[14–312.1.] 14–312.

On request of the Board, a physician who reports to the Board that the physician maintains medical professional liability insurance for purposes of the public individual profile maintained by the Board under § 14–411.1(b) of this title shall provide the Board with verification or other documentation that the physician maintains the insurance within 25 business days after the physician receives a request from the Board.

14–316.

(a) (1) [The Board shall provide for the term and renewal of licenses under this section.

(2) The term of a license **ISSUED BY THE BOARD** may not [be more than] **EXCEED** 3 years.

[(3)] (2) A license expires [at the end of its term] **ON A DATE SET BY THE BOARD**, unless the license is renewed for a term as provided [by the Board] **IN THIS SECTION**.

(c) (1) Before the license expires, the licensee periodically may renew it for an additional term, if the licensee:

(i) Otherwise is entitled to be licensed;

(II) IS OF GOOD MORAL CHARACTER;

[(ii)] **(III)** Pays to the Board a renewal fee set by the Board; and

[(iii)] **(IV)** Submits to the Board:

1. A renewal application on the form that the Board requires;

and

2. Satisfactory evidence of compliance with any continuing education requirements set under this section for license renewal.

(2) Within 30 days after a license renewal under Section 7 of the Interstate Medical Licensure Compact established under § 14–3A–01 of this title, a compact physician shall submit to the Board the information required under paragraph [(1)(iii)] **(1)(IV)** of this subsection.

(d) (6) [The Board] **A DISCIPLINARY PANEL** may impose a civil penalty of up to \$100 per continuing medical education credit in lieu of a sanction under § 14–404 of this title, for a first offense, for the failure of a licensee to obtain the continuing medical education credits required by the Board.

(g) (1) Beginning October 1, 2016, the Board shall require a criminal history records check in accordance with § 14–308.1 of this subtitle for:

(i) [Annual renewal] **RENEWAL** applicants as determined by regulations adopted by the Board; and

~~14–317.~~

~~The Board shall reinstate the license of a physician who has failed to renew the license for any reason if the physician:~~

~~(1) Meets the renewal requirements of § 14–316 of this subtitle;~~

~~(2) IS OF GOOD MORAL CHARACTER;~~~~[(2)](3) Pays to the Board a reinstatement fee set by the Board; and~~~~[(3)](4) Submits to the Board satisfactory evidence of compliance with the qualifications and requirements established under this title for license reinstatements.~~

[14–321.

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

(2) “Practice osteopathy” means to treat a disease or ailment of the human body by manipulation.

(3) “Restricted license” means a license issued by the Board to practice osteopathy.

(b) The Board shall issue a restricted license only to an applicant who:

(1) Was licensed to practice osteopathy in this State or in another state on June 30, 1980;

(2) Is licensed to practice osteopathy in this State or in another state on the date that the application for a restricted license is submitted to the Board;

(3) Submits an application to the Board on the form that the Board requires;

(4) Pays to the Board the restricted license fee set by the Board; and

(5) Meets any other requirement set by the Board.

(c) A restricted license authorizes the license holder to practice osteopathy while the restricted license is effective.

(d) The term and renewal of a restricted license shall be as provided for a license under § 14–316 of this subtitle.

(e) (1) Subject to the requirements of the Administrative Procedure Act, the Board on the affirmative vote of a majority of its quorum, may reprimand a restricted license holder, may place any restricted license holder on probation, or suspend or revoke a restricted license for any of the grounds for Board action under § 14–404 of this title.

(2) The Board may only dismiss a case against a restricted license holder on the affirmative vote of a majority of its quorum.]

14–401.1.

(c) (1) Except as otherwise provided in this subsection, after being assigned a complaint under subsection (a) of this section, the disciplinary panel may:

(i) Refer an allegation for further investigation to the entity that has contracted with the Board under subsection (e) of this section; **OR**

(ii) Take any appropriate and immediate action as necessary[; or

(iii) Come to an agreement for corrective action with a licensee pursuant to paragraph (4) of this subsection].

[(4) (i) Except as provided in subparagraph (ii) of this paragraph, if an allegation is based on § 14–404(a)(40) of this subtitle, a disciplinary panel:

1. May determine that an agreement for corrective action is warranted; and

2. Shall notify the licensee of the identified deficiencies and enter into an agreement for corrective action with the licensee as provided in this paragraph.

(ii) A disciplinary panel may not enter into an agreement for corrective action with a licensee if patient safety is an issue.

(iii) The disciplinary panel shall subsequently evaluate the licensee and shall:

1. Terminate the corrective action if the disciplinary panel is satisfied that the licensee is in compliance with the agreement for corrective action and has corrected the deficiencies; or

2. Pursue disciplinary action under § 14–404 of this subtitle if the deficiencies persist or the licensee has failed to comply with the agreement for corrective action.

(iv) An agreement for corrective action under this paragraph may not be made public or considered a disciplinary action under this title.

(v) The Board shall provide a summary of each disciplinary panel's corrective action agreements in the executive director's report of Board activities.]

14–402.

(a) In reviewing an application for licensure[, certification, or registration] or in investigating an allegation brought against a licensed physician or any allied health professional regulated by the Board under this title, the Physician Rehabilitation Program may request the Board to direct, or the Board **OR A DISCIPLINARY PANEL** on its own initiative may direct, the licensed physician or any allied health professional regulated by the Board under this title to submit to an appropriate examination.

(c) The unreasonable failure or refusal of the licensed[, certified, or registered] individual to submit to an examination is prima facie evidence of the licensed[, certified, or registered] individual's inability to practice medicine or the respective discipline competently, unless the Board **OR DISCIPLINARY PANEL** finds that the failure or refusal was beyond the control of the licensed[, certified, or registered] individual.

14-404.

(a) Subject to the hearing provisions of § 14-405 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

(40) Fails to keep adequate medical records as determined by appropriate peer review;

(42) Fails to [submit to] **COMPLETE** a criminal history records check under § 14-308.1 of this title;

(44) Fails to meet the qualifications for licensure under Subtitle 3 of this title; [or]

(45) Fails to comply with § 1-223 of this article; **OR**

(46) FAILS TO COMPLY WITH THE REQUIREMENTS OF THE PRESCRIPTION DRUG MONITORING PROGRAM UNDER TITLE 21, SUBTITLE 2A OF ~~THIS ARTICLE~~ THE HEALTH – GENERAL ARTICLE.

(D) (1) IF, AFTER A HEARING UNDER § 14-405 OF THIS SUBTITLE, A DISCIPLINARY PANEL FINDS THAT THERE ARE GROUNDS UNDER SUBSECTION (A) OF THIS SECTION TO SUSPEND OR REVOKE A LICENSE, TO REPRIMAND A LICENSEE, OR TO PLACE A LICENSEE ON PROBATION, THE DISCIPLINARY PANEL MAY IMPOSE A FINE SUBJECT TO THE BOARD'S REGULATIONS IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE, REPRIMANDING THE LICENSEE, OR PLACING THE LICENSEE ON PROBATION.

(2) THE BOARD SHALL PAY ANY FINES COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND OF THE STATE.

(E) IN ADDITION TO ANY SANCTION AUTHORIZED UNDER THIS SECTION, A DISCIPLINARY PANEL MAY REQUIRE A LICENSEE TO COMPLY WITH SPECIFIED TERMS AND CONDITIONS DETERMINED BY THE DISCIPLINARY PANEL.

[14–405.1.

(a) If after a hearing under § 14–405 of this subtitle a disciplinary panel finds that there are grounds under § 14–404 of this subtitle to suspend or revoke a license to practice medicine or osteopathy, or to reprimand a licensed physician or osteopath, the disciplinary panel may impose a fine subject to the Board’s regulations:

(1) Instead of suspending the license; or

(2) In addition to suspending or revoking the license or reprimanding the licensee.

(b) The Board shall pay any fines collected under this section into the General Fund.]

14–407.

(a) An order of suspension or revocation is effective, in accordance with its terms and conditions, as soon as a disciplinary panel files it under this title.

(b) [On suspension or revocation of any license, the holder shall surrender the license certificate to the Board.

(c) At the end of the suspension period, the Board shall return to the licensee any license certificate surrendered under this section.

(d)] The Board shall keep a copy of the order of suspension or revocation as a permanent record.

14–409.

(a) (1) Except as provided in subsection (b) of this section, a disciplinary panel may reinstate the license of an individual whose license has been [suspended] **SURRENDERED** or revoked under this title only in accordance with:

(i) The terms and conditions of the order of [suspension or] revocation **OR LETTER OF SURRENDER;**

(ii) An order of reinstatement issued by the disciplinary panel; or

(iii) A final judgment in any proceeding for review.

~~(2) If a disciplinary panel reinstates a license under paragraph (1) of this subsection, the disciplinary panel shall notify the Board of the reinstatement.~~

~~(3)~~ **(2)** If a license is [suspended] **SURRENDERED** or revoked for a period of more than 1 year, the Board may reinstate the license after 1 year if the licensee:

(i) Meets the requirements for reinstatement as established by the Board; and

(ii) [Submits to] **COMPLETES** a criminal history records check in accordance with § 14–308.1 of this title.

(b) An individual whose license has been [suspended] **SURRENDERED** or revoked under this title and who seeks reinstatement shall meet the continuing medical education requirements established for the renewal of licenses as if the individual were licensed during the period of [suspension] **SURRENDER** or revocation.

(c) If an order of [suspension or] revocation is based on § 14–404(b) of this subtitle, and the conviction or plea subsequently is overturned at any stage of an appeal or other postconviction proceeding, the [suspension or] revocation ends when the conviction or plea is overturned.

14–411.1.

(b) The Board shall create and maintain a public individual profile on each licensee that includes the following information:

(1) A summary of charges filed against the licensee, including a copy of the charging document, until a disciplinary panel has taken action under § 14–404 of this subtitle based on the charges or has rescinded the charges;

(2) A description of any disciplinary action taken by the Board or a disciplinary panel against the licensee within the most recent 10–year period that includes a copy of the public order;

(3) A description in summary form of any final disciplinary action taken by a licensing board in any other state or jurisdiction against the licensee within the most recent 10–year period;

(4) [The number of medical malpractice final court judgments and arbitration awards against the licensee within the most recent 10–year period for which all appeals have been exhausted as reported to the Board;

(5)] A description of a conviction or entry of a plea of guilty or nolo contendere by the licensee for a crime involving moral turpitude reported to the Board under § 14–416 of this subtitle; and

[(6)] (5) As reported to the Board by the licensee, education and practice information about the licensee including:

(i) The name of any medical school that the licensee attended and the date on which the licensee graduated from the school;

(ii) A description of any internship and residency training;

(iii) A description of any specialty board certification by a recognized board of the American Board of Medical Specialties or the American Osteopathic Association;

(iv) The name of any hospital where the licensee has medical privileges;

(v) The location of the licensee’s primary practice setting;

(vi) Whether the licensee participates in the Maryland Medical Assistance Program; [and]

(vii) Whether the licensee maintains medical professional liability insurance; AND

(VIII) THE NUMBER OF MEDICAL MALPRACTICE FINAL COURT JUDGMENTS AND ARBITRATION AWARDS AGAINST THE LICENSEE WITHIN THE MOST RECENT 10–YEAR PERIOD ~~FOR WHICH ALL APPEALS HAVE BEEN EXHAUSTED.~~

14–412.

(a) If a person is a member of the Board or a legally authorized agent of the Board and is investigating, prosecuting, participating in a hearing, or otherwise acting on an allegation of a ground for Board action made to the Board [or the Faculty], the person shall have the immunity from liability described under § 5–715(b) of the Courts and Judicial Proceedings Article.

(b) A person who makes an allegation of a ground for Board action to the Board [or the Faculty] shall have the immunity from liability described under § 5–715(c) of the Courts and Judicial Proceedings Article.

~~14–501.~~

~~(e) After the Secretary reviews the standards of appropriate accrediting organizations and consults with [the Faculty] MEDCH, the Maryland Hospital Association, and the Maryland Association of Health Maintenance Organizations, the regulations adopted by the Secretary under subsection (b) of this section shall:~~

~~(1) Provide for a procedure for the collection and release of primary source verification information;~~

~~(2) Include standards by which any organization, including [the Faculty] MEDCH, may qualify to perform primary source verification; and~~

~~(3) Provide for the monitoring by the Secretary of any organization that qualifies to administer primary source verification.~~

14-413.

(e) (1) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$5,000 for failure to report under this section.

14-414.

(e) (1) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$5,000 for failure to report under this section.

[14-501.

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

(2) "Accrediting organization" means an organization that awards accreditation to managed care organizations, other health care organizations, hospitals, or other related institutions.

(3) "Primary source verification" means a procedure used by a hospital, related institution, or health maintenance organization to ensure the truth and accuracy of objective verifiable information submitted to the hospital, related institution, or health maintenance organization by a physician who is applying for practice privileges, entering into contract, or seeking employment with a hospital, related institution, or health maintenance organization.

(b) On or before January 1, 1997, the Secretary shall adopt regulations for a credentialing primary source verification information system that is available for all physicians licensed under this article.

(c) After the Secretary reviews the standards of appropriate accrediting organizations and consults with the Faculty, the Maryland Hospital Association, and the

Maryland Association of Health Maintenance Organizations, the regulations adopted by the Secretary under subsection (b) of this section shall:

(1) Provide for a procedure for the collection and release of primary source verification information;

(2) Include standards by which any organization, including the Faculty, may qualify to perform primary source verification; and

(3) Provide for the monitoring by the Secretary of any organization that qualifies to administer primary source verification.

(d) The Secretary may authorize hospitals, related institutions, or health maintenance organizations to rely on primary source verification information provided by an organization qualified to perform primary source verification in accordance with regulations adopted by the Secretary under this section instead of requiring a hospital, related institution, or health maintenance organization to use its own primary source verification procedure to test the truth and accuracy of information submitted.

(e) This section does not prohibit a hospital, related institution, or health maintenance organization from using its own primary source verification procedure.]

14-502.

(b) This section applies to:

(1) [The Faculty] **MEDCHI**;

(2) A component medical society of [the Faculty] **MEDCHI**;

(3) A committee of [the Faculty] **MEDCHI** or of a component medical society of [the Faculty] **MEDCHI**;

14-506.

(b) The following records and other information are confidential records:

(1) Any record and other information obtained by [the Faculty] **MEDCHI**, a component society of [the Faculty] **MEDCHI**, the Maryland Institute for Emergency Medical Services Systems, a hospital staff committee, or a national medical society or group organized for research, if that record or information identifies any person; and

14-5A-08.

(a) Except as otherwise provided in this subtitle, an individual shall be licensed by the Board before the individual may practice respiratory care in this State.

(b) This section does not apply to:

(1) An individual employed by the federal government as a respiratory care practitioner while the individual is practicing within the scope of that employment; [or]

(2) A respiratory care practitioner student enrolled in an education program which is accredited by an approved accrediting organization while practicing respiratory care in the program; **OR**

(3) AN INDIVIDUAL PRACTICING RESPIRATORY CARE WHO IS LICENSED BY AND RESIDING IN ANOTHER JURISDICTION IF:

(I) THE INDIVIDUAL IS PARTICIPATING IN THE TRANSPORTATION OF A PATIENT FROM THAT INDIVIDUAL'S JURISDICTION OF LICENSURE INTO THE STATE;

(II) THE INDIVIDUAL PRACTICES RESPIRATORY CARE ONLY DURING THE TRANSPORTATION OF THE PATIENT; ~~AND~~

(III) THE INDIVIDUAL DOES NOT PRACTICE RESPIRATORY CARE ON ANOTHER INDIVIDUAL WHO IS NOT THE PATIENT BEING TRANSPORTED INTO THE STATE; AND

(IV) THE INDIVIDUAL DOES NOT PRACTICE RESPIRATORY CARE IN THE STATE FOR MORE THAN A TOTAL OF 14 DAYS WITHIN A CALENDAR YEAR.

14-5A-09.

(e) The applicant shall [submit to] **COMPLETE** a criminal history records check in accordance with § 14-308.1 of this title.

14-5A-10.

To apply for a license, an applicant shall:

(1) [Submit to] **COMPLETE** a criminal history records check in accordance with § 14-308.1 of this title;

14-5A-13.

(a) **(1) THE TERM OF A LICENSE ISSUED BY THE BOARD MAY NOT EXCEED 3 YEARS.**

(2) A license expires on a date set by the Board, unless the license is renewed for an additional term as provided in this section.

(c) Except as otherwise provided in this subtitle, before a license expires, the licensee periodically may renew it for an additional term, if the licensee:

(1) **IS OF GOOD MORAL CHARACTER;**

(2) Pays to the Board a renewal fee set by the Board;

[(2)] (3) Submits to the Board:

(i) A renewal application on the form that the Board requires; and

(ii) Satisfactory evidence of compliance with any continuing education or competency requirements and other requirements set under this section for license renewal; and

[(3)] (4) Meets any additional renewal requirements established by the Board.

(d) (2) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$100 per continuing education credit in lieu of a sanction under § 14–5A–17 of this subtitle, for a first offense, for the failure of a licensee to obtain the continuing education credits required by the Board.

(g) (1) Beginning October 1, 2016, the Board shall require a criminal history records check in accordance with § 14–308.1 of this title for:

(i) [Annual renewal] **RENEWAL** applicants as determined by regulations adopted by the Board; and

(ii) Each former licensee who files for reinstatement under subsection (f) of this section.

14–5A–17.

(a) Subject to the hearing provisions of § 14–405 of this title, a disciplinary panel, on the affirmative vote of a majority of a quorum of the disciplinary panel, may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license, if the applicant or licensee:

(28) Fails to [submit to] **COMPLETE** a criminal history records check under § 14–308.1 of this title.

(D) (1) IF, AFTER A HEARING UNDER § 14-405 OF THIS TITLE, A DISCIPLINARY PANEL FINDS THAT THERE ARE GROUNDS UNDER SUBSECTION (A) OF THIS SECTION TO SUSPEND OR REVOKE A LICENSE, TO REPRIMAND A LICENSEE, OR TO PLACE A LICENSEE ON PROBATION, THE DISCIPLINARY PANEL MAY IMPOSE A FINE SUBJECT TO THE BOARD'S REGULATIONS IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE, REPRIMANDING THE LICENSEE, OR PLACING THE LICENSEE ON PROBATION.

(2) THE BOARD SHALL PAY ANY FINES COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND OF THE STATE.

(E) IN ADDITION TO ANY SANCTION AUTHORIZED UNDER THIS SECTION, A DISCIPLINARY PANEL MAY REQUIRE A LICENSEE TO COMPLY WITH SPECIFIED TERMS AND CONDITIONS DETERMINED BY THE DISCIPLINARY PANEL.

14-5A-18.

(g) (1) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$1,000 for failure to report under this section.

14-5A-19.

[(b) If a disciplinary panel reinstates a license under subsection (a) of this section, the disciplinary panel shall notify the Board of the reinstatement.]

~~(B)~~ (B) A disciplinary panel may not reinstate a revoked license that has been revoked for a period of more than 1 year unless the licensee:

(1) Meets the requirements for reinstatement as established under this title; and

(2) [Submits to] **COMPLETES** a criminal history records check in accordance with § 14-308.1 of this title.

14-5A-22.1.

(c) **[The Board] A DISCIPLINARY PANEL** may impose a civil penalty of up to \$1,000 for a violation of this section.

14-5A-23.

(a) A person who violates any provision of **§§ 14-5A-20 THROUGH 14-5A-22.1** OF this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

(b) [Any] A person who violates [a] ANY provision OF §§ 14-5A-20 THROUGH 14-5A-22.1 of this subtitle is subject to a civil fine of not more than \$5,000 to be levied by a disciplinary panel.

14-5A-25.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act and subject to the termination of this title under § 14-702 of this title, this subtitle and all rules and regulations adopted under this subtitle shall terminate and be of no effect after [June 1, 2020] **JULY 1, 2030**.

Subtitle 5B. Radiation [Oncology/Therapy] **THERAPY**, [Medical Radiation, and] **RADIOGRAPHY**, Nuclear Medicine [Technologists] **TECHNOLOGY, AND RADIOLOGY ASSISTANCE**.

14-5B-01.

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

(q) “Supervision” means the responsibility of a licensed physician to exercise on-site or immediately available direction for licensees [or holders of temporary licenses].

14-5B-04.

(a) (1) The Board shall set reasonable fees for the issuance of and renewal of licenses and other services it provides to licensees [and holders of temporary licenses].

(2) The fees charged shall be set so as to produce funds to approximate the cost of maintaining the licensure program and the other services provided to licensees [and holders of temporary licenses], including the cost of providing a rehabilitation program for licensees [and holders of temporary licenses] under § 14-401.1(g) of this title.

14-5B-05.

(b) (1) The Committee consists of ~~[10]~~ **NINE** members appointed by the Board.

(2) Of the ~~[10]~~ **NINE** members:

(i) One shall be a licensed physician who specializes in radiology;

(ii) One shall be a licensed physician who specializes in radiology and who supervises a radiologist assistant;

(iii) One shall be a licensed physician who specializes in nuclear medicine;

- oncology;
- (iv) One shall be a licensed physician who specializes in radiation oncology;
 - (v) One shall be a radiation therapist;
 - (vi) One shall be a radiographer;
 - (vii) One shall be a radiologist assistant;
 - (viii) One shall be a nuclear medicine technologist; **AND**
 - (ix) One shall be a consumer member[; and
 - (x) One shall be a member of the Board].

14-5B-09.

- (b) Except as provided in subsection (c) of this section, the applicant shall:

(5) [Submit to] **COMPLETE** a criminal history records check in accordance with § 14-308.1 of this title.

14-5B-10.

- (a) To apply for a license, an applicant shall:

(1) [Submit to] **COMPLETE** a criminal history records check in accordance with § 14-308.1 of this title;

14-5B-12.

(a) **(1) THE TERM OF A LICENSE ISSUED BY THE BOARD MAY NOT EXCEED 3 YEARS.**

(2) A license expires on a date set by the Board, unless the license is renewed for an additional term as provided in this section.

(c) Except as otherwise provided in this subtitle, before a license expires, the licensed individual may periodically renew it for an additional term, if the individual:

(1) **IS OF GOOD MORAL CHARACTER;**

(2) Pays to the Board a renewal fee set by the Board;

[(2)] (3) Submits to the Board:

(i) A renewal application on the form that the Board requires; and

(ii) Satisfactory evidence of compliance with any continuing education or competency requirements and other requirements required by the Board for license renewal; and

[(3)] (4) Meets any additional renewal requirements established by the Board.

(d) (2) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$100 per continuing medical education credit in lieu of a sanction under § 14–5B–14 of this subtitle, for a first offense, for the failure of a licensee to obtain the continuing medical education credits required by the Board.

(f) The Board shall reinstate the license of a radiation therapist, radiographer, nuclear medicine technologist, or radiologist assistant who has failed to renew a license for any reason if the radiation therapist, radiographer, nuclear medicine technologist, or radiologist assistant:

(1) MEETS THE RENEWAL REQUIREMENTS OF THIS SECTION;

[(1)] (2) Submits to the Board:

(i) A reinstatement application on the form that the Board requires; and

(ii) Satisfactory evidence of compliance with any continuing education or competency requirements; and

[(2)] (3) Meets any additional requirements established by the Board for reinstatement.

(g) (1) Beginning October 1, 2016, the Board shall require a criminal history records check in accordance with § 14–308.1 of this title for:

(i) **[Annual renewal] RENEWAL** applicants as determined by regulations adopted by the Board; and

14–5B–14.

(a) Subject to the hearing provisions of § 14–405 of this title, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license, if the applicant or licensee:

(28) Fails to [submit to] COMPLETE a criminal history records check under § 14-308.1 of this title.

(D) (1) IF, AFTER A HEARING UNDER § 14-405 OF THIS TITLE, A DISCIPLINARY PANEL FINDS THAT THERE ARE GROUNDS UNDER SUBSECTION (A) OF THIS SECTION TO SUSPEND OR REVOKE A LICENSE, TO REPRIMAND A LICENSEE, OR TO PLACE A LICENSEE ON PROBATION, THE DISCIPLINARY PANEL MAY IMPOSE A FINE SUBJECT TO THE BOARD'S REGULATIONS IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE, REPRIMANDING THE LICENSEE, OR PLACING THE LICENSEE ON PROBATION.

(2) THE BOARD SHALL PAY ANY FINES COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND OF THE STATE.

(E) IN ADDITION TO ANY SANCTION AUTHORIZED UNDER THIS SECTION, A DISCIPLINARY PANEL MAY REQUIRE A LICENSEE TO COMPLY WITH SPECIFIED TERMS AND CONDITIONS DETERMINED BY THE DISCIPLINARY PANEL.

14-5B-15.

(g) (1) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$1,000 for failure to report under this section.

14-5B-16.

[(b) If a disciplinary panel reinstates a license under subsection (a) of this section, the disciplinary panel shall notify the Board of the reinstatement.]

~~(B)~~ **(B)** A disciplinary panel may not reinstate a revoked license that has been revoked for a period of more than 1 year unless the licensee:

(1) Meets the requirements for reinstatement as established under this title; and

(2) [Submits to] **COMPLETES** a criminal history records check in accordance with § 14-308.1 of this title.

14-5B-18.1.

(c) **[The Board] A DISCIPLINARY PANEL** may impose a civil penalty of up to \$1,000 for employing an individual without a license under this section.

14-5B-19.

(a) A person who violates any provision of **§§ 14-5B-17 THROUGH 14-5B-18.1** OF this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

(b) **[Any] A** person who violates **ANY PROVISION OF §§ 14-5B-17 THROUGH 14-5B-18.1** OF this subtitle is subject to a civil fine of not more than \$5,000 to be levied by **[the Board] A DISCIPLINARY PANEL.**

14-5B-21.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, and subject to the termination of this title under § 14-702 of this title, this subtitle and all rules and regulations adopted under this subtitle shall terminate and be of no effect after **[June 1, 2020] JULY 1, 2030.**

14-5C-09.

(b) The applicant shall:

(3) **[Submit to] COMPLETE** a criminal history records check in accordance with § 14-308.1 of this title.

14-5C-11.

To apply for a license, an applicant shall:

(1) **[Submit to] COMPLETE** a criminal history records check in accordance with § 14-308.1 of this title;

14-5C-14.

(a) **(1) THE TERM OF A LICENSE ISSUED BY THE BOARD MAY NOT EXCEED 3 YEARS.**

(2) A license expires on a date set by the Board, unless the license is renewed for an additional term as provided in this section.

(c) Except as otherwise provided in this subtitle, before a license expires, the licensed polysomnographic technologist periodically may renew it for an additional term, if the licensee:

(1) Otherwise is entitled to be licensed;

(2) IS OF GOOD MORAL CHARACTER;

[(2)] (3) Pays to the Board a renewal fee set by the Board; and

[(3)] (4) Submits to the Board:

(i) A renewal application on the form that the Board requires; and

(ii) Satisfactory evidence of compliance with any continuing education or competency requirements and other requirements set under this section for license renewal.

(g) (1) Beginning October 1, 2016, the Board shall require a criminal history records check in accordance with § 14–308.1 of this title for:

(i) **[Annual renewal] RENEWAL** applicants as determined by regulations adopted by the Board; and

(ii) Each former licensee who files for reinstatement under subsection (f) of this section.

(H) A DISCIPLINARY PANEL MAY IMPOSE A CIVIL PENALTY OF UP TO \$100 PER CONTINUING EDUCATION CREDIT IN LIEU OF A SANCTION UNDER § 14–5C–17 OF THIS SUBTITLE, FOR A FIRST OFFENSE FOR FAILURE OF A LICENSEE TO OBTAIN THE CONTINUING EDUCATION CREDITS REQUIRED BY THE BOARD.

14–5C–17.

(a) Subject to the hearing provisions of § 14–405 of this title, a disciplinary panel, on the affirmative vote of a majority of a quorum of the disciplinary panel, may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license, if the applicant or licensee:

[(25) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;]

[(26)] (25) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV positive;

[(27)] (26) Practices or attempts to practice a polysomnography procedure or uses or attempts to use polysomnography equipment if the applicant or licensee has not received education and training in the performance of the procedure or the use of the equipment;

[(28)] (27) Fails to cooperate with a lawful investigation conducted by the Board; or

~~[(29)] (28)~~ Fails to ~~[submit to]~~ COMPLETE a criminal history records check under § 14–308.1 of this title.

(D) (1) IF, AFTER A HEARING UNDER § 14–405 OF THIS TITLE, A DISCIPLINARY PANEL FINDS THAT THERE ARE GROUNDS UNDER SUBSECTION (A) OF THIS SECTION TO SUSPEND OR REVOKE A LICENSE, TO REPRIMAND A LICENSEE, OR TO PLACE A LICENSEE ON PROBATION, THE DISCIPLINARY PANEL MAY IMPOSE A FINE SUBJECT TO THE BOARD’S REGULATIONS IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE, REPRIMANDING THE LICENSEE, OR PLACING THE LICENSEE ON PROBATION.

(2) THE BOARD SHALL PAY ANY FINES COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND OF THE STATE.

(E) IN ADDITION TO ANY SANCTION AUTHORIZED UNDER THIS SECTION, A DISCIPLINARY PANEL MAY REQUIRE A LICENSEE TO COMPLY WITH SPECIFIED TERMS AND CONDITIONS DETERMINED BY THE DISCIPLINARY PANEL.

14–5C–18.

(g) (1) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$1,000 for failure to report under this section.

14–5C–19.

[(b) If a disciplinary panel reinstates a license under subsection (a) of this section, the disciplinary panel shall notify the Board of the reinstatement.]

~~(B)~~ A disciplinary panel may not reinstate a revoked license that has been revoked for a period of more than 1 year unless the licensee:

(1) Meets the requirements for reinstatement as established under this title; and

(2) [Submits to] COMPLETEs a criminal history records check in accordance with § 14–308.1 of this title.

14–5C–22.1.

(c) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of not more than \$5,000 for a violation of this section.

14–5C–23.

(a) A person who violates any provision of §§ 14-5C-20 THROUGH 14-5C-22.1 OF this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

(b) [Any] A person who violates [a] ANY provision OF §§ 14-5C-20 THROUGH 14-5C-22.1 of this subtitle is subject to a civil fine of not more than \$5,000 to be levied by [the Board] A DISCIPLINARY PANEL.

14-5C-25.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act and subject to the termination of this title under § 14-702 of this title, this subtitle and all regulations adopted under this subtitle shall terminate and be of no effect after [June 1, 2020] **JULY 1, 2030**.

14-5D-05.

(a) The Committee consists of [11] NINE members appointed by the Board as follows:

(1) (i) On or before September 30, 2011, three athletic trainers who:

1. Are certified by a national certifying board; and
2. Have a minimum of 5 years of clinical experience; and

(ii) On or after October 1, 2011, three licensed athletic trainers who:

1. Are certified by a national certifying board; and
2. Have a minimum of 5 years of clinical experience;

(2) Three licensed physicians:

(i) At least one of whom is a specialist in orthopedic or sports medicine; and

(ii) Two of whom previously or currently have partnered with or directed an athletic trainer;

(3) One **MEMBER WHO IS:**

(I) A licensed chiropractor who has sports medicine experience;

[(4)] (II) [One] A licensed physical therapist; **OR**

~~[(5)] (III) [One] A licensed occupational therapist; and~~

~~[(6)] (4) Two consumer members.~~

14-5D-08.

(b) The applicant shall:

(3) [Submit to] **COMPLETE** a criminal history records check in accordance with § 14-308.1 of this title.

14-5D-09.

(a) To apply for a license, an applicant shall:

(1) [Submit to] **COMPLETE** a criminal history records check in accordance with § 14-308.1 of this title;

14-5D-11.

(b) Before an athletic trainer may practice athletic training, the athletic trainer shall:

(1) Obtain a license under this subtitle;

(2) Enter into a written evaluation and treatment protocol with a licensed physician; and

(3) Except as provided in § 14-5D-11.3(a) of this subtitle, [obtain Board approval of] **SUBMIT ~~A AN ORIGINAL, SIGNED COPY OF~~ the evaluation and treatment protocol FOR BOARD APPROVAL.**

~~(e) (1) In the event of a sudden departure, incapacity, or death of a supervising physician, OR CHANGE IN LICENSE STATUS THAT RESULTS IN THE PRIMARY SUPERVISING PHYSICIAN BEING UNABLE TO LEGALLY PRACTICE MEDICINE, a designated alternate supervising physician may assume the role of the supervising physician by submitting an evaluation and treatment protocol to the Board within 15 days of the event.~~

~~(2) THE BOARD MAY TERMINATE AN EVALUATION AND TREATMENT PROTOCOL IF:~~

~~(i) THE ATHLETIC TRAINER HAS A CHANGE IN LICENSE STATUS THAT RESULTS IN THE ATHLETIC TRAINER BEING UNABLE TO LEGALLY PRACTICE ATHLETIC TRAINING; OR~~

~~(H) THE SUPERVISING PHYSICIAN HAS A CHANGE IN LICENSE STATUS THAT RESULTS IN THE PHYSICIAN BEING UNABLE TO LEGALLY PRACTICE MEDICINE AND AN ALTERNATE SUPERVISING PHYSICIAN DOES NOT ASSUME THE ROLE OF SUPERVISING PHYSICIAN UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

(E) SUBJECT TO THE NOTICE REQUIRED UNDER § 14-5D-11.2 OF THIS SUBTITLE, AN ATHLETIC TRAINER MAY TERMINATE AN EVALUATION AND TREATMENT PROTOCOL FILED WITH THE BOARD UNDER THIS SECTION AT ANY TIME.

(F) (1) IN THE EVENT OF THE SUDDEN DEPARTURE, INCAPACITY, OR DEATH OF THE PRIMARY SUPERVISING PHYSICIAN OF AN ATHLETIC TRAINER, OR CHANGE IN LICENSE STATUS THAT RESULTS IN THE PRIMARY SUPERVISING PHYSICIAN BEING UNABLE TO LEGALLY PRACTICE MEDICINE, AN ALTERNATE SUPERVISING PHYSICIAN DESIGNATED UNDER SUBSECTION (C) OF THIS SECTION MAY SUPERVISE THE ATHLETIC TRAINER FOR NOT LONGER THAN 15 DAYS FOLLOWING THE EVENT.

(2) IF THERE IS NO DESIGNATED ALTERNATE SUPERVISING PHYSICIAN OR THE DESIGNATED ALTERNATE SUPERVISING PHYSICIAN DOES NOT AGREE TO SUPERVISE THE ATHLETIC TRAINER, THE ATHLETIC TRAINER MAY NOT PRACTICE UNTIL THE ATHLETIC TRAINER RECEIVES APPROVAL OF A NEW EVALUATION AND TREATMENT PROTOCOL UNDER § 14-5D-11.3 OF THIS SUBTITLE.

(3) AN ALTERNATE SUPERVISING PHYSICIAN OR OTHER LICENSED PHYSICIAN MAY ASSUME THE ROLE OF PRIMARY SUPERVISING PHYSICIAN BY SUBMITTING A NEW EVALUATION AND TREATMENT PROTOCOL TO THE BOARD FOR APPROVAL UNDER SUBSECTION (B) OF THIS SECTION.

(4) THE BOARD MAY TERMINATE AN EVALUATION AND TREATMENT PROTOCOL IF:

(i) THE ATHLETIC TRAINER HAS A CHANGE IN LICENSE STATUS THAT RESULTS IN THE ATHLETIC TRAINER BEING UNABLE TO LEGALLY PRACTICE ATHLETIC TRAINING;

(ii) AT LEAST 15 DAYS HAVE ELAPSED SINCE AN EVENT LISTED UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THERE IS AN ALTERNATE SUPERVISING PHYSICIAN DESIGNATED UNDER SUBSECTION (C) OF THIS SECTION;
OR

(iii) IMMEDIATELY AFTER AN EVENT LISTED UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THERE IS NO ALTERNATE SUPERVISING PHYSICIAN DESIGNATED UNDER SUBSECTION (C) OF THIS SECTION.

(G) AN ATHLETIC TRAINER WHOSE EVALUATION AND TREATMENT PROTOCOL IS TERMINATED MAY NOT PRACTICE ATHLETIC TRAINING UNTIL THE ATHLETIC TRAINER RECEIVES PRELIMINARY APPROVAL OF A NEW EVALUATION AND TREATMENT PROTOCOL UNDER § 14-5D-11.3 OF THIS SUBTITLE.

14-5D-11.1.

(c) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$1,000 on a person who employs or supervises an individual without a license or without an approved evaluation and treatment protocol.

14-5D-11.2.

(a) A physician or an employer shall notify the Board within 10 days of the termination of an athletic trainer for reasons that would be grounds for discipline under this subtitle.

(b) A supervising physician and an athletic trainer shall notify the Board **WITHIN 10 DAYS** of the termination of the relationship under an evaluation and treatment protocol.

14-5D-11.3.

(a) (1) An athletic trainer may assume the duties under an evaluation and treatment protocol [after receiving a written recommendation of approval from the Committee if] **ON THE DATE THAT THE BOARD ACKNOWLEDGES RECEIPT OF THE COMPLETED EVALUATION AND TREATMENT PROTOCOL APPROPRIATE TO THE SCOPE OF PRACTICE IF THE PROTOCOL IS GIVEN PRELIMINARY APPROVAL BY BOARD STAFF AND:**

(i) The evaluation and treatment protocol does not include specialized tasks; or

(ii) The evaluation and treatment protocol includes specialized tasks that the Board previously has approved under § 14-5D-11 of this subtitle.

(2) If an evaluation and treatment protocol includes specialized tasks that have not been previously approved by the Board under § 14-5D-11 of this subtitle, an athletic trainer may only perform the specialized task after receiving written approval from the Board.

(b) The Board may disapprove an evaluation and treatment protocol or a specialized task included in the evaluation and treatment protocol if the Board determines that:

(1) The evaluation and treatment protocol does not meet the requirements of § 14-5D-11(c) of this subtitle;

- (2) The athletic trainer is unable to perform the specialized task safely; or
- (3) The specialized task is outside the practice scope of an athletic trainer.

(c) If the Board disapproves an evaluation and treatment protocol or a specialized task included in an evaluation and treatment protocol, the Board shall send to the primary supervising physician and the athletic trainer written notice of the disapproval.

(d) An athletic trainer who receives notice of a disapproval under subsection (c) of this section shall immediately cease practicing under the evaluation and treatment protocol or performing the specialized task.

(e) An individual member of the Board is not civilly liable for any act or omission relating to the approval, modification, or disapproval of an evaluation and treatment protocol.

14-5D-12.

(a) **(1) THE TERM OF A LICENSE ISSUED BY THE BOARD MAY NOT EXCEED 3 YEARS.**

(2) A license expires on a date set by the Board, unless the license is renewed for an additional term as provided in this section.

(c) Except as otherwise provided in this subtitle, before a license expires, the licensee periodically may renew it for an additional term, if the licensee:

(1) Otherwise is entitled to be licensed;

(2) IS OF GOOD MORAL CHARACTER;

~~[(2)]~~ **(3)** Pays to the Board a renewal fee set by the Board; and

~~[(3)]~~ **(4)** Submits to the Board:

(i) A renewal application on the form that the Board requires;

(ii) Satisfactory evidence of compliance with any continuing education or competency requirements; and

(iii) Any other requirements set under this section for license renewal.

(g) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$100 per continuing education credit in lieu of a sanction under § 14-5D-14 of this subtitle.

for a first offense for failure of a licensee to obtain the continuing education credits required by the Board.

(h) (1) Beginning October 1, 2016, the Board shall require a criminal history records check in accordance with § 14–308.1 of this title for:

(i) [Annual renewal] **RENEWAL** applicants as determined by regulations adopted by the Board; and

(ii) Each former licensee who files for reinstatement under subsection (f) of this section.

14–5D–14.

(a) Subject to the hearing provisions of § 14–405 of this title, a disciplinary panel, on the affirmative vote of a majority of a quorum of the disciplinary panel, may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license, if the applicant or licensee:

(29) Fails to [submit to] **COMPLETE** a criminal history records check under § 14–308.1 of this title.

(D) (1) IF, AFTER A HEARING UNDER § 14–405 OF THIS TITLE, A DISCIPLINARY PANEL FINDS THAT THERE ARE GROUNDS UNDER SUBSECTION (A) OF THIS SECTION TO SUSPEND OR REVOKE A LICENSE, TO REPRIMAND A LICENSEE, OR TO PLACE A LICENSEE ON PROBATION, THE DISCIPLINARY PANEL MAY IMPOSE A FINE SUBJECT TO THE BOARD’S REGULATIONS IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE, REPRIMANDING THE LICENSEE, OR PLACING THE LICENSEE ON PROBATION.

(2) THE BOARD SHALL PAY ANY FINES COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND OF THE STATE.

(E) IN ADDITION TO ANY SANCTION AUTHORIZED UNDER THIS SECTION, A DISCIPLINARY PANEL MAY REQUIRE A LICENSEE TO COMPLY WITH SPECIFIED TERMS AND CONDITIONS DETERMINED BY THE DISCIPLINARY PANEL.

14–5D–15.

(a) (1) Except as otherwise provided in § 10–226 of the State Government Article, before the Board or a disciplinary panel takes any action under § 14–5D–14 of this subtitle, the Board or the disciplinary panel shall give the individual against whom the action is contemplated an opportunity for a hearing before a hearing officer.

(2) The hearing officer shall give notice and hold the hearing in accordance with Title 10, Subtitle 2 of the State Government Article.

(3) The Board or a disciplinary panel may administer oaths in connection with any proceedings under this section.

[(4) At least 14 days before the hearing, a hearing notice shall be sent by certified mail to the last known address of the individual.]

(b) (1) Any person aggrieved by a final decision of the Board or a disciplinary panel under this subtitle may take a direct judicial appeal.

(2) The appeal shall be made as provided for judicial review of final decisions in the Administrative Procedure Act.

(c) An order of the Board or a disciplinary panel may not be stayed pending review.

(d) The Board may appeal from any decision that reverses or modifies an order of the Board or a disciplinary panel.

14-5D-16.

[(b) If a disciplinary panel reinstates a license under subsection (a) of this section, the disciplinary panel shall notify the Board of the reinstatement.]

~~(B)~~ (B) A disciplinary panel may not reinstate a revoked license that has been revoked for a period of more than 1 year unless the licensee:

(1) Meets the requirements for reinstatement as established under this title; and

(2) [Submits to] **COMPLETES** a criminal history records check in accordance with § 14-308.1 of this title.

14-5D-18.

(a) A person who violates [any provision] § 14-5D-17 of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

(b) [Any] A person who violates [any provision] § 14-5D-17 of this subtitle is subject to a civil fine of not more than \$5,000 to be levied by a disciplinary panel.

14-5D-20.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act and subject to the termination of this title under § 14-702 of this title, this

subtitle and all rules and regulations adopted under this subtitle shall terminate and be of no effect after [June 1, 2020] **JULY 1, 2030**.

14–5E–09.

(b) The applicant shall:

(3) [Submit to] **COMPLETE** a criminal history records check in accordance with § 14–308.1 of this title.

14–5E–11.

(a) To apply for a license, an applicant shall:

(1) [Submit to] **COMPLETE** a criminal history records check in accordance with § 14–308.1 of this title;

14–5E–13.

(a) (1) A license expires on a date set by the Board, unless the license is renewed for an additional term as provided in this section.

(2) **[A] THE TERM OF A license ISSUED BY THE BOARD** may not [be renewed for a term longer than 2] **EXCEED 3** years.

(c) (1) Except as otherwise provided in this subtitle, before a license expires, the licensed perfusionist periodically may renew it for an additional term, if the licensee:

(i) Otherwise is entitled to be licensed;

(II) IS OF GOOD MORAL CHARACTER;

[(ii)] (III) Pays to the Board a renewal fee set by the Board; and

[(iii)] (IV) Except as provided in paragraph (2) of this subsection, submits to the Board:

1. A renewal application on the form that the Board requires;
and

2. Satisfactory evidence of compliance with any continuing education or competency requirements and other requirements set under this section for license renewal.

(g) (1) Beginning October 1, 2016, the Board shall require a criminal history records check in accordance with § 14–308.1 of this title for:

(i) [Annual renewal] **RENEWAL** applicants as determined by regulations adopted by the Board; and

(ii) Each former licensee who files for reinstatement under subsection (f) of this section.

(H) A DISCIPLINARY PANEL MAY IMPOSE A CIVIL PENALTY OF UP TO \$100 PER CONTINUING EDUCATION CREDIT IN LIEU OF A SANCTION UNDER § 14-5E-16 OF THIS SUBTITLE, FOR A FIRST OFFENSE FOR FAILURE OF A LICENSEE TO OBTAIN THE CONTINUING EDUCATION CREDITS REQUIRED BY THE BOARD.

14-5E-16.

(a) Subject to the hearing provisions of § 14-405 of this title, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license, if the applicant or licensee:

[(25) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;]

[(26) (25) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV positive;

[(27) (26) Practices or attempts to practice a perfusion procedure or uses or attempts to use perfusion equipment if the applicant or licensee has not received education and training in the performance of the procedure or the use of the equipment;

[(28) (27) Fails to cooperate with a lawful investigation of the Board or a disciplinary panel; or

[(29) (28) Fails to [submit to] **COMPLETE** a criminal history records check under § 14-308.1 of this title.

(D) (1) IF, AFTER A HEARING UNDER § 14-405 OF THIS TITLE, A DISCIPLINARY PANEL FINDS THAT THERE ARE GROUNDS UNDER SUBSECTION (A) OF THIS SECTION TO SUSPEND OR REVOKE A LICENSE, TO REPRIMAND A LICENSEE, OR PLACE A LICENSEE ON PROBATION, THE DISCIPLINARY PANEL MAY IMPOSE A FINE SUBJECT TO THE BOARD'S REGULATIONS IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE, REPRIMANDING THE LICENSEE, OR PLACING THE LICENSEE ON PROBATION.

(2) THE BOARD SHALL PAY ANY FINES COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND.

(E) IN ADDITION TO ANY SANCTION AUTHORIZED UNDER THIS SECTION, A DISCIPLINARY PANEL MAY REQUIRE A LICENSEE TO COMPLY WITH SPECIFIED TERMS AND CONDITIONS DETERMINED BY THE DISCIPLINARY PANEL.

14-5E-18.

(g) (1) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$1,000 for failure to report under this section.

14-5E-19.

[(b) If a disciplinary panel reinstates a license under subsection (a) of this section, the disciplinary panel shall notify the Board of the reinstatement.]

~~(B)~~ (B) A disciplinary panel may not reinstate a revoked license that has been revoked for a period of more than 1 year unless the licensee:

(1) Meets the requirements for reinstatement as established under this title; and

(2) [Submits to] **COMPLETES** a criminal history records check in accordance with § 14-308.1 of this title.

14-5E-23.

(a) A person who violates any provision of **§§ 14-5E-20 THROUGH 14-5E-22** OF this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

(b) A person who violates any provision of **§§ 14-5E-20 THROUGH 14-5E-22** OF this subtitle is subject to a civil fine of not more than \$5,000 to be levied by a disciplinary panel.

14-5E-25.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act and subject to the termination of this title under § 14-702 of this title, this subtitle and all regulations adopted under this subtitle shall terminate and be of no effect after [June 1, 2020] **JULY 1, 2030**.

14-5F-04.1.

(a) (2) The Council consists of the following members:

(ii) The following members, appointed by the Board:

2. Two licensed physicians [or doctors of osteopathy] who practice in the State;

14-5F-07.

(a) (1) The Committee consists of five members appointed by the Board as follows:

(i) Two shall be individuals who practice naturopathic medicine and who:

1. On or after October 1, 2014:

A. Are certified by the North American Board of Naturopathic Examiners; and

B. Have a minimum of 2 years experience; and

2. On or after March 1, 2016, are licensed naturopathic doctors;

(ii) One shall be a practicing licensed physician [or practicing doctor of osteopathy who is a member of the Board];

(iii) One shall be a practicing licensed physician [or practicing licensed doctor of osteopathy] with experience working with naturopathic doctors; and

(iv) One shall be a consumer member.

(c) The physician [or doctor of osteopathy] members of the Committee shall be in good standing with the Board.

14-5F-11.

(g) An applicant shall [submit to] **COMPLETE** a criminal history records check in accordance with § 14-308.1 of this title.

14-5F-12.

To apply for a license, an applicant shall:

(1) [Submit to] **COMPLETE** a criminal history records check in accordance with § 14-308.1 of this title;

14–5F–15.

(a) (1) The term of a license issued by the Board [is 2] **MAY NOT EXCEED 3** years.

(2) A license expires [at the end of its term] **ON A DATE SET BY THE BOARD**, unless the license is renewed as provided [by the Board] **IN THIS SECTION**.

(c) The Board shall renew the license of a licensee who:

(1) Submits a renewal application on the form that the Board requires;

(2) IS OF GOOD MORAL CHARACTER;

~~[(2)] (3)~~ Pays a renewal fee set by the Board;

~~[(3)] (4)~~ Is otherwise entitled to be licensed;

~~[(4)] (5)~~ Meets the continuing education requirements adopted by the Board; and

~~[(5)] (6)~~ Provides evidence of biennial cardiopulmonary resuscitation certification.

(d) (1) Beginning October 1, 2016, the Board shall require a criminal history records check in accordance with § 14–308.1 of this title for:

(i) [Annual renewal] **RENEWAL** applicants as determined by regulations adopted by the Board; and

(E) A DISCIPLINARY PANEL MAY IMPOSE A CIVIL PENALTY OF UP TO \$100 PER CONTINUING EDUCATION CREDIT IN LIEU OF A SANCTION UNDER § 14–5F–18 OF THIS SUBTITLE, FOR A FIRST OFFENSE FOR FAILURE OF A LICENSEE TO OBTAIN THE CONTINUING EDUCATION CREDITS REQUIRED BY THE BOARD.

14–5F–18.

(a) Subject to the hearing provisions of § 14–405 of this title, a disciplinary panel, on the affirmative vote of a majority of a quorum of the disciplinary panel, may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license of any licensee if the applicant or licensee:

(27) Fails to [submit to] **COMPLETE** a criminal history records check under § 14–308.1 of this title.

(D) (1) IF, AFTER A HEARING UNDER § 14-405 OF THIS TITLE, A DISCIPLINARY PANEL FINDS THAT THERE ARE GROUNDS UNDER SUBSECTION (A) OF THIS SECTION TO SUSPEND OR REVOKE A LICENSE, TO REPRIMAND A LICENSEE, OR TO PLACE A LICENSEE ON PROBATION, THE DISCIPLINARY PANEL MAY IMPOSE A FINE SUBJECT TO THE BOARD'S REGULATIONS IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE, REPRIMANDING THE LICENSEE, OR PLACING THE LICENSEE ON PROBATION.

(2) THE BOARD SHALL PAY ANY FINES COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND.

(E) IN ADDITION TO ANY SANCTION AUTHORIZED UNDER THIS SECTION, A DISCIPLINARY PANEL MAY REQUIRE A LICENSEE TO COMPLY WITH SPECIFIED TERMS AND CONDITIONS DETERMINED BY THE DISCIPLINARY PANEL.

14-5F-22.

[(a)] If the Board or a disciplinary panel finds that there are grounds for action under § 14-5F-18 of this subtitle, the Board or the disciplinary panel shall pass an order in accordance with the Administrative Procedure Act.

[(b) (1) If a license is revoked or suspended, the holder shall surrender the license to the Board on demand.

(2) At the end of a suspension period, the Board shall return to the licensee any license surrendered under this section.]

14-5F-24.

(c) A disciplinary panel may not reinstate a [suspended] **SURRENDERED** or revoked license that has been [suspended] **SURRENDERED** or revoked for a period of more than 1 year unless the licensee:

(1) Meets the requirements for reinstatement as established under this title; and

(2) [Submits to] **COMPLETES** a criminal history records check in accordance with § 14-308.1 of this title.

14-5F-29.

(a) Except as otherwise provided in this subtitle, an individual may not practice, attempt to practice, or offer to practice naturopathic medicine in this State without a license.

(b) An individual who violates [any provision] **SUBSECTION (A) OF THIS SECTION OR § 14-5F-30** of this subtitle is guilty of a felony and on conviction is subject to a fine not exceeding \$10,000 or imprisonment not exceeding 5 years or both.

(c) Any individual who violates [a provision] **SUBSECTION (A) OF THIS SECTION OR § 14-5F-30** of this subtitle is subject to a civil fine of not more than \$50,000 to be levied by a disciplinary panel.

(d) The Board shall pay any penalty collected under this section into the Board of Physicians Fund.

14-5F-32.

Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, this subtitle and all rules and regulations adopted under this subtitle shall terminate and be of no effect after [June 1, 2020] **JULY 1, 2030**.

14-602.

(b) Except as otherwise provided in this article, a person may not use the words or terms “Dr.”, “doctor”, “physician”, “D.O.”, or “M.D.” with the intent to represent that the person practices medicine, unless the person is:

(5) An individual in a postgraduate medical program that is [approved] **ACCREDITED BY AN ACCREDITING ORGANIZATION RECOGNIZED** by the Board **IN REGULATIONS WHILE THE INDIVIDUAL IS PRACTICING MEDICINE IN THE PROGRAM.**

14-702.

Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, this title and all rules and regulations adopted under this title shall terminate and be of no effect after [June 1, 2020] **JULY 1, 2030**.

15-103.

(b) **(1) [An] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN** employer of a physician assistant shall report to the Board, on the form prescribed by the Board, any termination of employment of the physician assistant if the cause of termination is related to a quality of care issue.

(2) SUBJECT TO SUBSECTION (D) OF THIS SECTION, A SUPERVISING PHYSICIAN OR AN EMPLOYER OF A PHYSICIAN ASSISTANT SHALL NOTIFY THE BOARD WITHIN 10 DAYS OF THE TERMINATION OF EMPLOYMENT OF THE PHYSICIAN ASSISTANT FOR REASONS THAT WOULD BE GROUNDS FOR DISCIPLINE UNDER THIS SUBTITLE TITLE.

(3) A SUPERVISING PHYSICIAN AND A PHYSICIAN ASSISTANT SHALL NOTIFY THE BOARD WITHIN 10 DAYS OF THE TERMINATION OF THE RELATIONSHIP UNDER A DELEGATION AGREEMENT FOR ANY REASON.

(i) (1) [The Board] A DISCIPLINARY PANEL may impose a civil penalty of up to \$1,000 for failure to report under this section.

15-202.

(a) (1) The Committee shall consist of 7 members appointed by the Board.

(2) Of the 7 Committee members:

(i) 3 shall be licensed physicians;

(ii) 3 shall be licensed physician assistants; and

(iii) 1 shall be a consumer.

(3) Of the licensed physician members:

(i) At least 1 shall specialize in general surgery or a surgical subspecialty; **AND**

(ii) At least 1 shall specialize in internal medicine, family practice, or a similar primary care specialty[; and

(iii) 1 shall be a Board member].

15-203.

[(a)] The Board shall adopt regulations governing:

(1) The term of office for Committee members;

(2) The procedure for filling vacancies on the Committee;

(3) The removal of Committee members; and

(4) The duties of each officer.

[(b)] In addition to the regulations on removal of members adopted by the Board, upon the recommendation of the Board the Governor may remove a member whom the Board finds to have been absent from 2 successive Committee meetings without adequate reason.]

15–302.

(a) A physician may delegate medical acts to a physician assistant only after:

- (1) A delegation agreement has been executed and filed with the Board;
and
- (2) Any advanced duties have been authorized as required under subsection (c) of this section.

(b) The delegation agreement shall contain:

- (1) A description of the qualifications of the primary supervising physician and physician assistant;
- (2) A description of the settings in which the physician assistant will practice;
- (3) A description of the continuous physician supervision mechanisms that are reasonable and appropriate to the practice setting;
- (4) A description of the delegated medical acts that are within the primary or alternate supervising physician's scope of practice and require specialized education or training that is consistent with accepted medical practice;
- (5) An attestation that all medical acts to be delegated to the physician assistant are within the scope of practice of the primary or alternate supervising physician and appropriate to the physician assistant's education, training, and level of competence;
- (6) An attestation of continuous supervision of the physician assistant by the primary supervising physician through the mechanisms described in the delegation agreement;
- (7) An attestation by the primary supervising physician of the physician's acceptance of responsibility for any care given by the physician assistant;
- (8) A description prepared by the primary supervising physician of the process by which the physician assistant's practice is reviewed appropriate to the practice setting and consistent with current standards of acceptable medical practice;
- (9) An attestation by the primary supervising physician that the physician will respond in a timely manner when contacted by the physician assistant;
- (10) The following statement: "The primary supervising physician and the physician assistant attest that:

(i) They will establish a plan for the types of cases that require a physician plan of care or require that the patient initially or periodically be seen by the supervising physician; and

(ii) The patient will be provided access to the supervising physician on request”; and

(11) Any other information deemed necessary by the Board to carry out the provisions of this subtitle.

(c) (1) The Board may not require prior approval of a delegation agreement that includes advanced duties, if an advanced duty will be performed in a hospital or ambulatory surgical facility, provided that:

(i) A physician, with credentials that have been reviewed by the hospital or ambulatory surgical facility as a condition of employment, as an independent contractor, or as a member of the medical staff, supervises the physician assistant;

(ii) The physician assistant has credentials that have been reviewed by the hospital or ambulatory surgical facility as a condition of employment, as an independent contractor, or as a member of the medical staff; and

(iii) Each advanced duty to be delegated to the physician assistant is reviewed and approved within a process approved by the governing body of the health care facility before the physician assistant performs the advanced duties.

(2) (i) In any setting that does not meet the requirements of paragraph (1) of this subsection, a primary supervising physician shall obtain the Board’s approval of a delegation agreement that includes advanced duties, before the physician assistant performs the advanced duties.

(ii) 1. Before a physician assistant may perform X-ray duties authorized under § 14–306(e) of this article in the medical office of the physician delegating the duties, a primary supervising physician shall obtain the Board’s approval of a delegation agreement that includes advanced duties in accordance with subsubparagraph 2 of this subparagraph.

2. The advanced duties set forth in a delegation agreement under this subparagraph shall be limited to nonfluoroscopic X-ray procedures of the extremities, anterior–posterior and lateral, not including the head.

(3) Notwithstanding paragraph (1) of this subsection, a primary supervising physician shall obtain the Board’s approval of a delegation agreement before the physician assistant may administer, monitor, or maintain general anesthesia or neuroaxial anesthesia, including spinal and epidural techniques, under the agreement.

(d) For a delegation agreement containing advanced duties that require Board approval, the Committee shall review the delegation agreement and recommend to the Board that the delegation agreement be approved, rejected, or modified to ensure conformance with the requirements of this title.

(e) The Committee may conduct a personal interview of the primary supervising physician and the physician assistant.

(f) (1) On review of the Committee's recommendation regarding a primary supervising physician's request to delegate advanced duties as described in a delegation agreement, the Board:

(i) May approve the delegation agreement; or

(ii) 1. If the physician assistant does not meet the applicable education, training, and experience requirements to perform the specified delegated acts, may modify or disapprove the delegation agreement; and

2. If the Board takes an action under item 1 of this item:

A. Shall notify the primary supervising physician and the physician assistant in writing of the particular elements of the proposed delegation agreement that were the cause for the modification or disapproval; and

B. May not restrict the submission of an amendment to the delegation agreement.

(2) To the extent practicable, the Board shall approve a delegation agreement or take other action authorized under this subsection within 90 days after receiving a completed delegation agreement including any information from the physician assistant and primary supervising physician necessary to approve or take action.

(g) If the Board determines that a primary or alternate supervising physician or physician assistant is practicing in a manner inconsistent with the requirements of this title or Title 14 of this article, the Board on its own initiative or on the recommendation of the Committee may demand modification of the practice, withdraw the approval of the delegation agreement, or refer the matter to a disciplinary panel for the purpose of taking other disciplinary action under § 14–404 or § 15–314 of this article.

(h) A primary supervising physician may not delegate medical acts under a delegation agreement to more than four physician assistants at any one time, except in a hospital or in the following nonhospital settings:

(1) A correctional facility;

(2) A detention center; or

(3) A public health facility.

(i) A person may not coerce another person to enter into a delegation agreement under this subtitle.

(j) A physician may supervise a physician assistant:

(1) As a primary supervising physician in accordance with a delegation agreement approved by the Board under this subtitle; or

(2) As an alternate supervising physician if:

(i) The alternate supervising physician supervises in accordance with a delegation agreement filed with the Board;

(ii) The alternate supervising physician supervises no more than four physician assistants at any one time, except in a hospital, correctional facility, detention center, or public health facility;

(iii) The alternate supervising physician's period of supervision, in the **TEMPORARY** absence of the primary supervising physician, does not exceed:

1. The period of time specified in the delegation agreement;

and

2. A period of 45 consecutive days at any one time; and

(iv) The physician assistant performs only those medical acts that:

1. Have been delegated under the delegation agreement filed with the Board; and

2. Are within the scope of practice of the primary supervising physician and alternate supervising physician.

(k) SUBJECT TO THE NOTICE REQUIRED UNDER § 15-103 OF THIS TITLE, A PHYSICIAN ASSISTANT MAY TERMINATE A DELEGATION AGREEMENT FILED WITH THE BOARD UNDER THIS SUBTITLE AT ANY TIME.

~~(l) (1) In the event of a sudden departure, incapacity, or death of a primary supervising physician, OR CHANGE IN LICENSE STATUS THAT RESULTS IN THE PRIMARY SUPERVISING PHYSICIAN BEING UNABLE TO LEGALLY PRACTICE MEDICINE, a designated alternate supervising physician may assume the role of the primary supervising physician by submitting a new delegation agreement to the Board within 15 days.~~

~~(2) THE BOARD MAY TERMINATE A DELEGATION AGREEMENT IF:~~

~~(i) THE PHYSICIAN ASSISTANT HAS A CHANGE IN LICENSE STATUS THAT RESULTS IN THE PHYSICIAN ASSISTANT BEING UNABLE TO LEGALLY PRACTICE AS A PHYSICIAN ASSISTANT; OR~~

~~(ii) THE SUPERVISING PHYSICIAN HAS A CHANGE IN LICENSE STATUS THAT RESULTS IN THE PHYSICIAN BEING UNABLE TO LEGALLY PRACTICE MEDICINE AND AN ALTERNATE SUPERVISING PHYSICIAN DOES NOT ASSUME THE ROLE OF SUPERVISING PHYSICIAN UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

(L) (1) IN THE EVENT OF THE SUDDEN DEPARTURE, INCAPACITY, OR DEATH OF THE PRIMARY SUPERVISING PHYSICIAN OF A PHYSICIAN ASSISTANT, OR CHANGE IN LICENSE STATUS THAT RESULTS IN THE PRIMARY SUPERVISING PHYSICIAN BEING UNABLE TO LEGALLY PRACTICE MEDICINE, AN ALTERNATE SUPERVISING PHYSICIAN DESIGNATED UNDER SUBSECTION (B) OF THIS SECTION MAY SUPERVISE THE PHYSICIAN ASSISTANT FOR NOT LONGER THAN 15 DAYS FOLLOWING THE EVENT.

(2) IF THERE IS NO DESIGNATED ALTERNATE SUPERVISING PHYSICIAN OR THE DESIGNATED ALTERNATE SUPERVISING PHYSICIAN DOES NOT AGREE TO SUPERVISE THE PHYSICIAN ASSISTANT, THE PHYSICIAN ASSISTANT MAY NOT PRACTICE UNTIL THE PHYSICIAN ASSISTANT RECEIVES APPROVAL OF A NEW DELEGATION AGREEMENT UNDER § 15-302.1 OF THIS SUBTITLE.

(3) AN ALTERNATE SUPERVISING PHYSICIAN OR OTHER LICENSED PHYSICIAN MAY ASSUME THE ROLE OF PRIMARY SUPERVISING PHYSICIAN BY SUBMITTING A NEW DELEGATION AGREEMENT TO THE BOARD FOR APPROVAL UNDER SUBSECTION (B) OF THIS SECTION.

(4) THE BOARD MAY TERMINATE A DELEGATION AGREEMENT IF:

(i) THE PHYSICIAN ASSISTANT HAS A CHANGE IN LICENSE STATUS THAT RESULTS IN THE PHYSICIAN ASSISTANT BEING UNABLE TO LEGALLY PRACTICE AS A PHYSICIAN ASSISTANT;

(ii) AT LEAST 15 DAYS HAVE ELAPSED SINCE AN EVENT LISTED UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THERE IS AN ALTERNATE SUPERVISING PHYSICIAN DESIGNATED UNDER SUBSECTION (B) OF THIS SECTION; OR

(iii) IMMEDIATELY AFTER AN EVENT LISTED UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THERE IS NO ALTERNATE SUPERVISING PHYSICIAN DESIGNATED UNDER SUBSECTION (B) OF THIS SECTION.

(M) A PHYSICIAN ASSISTANT WHOSE DELEGATION AGREEMENT IS TERMINATED MAY NOT PRACTICE AS A PHYSICIAN ASSISTANT UNTIL THE PHYSICIAN ASSISTANT RECEIVES PRELIMINARY APPROVAL OF A NEW DELEGATION AGREEMENT UNDER § 15-302.1 OF THIS SUBTITLE.

[(l)] ~~(M)~~ (N) Individual members of the Board are not civilly liable for actions regarding the approval, modification, or disapproval of a delegation agreement described in this section.

[(m)] ~~(N)~~ (O) A physician assistant may practice in accordance with a delegation agreement filed with the Board under this subtitle.

15-302.1.

(a) If a delegation agreement does not include advanced duties or the advanced duties have been approved under § 15-302(c)(1) of this subtitle, a physician assistant may assume the duties under a delegation agreement on the date **[of] THAT THE BOARD ACKNOWLEDGES** receipt **[by the Board]** of the **COMPLETED** delegation agreement.

(b) In this section, “pending” means that a delegation agreement that includes delegation of advanced duties in a setting that does not meet the requirements under § 15-302(c)(1) of this subtitle has been executed and submitted to the Board for its approval, but:

(1) The Committee has not made a recommendation to the Board; or

(2) The Board has not made a final decision regarding the delegation agreement.

(c) Subject to subsection (d) of this section, if a delegation agreement is pending, on receipt of a temporary practice letter from the staff of the Board, a physician assistant may perform the advanced duty if:

(1) The primary supervising physician has been previously approved to supervise one or more physician assistants in the performance of the advanced duty; and

(2) The physician assistant has been previously approved by the Board to perform the advanced duty.

(d) If the Committee recommends a denial of the pending delegation agreement or the Board denies the pending delegation agreement, on notice to the primary supervising physician and the physician assistant, the physician assistant may no longer perform the advanced duty that has not received the approval of the Board.

(e) The Board may disapprove any delegation agreement if it believes that:

(1) The agreement does not meet the requirements of this subtitle; or

(2) The physician assistant is unable to perform safely the delegated duties.

(f) If the Board disapproves a delegation agreement or the delegation of any function under an agreement, the Board shall provide the primary supervising physician and the physician assistant with written notice of the disapproval.

(g) A physician assistant who receives notice that the Board has disapproved a delegation agreement or an advanced function under the delegation agreement shall immediately cease to practice under the agreement or to perform the disapproved function.

15–303.

(a) To qualify for a license, an applicant shall:

(1) [Submit to] **COMPLETE** a criminal history records check in accordance with § 14–308.1 of this article;

15–304.

An applicant for a license shall:

(1) [Submit to] **COMPLETE** a criminal history records check in accordance with § 14–308.1 of this article;

15–307.

(a) (1) Unless a license is renewed for an additional term as provided in this section, the license expires on the date set by the Board.

(2) **[A] THE TERM OF A license ISSUED BY THE BOARD** may not **[be renewed for a term longer than 2] EXCEED 3** years.

(f) For the failure of a licensee to obtain continuing medical education credits as required by the Board, [the Board] A DISCIPLINARY PANEL may impose a civil penalty not to exceed \$100 for each medical education credit not obtained by the licensee.

(g) (1) Beginning October 1, 2016, the Board shall require a criminal history records check in accordance with § 14–308.1 of this article for:

(i) **[Annual renewal] RENEWAL** applicants as determined by regulations adopted by the Board; and

- (ii) Each former licensee who files for reinstatement under this title.

15-308.

(b) A disciplinary panel may not reinstate a [suspended] **SURRENDERED** or revoked license that has been [suspended] **SURRENDERED** or revoked for a period of more than 1 year unless the licensee:

(1) Meets the requirements for reinstatement as established under this title; and

(2) [Submits to] **COMPLETES** a criminal history records check in accordance with § 14-308.1 of this article.

15-311.

Subject to the hearing provisions of § 15-315 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of a quorum, may deny a license to any applicant for:

(1) Any of the reasons that are grounds for disciplinary action under § 15-314 of this subtitle; and

(2) Failure to [submit to] **COMPLETE** a criminal history records check in accordance with § 14-308.1 of this article.

15-314.

(a) Subject to the hearing provisions of § 15-315 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum, may reprimand any physician assistant, place any physician assistant on probation, or suspend or revoke a license if the physician assistant:

(42) Performs delegated medical acts without the supervision of a physician;
[or]

(43) Fails to [submit to] **COMPLETE** a criminal history records check under § 14-308.1 of this article;

(44) FAILS TO COMPLY WITH THE REQUIREMENTS OF THE PRESCRIPTION DRUG MONITORING PROGRAM UNDER TITLE 21, SUBTITLE 2A OF ~~THIS ARTICLE~~ THE HEALTH – GENERAL ARTICLE; OR

(45) FAILS TO COMPLY WITH ANY STATE OR FEDERAL LAW PERTAINING TO THE PRACTICE AS A PHYSICIAN ASSISTANT.

15-315.

(a) (1) Except as otherwise provided under § 10–226 of the State Government Article, before a disciplinary panel takes any action under § 15–311 or § 15–314(a) of this subtitle, the disciplinary panel shall give the individual against whom the action is contemplated an opportunity for a hearing before a hearing officer.

(2) The hearing officer shall give notice and hold the hearing in accordance with Title 10, Subtitle 2 of the State Government Article.

(3) A disciplinary panel may administer oaths in connection with any proceeding under this section.

[(4) At least 14 days before the hearing, the hearing notice required under this subtitle shall be sent by certified mail to the last known address of the individual.]

15–316.

(a) If, after a hearing under § 15–315 of this subtitle, a disciplinary panel finds that there are grounds for discipline under § 15–314(a) of this subtitle to suspend or revoke a license of a physician assistant [or to], reprimand a licensed physician assistant, **OR PLACE THE LICENSED PHYSICIAN ASSISTANT ON PROBATION**, the disciplinary panel may impose a fine subject to the Board’s regulations [instead of or] in addition to suspending or revoking the license [or], reprimanding the licensee, **OR PLACING THE LICENSEE ON PROBATION**.

(C) IN ADDITION TO ANY SANCTION AUTHORIZED UNDER THIS SUBTITLE, A DISCIPLINARY PANEL MAY REQUIRE A LICENSEE TO COMPLY WITH SPECIFIED TERMS AND CONDITIONS DETERMINED BY THE DISCIPLINARY PANEL.

15–402.1.

(c) [The Board] A DISCIPLINARY PANEL may impose a civil penalty in an amount not exceeding \$1,000 for a violation of this section.

15–403.

(b) (1) In addition to the penalties under subsection (a) of this section, a person who violates § 15–401 of this subtitle may be subject to a civil penalty assessed by [the Board] **A DISCIPLINARY PANEL** in an amount not exceeding \$5,000.

(2) In addition to the penalties under paragraph (1) of this subsection, a person who violates § 15–309 of this title may be subject to a civil penalty assessed by [the Board] **A DISCIPLINARY PANEL** in an amount not exceeding \$100.

(3) The Board shall pay any civil penalty collected under this subsection into the Board of Physicians Fund.

15-502.

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, [2023] **2030**.

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

Article – Health Occupations

14-404.

(a) Subject to the hearing provisions of § 14-405 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

(43) Fails to comply with § 1-223 of this article; [or]

(44) VIOLATES ANY PROVISION OF THIS TITLE, ANY RULE OR REGULATION ADOPTED BY THE BOARD, OR ANY STATE OR FEDERAL LAW PERTAINING TO THE PRACTICE OF MEDICINE; OR

[(44)] (45) Fails to comply with the requirements of the Prescription Drug Monitoring Program under Title 21, Subtitle 2A of ~~this article~~ the Health – General Article.

SECTION 3. AND BE IT FURTHER ENACTED, That, in the annual report the State Board of Physicians is required to submit under § 14-205.1 of the Health Occupations Article, as enacted by Section 1 of this Act, on or before October 1, ~~2020~~ 2021, the Board shall include:

(1) a description of the study conducted by the Board in consultation with the Polysomnography Professional Standards Committee and the Respiratory Care Professional Standards Committee on the powers and duties of the Polysomnography Professional Standards Committee; and

(2) make recommendations on whether to alter the duties of the Polysomnography Professional Standards Committee or combine the Polysomnography Professional Standards Committee with the Respiratory Care Professional Standards Committee or another allied health advisory committee.

SECTION 4. AND BE IT FURTHER ENACTED, That, in the annual report the State Board of Physicians is required to submit under § 14-205.1 of the Health Occupations

Article, as enacted by Section 1 of this Act, on or before October 1, 2021, the Board shall include:

(1) an update on licensing by reciprocity and through the Interstate Medical Licensure Compact; and

(2) recommendations on whether to continue either or both methods of licensure and whether any statutory changes are needed to accomplish the goal of streamlining licensure for out-of-state physicians.

SECTION 5. AND BE IT FURTHER ENACTED, That, on or before December 1, 2020, the State Board of Physicians shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2-1257 of the State Government Article, recommendations for improving consistency and eliminating redundancy between practitioners regulated by the Board, including any draft legislation necessary to implement the recommendations.

~~SECTION 5. 6.~~ AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of the termination provision specified in Section 5 of Chapter 470 of the Acts of the General Assembly of 2018. If that termination provision does not take effect, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect. This Act may not be interpreted to have any effect on that termination provision.

~~SECTION 6. 7.~~ AND BE IT FURTHER ENACTED, That, subject to the provisions of Section ~~5~~ 6 of this Act, this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

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

Chapter 614

(House Bill 652)

AN ACT concerning

Maryland Medical Assistance Program and Health Insurance – Specialty Drugs – Definition

FOR the purpose of prohibiting the Secretary of Health from considering certain drugs to be specialty drugs for the purpose of providing services under the Maryland Medical Assistance Program; altering the definition of “specialty drug” for the purpose of

excluding prescription drugs prescribed to treat certain medical conditions from ~~the definition of “specialty drug” for the purposes of certain provisions of law limiting the authority of certain insurers, nonprofit health service plans, and health maintenance organizations to impose copayment and coinsurance requirements~~ require a covered specialty drug to be obtained through a certain pharmacy or other sources and to provide coverage for specialty drugs through a managed care system; making conforming changes; providing for the application of this Act; making this Act an emergency measure; and generally relating to specialty drugs.

BY repealing and reenacting, without amendments,

Article – Health – General
Section 15–101(a) and (h)
Annotated Code of Maryland
(2019 Replacement Volume)

BY adding to

Article – Health – General
Section 15–118.1
Annotated Code of Maryland
(2019 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Insurance
Section 15–847
Annotated Code of Maryland
(2017 Replacement Volume and 2019 Supplement)

BY adding to

Article – Insurance
Section 15–847.1
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

15–101.

- (a) In this title the following words have the meanings indicated.
- (h) “Program” means the Maryland Medical Assistance Program.

15–118.1.

THE SECRETARY MAY NOT CONSIDER DRUGS PRESCRIBED TO TREAT DIABETES, HIV, OR AIDS TO BE SPECIALTY DRUGS FOR THE PURPOSE OF PROVIDING SERVICES UNDER THE PROGRAM.

Article – Insurance

15–847.

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

(2) (i) “Complex or chronic medical condition” means a physical, behavioral, or developmental condition that:

1. may have no known cure;
2. is progressive; or
3. can be debilitating or fatal if left untreated or undertreated.

(ii) “Complex or chronic medical condition” includes:

1. multiple sclerosis;
2. hepatitis C; and
3. rheumatoid arthritis.

(3) “Managed care system” means a system of cost containment methods that an insurer, a nonprofit health service plan, or a health maintenance organization uses to review and preauthorize drugs prescribed by a health care provider for a covered individual to control utilization, quality, and claims.

(4) (i) “Rare medical condition” means a disease or condition that affects fewer than:

1. 200,000 individuals in the United States; or
2. approximately 1 in 1,500 individuals worldwide.

(ii) “Rare medical condition” includes:

1. cystic fibrosis;
2. hemophilia; and
3. multiple myeloma.

(5) (I) “Specialty drug” means a prescription drug that:

[(i)] 1. is prescribed for an individual with a complex or chronic medical condition or a rare medical condition;

[(ii)] 2. costs \$600 or more for up to a 30-day supply;

[(iii)] 3. is not typically stocked at retail pharmacies; and

[(iv) 1.] 4. A. requires a difficult or unusual process of delivery to the patient in the preparation, handling, storage, inventory, or distribution of the drug; or

[2.] B. requires enhanced patient education, management, or support, beyond those required for traditional dispensing, before or after administration of the drug.

(II) “SPECIALTY DRUG” DOES NOT INCLUDE A PRESCRIPTION DRUG PRESCRIBED TO TREAT DIABETES, HIV, OR AIDS.

(b) This section applies to:

(1) insurers and nonprofit health service plans that provide coverage for prescription drugs under individual, group, or blanket health insurance policies or contracts that are issued or delivered in the State; and

(2) health maintenance organizations that provide coverage for prescription drugs under individual or group contracts that are issued or delivered in the State.

(c) (1) Subject to paragraph (2) of this subsection, an entity subject to this section may not impose a copayment or coinsurance requirement on a covered specialty drug that exceeds \$150 for up to a 30-day supply of the specialty drug.

(2) On July 1 of each year, the limit on the copayment or coinsurance requirement on a covered specialty drug shall increase by a percentage equal to the percentage change from the preceding year in the medical care component of the March Consumer Price Index for All Urban Consumers, Washington Metropolitan Area, from the U.S. Department of Labor, Bureau of Labor Statistics.

(d) Subject to § 15–805 of this subtitle and notwithstanding § 15–806 of this subtitle, nothing in this article or regulations adopted under this article precludes an entity subject to this section from requiring a covered specialty drug to be obtained through:

(1) a designated pharmacy or other source authorized under the Health Occupations Article to dispense or administer prescription drugs; or

(2) a pharmacy participating in the entity's provider network, if the entity determines that the pharmacy:

(i) meets the entity's performance standards; and

(ii) accepts the entity's network reimbursement rates.

(e) (1) A pharmacy registered under § 340B of the federal Public Health Services Act may apply to an entity subject to this section to be a designated pharmacy under subsection (d)(1) of this section for the purpose of enabling the pharmacy's patients with [HIV, AIDS, or] hepatitis C to receive the copayment or coinsurance maximum provided for in subsection (c) of this section if:

(i) the pharmacy is owned by a federally qualified health center, as defined in 42 U.S.C. § 254B;

(ii) the federally qualified health center provides integrated and coordinated medical and pharmaceutical services to [HIV positive, AIDS, and] hepatitis C patients; and

(iii) the prescription drugs are covered specialty drugs for the treatment of [HIV, AIDS, or] hepatitis C.

(2) An entity subject to this section may not unreasonably withhold approval of a pharmacy's application under paragraph (1) of this subsection.

(f) An entity subject to this section may provide coverage for specialty drugs through a managed care system.

(g) (1) A determination by an entity subject to this section that a prescription drug is not a specialty drug is considered a coverage decision under § 15–10D–01 of this title.

(2) For complaints filed with the Commissioner under this subsection, if the entity made its determination that a prescription drug is not a specialty drug on the basis that the prescription drug did not meet the criteria listed in subsection (a)(5)(i) of this section:

(i) the Commissioner may seek advice from an independent review organization or medical expert on the list compiled under § 15–10A–05(b) of this title; and

(ii) the expenses for any advice provided by an independent review organization or medical expert shall be paid for as provided under § 15–10A–05(h) of this title.

15-847.1.**(A) THIS SECTION APPLIES TO:**

(1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE COVERAGE FOR PRESCRIPTION DRUGS UNDER INDIVIDUAL, GROUP, OR BLANKET HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

(2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE COVERAGE FOR PRESCRIPTION DRUGS UNDER INDIVIDUAL GROUP CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN ENTITY SUBJECT TO THIS SECTION MAY NOT IMPOSE A COPAYMENT OR COINSURANCE REQUIREMENT ON A PRESCRIPTION DRUG PRESCRIBED TO TREAT DIABETES, HIV, OR AIDS THAT EXCEEDS \$150 FOR UP TO A 30-DAY SUPPLY OF THE DRUG.

(2) ON JULY 1 EACH YEAR, THE LIMIT ON THE COPAYMENT OR COINSURANCE REQUIREMENT ON A PRESCRIPTION DRUG PRESCRIBED TO TREAT DIABETES, HIV, OR AIDS SHALL INCREASE BY A PERCENTAGE EQUAL TO THE PERCENTAGE CHANGE FROM THE PRECEDING YEAR IN THE MEDICAL CARE COMPONENT OF THE MARCH CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS, WASHINGTON METROPOLITAN AREA, FROM THE U.S. DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans issued, delivered, amended, or renewed in the State on or after the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

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

Chapter 615

(Senate Bill 931)

AN ACT concerning

**Maryland Medical Assistance Program and Health Insurance – Specialty Drugs
– Definition**

FOR the purpose of prohibiting the Secretary of Health from considering certain drugs to be specialty drugs for the purpose of providing services under the Maryland Medical Assistance Program; altering the definition of “specialty drug” for the purpose of excluding prescription drugs prescribed to treat certain medical conditions from the definition of “specialty drug” for the purposes of certain provisions of law limiting the authority of certain insurers, nonprofit health service plans, and health maintenance organizations to impose copayment and coinsurance requirements require a covered specialty drug to be obtained through a certain pharmacy or other sources and to provide coverage for specialty drugs through a managed care system; making conforming changes; providing for the application of this Act; making this Act an emergency measure; and generally relating to specialty drugs.

BY repealing and reenacting, without amendments,

Article – Health – General
Section 15–101(a) and (h)
Annotated Code of Maryland
(2019 Replacement Volume)

BY adding to

Article – Health – General
Section 15–118.1
Annotated Code of Maryland
(2019 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Insurance
Section 15–847
Annotated Code of Maryland
(2017 Replacement Volume and 2019 Supplement)

BY adding to

Article – Insurance
Section 15–847.1
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

15–101.

- (a) In this title the following words have the meanings indicated.
- (h) “Program” means the Maryland Medical Assistance Program.

15-118.1.

THE SECRETARY MAY NOT CONSIDER DRUGS PRESCRIBED TO TREAT DIABETES, HIV, OR AIDS TO BE SPECIALTY DRUGS FOR THE PURPOSE OF PROVIDING SERVICES UNDER THE PROGRAM.

Article – Insurance

15-847.

- (a) (1) In this section the following words have the meanings indicated.
 - (2) (i) “Complex or chronic medical condition” means a physical, behavioral, or developmental condition that:
 - 1. may have no known cure;
 - 2. is progressive; or
 - 3. can be debilitating or fatal if left untreated or undertreated.
 - (ii) “Complex or chronic medical condition” includes:
 - 1. multiple sclerosis;
 - 2. hepatitis C; and
 - 3. rheumatoid arthritis.
 - (3) “Managed care system” means a system of cost containment methods that an insurer, a nonprofit health service plan, or a health maintenance organization uses to review and preauthorize drugs prescribed by a health care provider for a covered individual to control utilization, quality, and claims.
 - (4) (i) “Rare medical condition” means a disease or condition that affects fewer than:
 - 1. 200,000 individuals in the United States; or
 - 2. approximately 1 in 1,500 individuals worldwide.

(ii) “Rare medical condition” includes:

1. cystic fibrosis;
2. hemophilia; and
3. multiple myeloma.

(5) (I) “Specialty drug” means a prescription drug that:

[(i)] 1. is prescribed for an individual with a complex or chronic medical condition or a rare medical condition;

[(ii)] 2. costs \$600 or more for up to a 30–day supply;

[(iii)] 3. is not typically stocked at retail pharmacies; and

[(iv) 1.] 4. A. requires a difficult or unusual process of delivery to the patient in the preparation, handling, storage, inventory, or distribution of the drug; or

[2.] B. requires enhanced patient education, management, or support, beyond those required for traditional dispensing, before or after administration of the drug.

(II) “SPECIALTY DRUG” DOES NOT INCLUDE A PRESCRIPTION DRUG PRESCRIBED TO TREAT DIABETES, HIV, OR AIDS.

(b) This section applies to:

(1) insurers and nonprofit health service plans that provide coverage for prescription drugs under individual, group, or blanket health insurance policies or contracts that are issued or delivered in the State; and

(2) health maintenance organizations that provide coverage for prescription drugs under individual or group contracts that are issued or delivered in the State.

(c) (1) Subject to paragraph (2) of this subsection, an entity subject to this section may not impose a copayment or coinsurance requirement on a covered specialty drug that exceeds \$150 for up to a 30–day supply of the specialty drug.

(2) On July 1 of each year, the limit on the copayment or coinsurance requirement on a covered specialty drug shall increase by a percentage equal to the percentage change from the preceding year in the medical care component of the March

Consumer Price Index for All Urban Consumers, Washington Metropolitan Area, from the U.S. Department of Labor, Bureau of Labor Statistics.

(d) Subject to § 15–805 of this subtitle and notwithstanding § 15–806 of this subtitle, nothing in this article or regulations adopted under this article precludes an entity subject to this section from requiring a covered specialty drug to be obtained through:

(1) a designated pharmacy or other source authorized under the Health Occupations Article to dispense or administer prescription drugs; or

(2) a pharmacy participating in the entity's provider network, if the entity determines that the pharmacy:

(i) meets the entity's performance standards; and

(ii) accepts the entity's network reimbursement rates.

(e) (1) A pharmacy registered under § 340B of the federal Public Health Services Act may apply to an entity subject to this section to be a designated pharmacy under subsection (d)(1) of this section for the purpose of enabling the pharmacy's patients with [HIV, AIDS, or] hepatitis C to receive the copayment or coinsurance maximum provided for in subsection (c) of this section if:

(i) the pharmacy is owned by a federally qualified health center, as defined in 42 U.S.C. § 254B;

(ii) the federally qualified health center provides integrated and coordinated medical and pharmaceutical services to [HIV positive, AIDS, and] hepatitis C patients; and

(iii) the prescription drugs are covered specialty drugs for the treatment of [HIV, AIDS, or] hepatitis C.

(2) An entity subject to this section may not unreasonably withhold approval of a pharmacy's application under paragraph (1) of this subsection.

(f) An entity subject to this section may provide coverage for specialty drugs through a managed care system.

(g) (1) A determination by an entity subject to this section that a prescription drug is not a specialty drug is considered a coverage decision under § 15–10D–01 of this title.

(2) For complaints filed with the Commissioner under this subsection, if the entity made its determination that a prescription drug is not a specialty drug on the basis that the prescription drug did not meet the criteria listed in subsection (a)(5)(i) of this section:

(i) the Commissioner may seek advice from an independent review organization or medical expert on the list compiled under § 15–10A–05(b) of this title; and

(ii) the expenses for any advice provided by an independent review organization or medical expert shall be paid for as provided under § 15–10A–05(h) of this title.

15–847.1.

(A) THIS SECTION APPLIES TO:

(1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE COVERAGE FOR PRESCRIPTION DRUGS UNDER INDIVIDUAL, GROUP, OR BLANKET HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

(2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE COVERAGE FOR PRESCRIPTION DRUGS UNDER INDIVIDUAL GROUP CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN ENTITY SUBJECT TO THIS SECTION MAY NOT IMPOSE A COPAYMENT OR COINSURANCE REQUIREMENT ON A PRESCRIPTION DRUG PRESCRIBED TO TREAT DIABETES, HIV, OR AIDS THAT EXCEEDS \$150 FOR UP TO A 30–DAY SUPPLY OF THE DRUG.

(2) ON JULY 1 EACH YEAR, THE LIMIT ON THE COPAYMENT OR COINSURANCE REQUIREMENT ON A PRESCRIPTION DRUG PRESCRIBED TO TREAT DIABETES, HIV, OR AIDS SHALL INCREASE BY A PERCENTAGE EQUAL TO THE PERCENTAGE CHANGE FROM THE PRECEDING YEAR IN THE MEDICAL CARE COMPONENT OF THE MARCH CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS, WASHINGTON METROPOLITAN AREA, FROM THE U.S. DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans issued, delivered, amended, or renewed in the State on or after the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

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

Chapter 616

(House Bill 671)

AN ACT concerning

~~Estates and Trusts~~ – **Health Savings Accounts – Establishment and Application of Trust Law**

FOR the purpose of authorizing the establishment of a certain health savings account; providing that certain provisions of law do not apply to certain health savings accounts; providing that a certain health savings account is established on the first day that an individual becomes covered under a certain health plan; requiring a health savings account to be opened with a trustee or custodian within a certain time period; clarifying that a health savings account is established regardless of certain circumstances; making this Act an emergency measure; defining certain terms; and generally relating to health savings accounts.

BY ~~repealing and reenacting, with amendments,~~ adding to

Article – Estates and Trusts

Section ~~14.5-401~~ 14-501 to be under the new subtitle “Subtitle 5. Health Savings Accounts”

Annotated Code of Maryland

(2017 Replacement Volume and 2019 Supplement)

BY adding to

Article – Insurance

Section 15-144

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

~~14.5-401.~~

~~(A) A trust may be created by:~~

~~(1) Transfer of property to another person as trustee during the lifetime of the settlor or by will or other disposition taking effect on the death of the settlor;~~

~~(2) Declaration by the owner of property that the owner holds identifiable property as trustee; or~~

SUBTITLE 5. HEALTH SAVINGS ACCOUNTS.14-501.

(A) IN THIS SUBTITLE, “HEALTH SAVINGS ACCOUNT” HAS THE MEANING STATED IN § 223 OF THE INTERNAL REVENUE CODE.

(B) A HEALTH SAVINGS ACCOUNT MAY BE ESTABLISHED AS PROVIDED IN § 15-144 OF THE INSURANCE ARTICLE.

(C) EXCEPT AS PROVIDED IN THIS SUBTITLE OR REQUIRED BY FEDERAL LAW, THIS ARTICLE DOES NOT APPLY TO A HEALTH SAVINGS ACCOUNT.

~~(3) Exercise of a power of appointment in favor of a trustee.~~

Article – Insurance15-144.

~~(B)~~ (A) (1) (H) IN THIS SUBSECTION SECTION THE FOLLOWING WORDS HAVING THE MEANINGS INDICATED.

~~(H)~~ (2) “HEALTH SAVINGS ACCOUNT” HAS THE MEANING STATED IN § 223 OF THE INTERNAL REVENUE CODE.

~~(H)~~ (3) “HIGH DEDUCTIBLE HEALTH PLAN” HAS THE MEANING STATED IN § 223 OF THE INTERNAL REVENUE CODE.

~~(2)~~ (B) A HEALTH SAVINGS ACCOUNT IS ESTABLISHED ON THE FIRST DAY THAT AN INDIVIDUAL BECOMES COVERED BY A HIGH DEDUCTIBLE HEALTH PLAN.

~~(3)~~ (C) THE HEALTH SAVINGS ACCOUNT SHALL BE OPENED WITH A TRUSTEE OR CUSTODIAN WITHIN THE TIME PERIOD PRESCRIBED BY LAW, WITHOUT EXTENSIONS, FOR FILING A FEDERAL INCOME TAX RETURN FOR THE YEAR IN WHICH THE HEALTH SAVINGS ACCOUNT IS ESTABLISHED.

~~(4)~~ (D) A HEALTH SAVINGS ACCOUNT IS ESTABLISHED REGARDLESS OF A TRANSFER OF CASH OR OTHER PROPERTY TO THE ACCOUNT AND, UNLESS REQUIRED BY THE TRUSTEE OR CUSTODIAN, IT IS NOT NECESSARY FOR ANY PARTY TO SIGN A HEALTH SAVINGS ACCOUNT TRUST OR CUSTODIAL AGREEMENT REGARDING THE HEALTH SAVINGS ACCOUNT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect October 1, 2020~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths

of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

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

Chapter 617

(Senate Bill 507)

AN ACT concerning

~~Estates and Trusts~~ **Health Savings Accounts – Establishment and Application of Trust Law**

FOR the purpose of authorizing the establishment of a certain health savings account; providing that certain provisions of law do not apply to certain health savings accounts; providing that a certain health savings account is established on the first day that an individual becomes covered under a certain health plan; requiring a health savings account to be opened with a trustee or custodian within a certain time period; clarifying that a health savings account is established regardless of certain circumstances; making this Act an emergency measure; defining certain terms; and generally relating to health savings accounts.

BY ~~repealing and reenacting, with amendments,~~ adding to
 Article – Estates and Trusts
 Section ~~14.5-401~~ 14-501 to be under the new subtitle “Subtitle 5. Health Savings Accounts”
 Annotated Code of Maryland
 (2017 Replacement Volume and 2019 Supplement)

BY adding to
Article – Insurance
Section 15-144
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

~~14.5-401.~~

~~(A) A trust may be created by:~~

~~(1) Transfer of property to another person as trustee during the lifetime of the settlor or by will or other disposition taking effect on the death of the settlor;~~

~~(2) Declaration by the owner of property that the owner holds identifiable property as trustee; or~~

SUBTITLE 5. HEALTH SAVINGS ACCOUNTS.

14-501.

(A) IN THIS SUBTITLE, “HEALTH SAVINGS ACCOUNT” HAS THE MEANING STATED IN § 223 OF THE INTERNAL REVENUE CODE.

(B) A HEALTH SAVINGS ACCOUNT MAY BE ESTABLISHED AS PROVIDED IN § 15-144 OF THE INSURANCE ARTICLE.

(C) EXCEPT AS PROVIDED IN THIS SUBTITLE OR REQUIRED BY FEDERAL LAW, THIS ARTICLE DOES NOT APPLY TO A HEALTH SAVINGS ACCOUNT.

~~(3) Exercise of a power of appointment in favor of a trustee.~~

Article – Insurance

15-144.

~~(B)~~ (A) (1) ~~(H)~~ IN THIS ~~SUBSECTION~~ SECTION THE FOLLOWING WORDS HAVING THE MEANINGS INDICATED.

~~(H)~~ (2) “HEALTH SAVINGS ACCOUNT” HAS THE MEANING STATED IN § 223 OF THE INTERNAL REVENUE CODE.

~~(H)~~ (3) “HIGH DEDUCTIBLE HEALTH PLAN” HAS THE MEANING STATED IN § 223 OF THE INTERNAL REVENUE CODE.

~~(2)~~ (B) A HEALTH SAVINGS ACCOUNT IS ESTABLISHED ON THE FIRST DAY THAT AN INDIVIDUAL BECOMES COVERED BY A HIGH DEDUCTIBLE HEALTH PLAN.

~~(3)~~ (C) THE HEALTH SAVINGS ACCOUNT SHALL BE OPENED WITH A TRUSTEE OR CUSTODIAN WITHIN THE TIME PERIOD PRESCRIBED BY LAW, WITHOUT EXTENSIONS, FOR FILING A FEDERAL INCOME TAX RETURN FOR THE YEAR IN WHICH THE HEALTH SAVINGS ACCOUNT IS ESTABLISHED.

~~(4)~~ (D) A HEALTH SAVINGS ACCOUNT IS ESTABLISHED REGARDLESS OF A TRANSFER OF CASH OR OTHER PROPERTY TO THE ACCOUNT AND,

UNLESS REQUIRED BY THE TRUSTEE OR CUSTODIAN, IT IS NOT NECESSARY FOR ANY PARTY TO SIGN A HEALTH SAVINGS ACCOUNT TRUST OR CUSTODIAL AGREEMENT REGARDING THE HEALTH SAVINGS ACCOUNT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect October 1, 2020~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

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

Chapter 618

(House Bill 735)

AN ACT concerning

Task Force on the Canal Place Preservation and Development Authority – Reestablishment

FOR the purpose of reestablishing the Task Force on the Canal Place Preservation and Development Authority; providing for the composition, chair, staffing, and purpose of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to consult with certain entities and study and make recommendations on certain matters; requiring the Department of General Services to conduct a certain appraisal for a certain purpose; requiring the Task Force to report its findings and recommendations to certain committees of the General Assembly on or before a certain date; defining a certain term; making this Act an emergency measure; providing for the termination of this Act; and generally relating to the Task Force on the Canal Place Preservation and Development Authority.

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

(a) In this section, “Authority” means the Canal Place Preservation and Development Authority.

(b) The Task Force on the Canal Place Preservation and Development Authority, originally established by Chapter 789 of the Acts of the General Assembly of 2018, is reestablished.

(c) (1) Subject to paragraph (2) of this subsection, the Task Force consists of the following members:

- (i) the Chair of the Authority, or the Chair's designee;
- (ii) a member of the Allegany County Delegation to the General Assembly, appointed by the Chair of the Allegany County Delegation;
- (iii) the Mayor of the City of Cumberland, or the Mayor's designee;
- (iv) the Secretary of Budget and Management, or the Secretary's designee;
- (v) the Secretary of General Services, or the Secretary's designee;
- (vi) the Secretary of Planning, or the Secretary's designee; and
- (vii) a current leaseholder at the Shops at Canal Place, appointed by the Executive Director of the Authority.

(2) To the extent practicable, the members shall be the same as the members originally appointed to the Task Force under Chapter 789 of the Acts of the General Assembly of 2018.

(d) The individual elected to serve as chair of the Task Force under Chapter 789 of the Acts of the General Assembly of 2018 shall continue as chair of the Task Force.

(e) The Maryland Department of Planning shall provide staff for the Task Force.

(f) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(g) (1) The purpose of the Task Force is to:

(i) complete the work begun by the Task Force under Chapter 789 of the Acts of the General Assembly of 2018; and

(ii) determine how to alter the powers of the Authority as a State agency established under Title 13, Subtitle 10 of the Financial Institutions Article in order to align the mission and purpose of the Canal Place Heritage Area with that of other certified heritage areas under Title 13, Subtitle 11 of the Financial Institutions Article.

(2) The Task Force shall, at a minimum:

(i) determine the most feasible method to restructure or continue

the operations of the Authority as a State entity;

(ii) determine the best method for the disposition of the assets of the Authority, which may include:

1. the transfer of all or part of the assets to another State agency under § 10–304 of the State Finance and Procurement Article; and

2. the sale and transfer of all or part of the assets to a private entity, which must provide the current leaseholders of the Shops at Canal Place with a right of first refusal on the sale or transfer of the Shops at Canal Place;

(iii) determine the best method for the transfer of all leases held and maintained by the Authority;

(iv) examine the effect of the Task Force’s recommendations on State employees at the Authority;

(v) examine the costs associated with the dissolution of the Authority;

(vi) consult with the United States Department of the Interior and other applicable federal entities regarding the disposition of Authority assets;

(vii) undertake any other studies or examinations deemed necessary; and

(viii) recommend draft legislation to implement the conclusions of the Task Force.

(3) (i) In order to carry out the Task Force’s duties, on or before July 1, 2020, the Department of General Services shall conduct an independent appraisal of the property owned and maintained by the Authority.

(ii) The appraisal required under this paragraph shall be used to issue a Request for Expressions of Interest to determine the external interest in the purchase of any or all assets managed by the Authority.

(h) On or before September 1, 2020, the Task Force shall report its findings and recommendations, in accordance with § 2–1257 of the State Government Article, to the Senate Budget and Taxation Committee and the House Appropriations Committee.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. It shall remain effective through June 30, 2021, 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 619

(Senate Bill 421)

AN ACT concerning

Task Force on the Canal Place Preservation and Development Authority – Reestablishment

FOR the purpose of reestablishing the Task Force on the Canal Place Preservation and Development Authority; providing for the composition, chair, staffing, and purpose of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to consult with certain entities and study and make recommendations on certain matters; requiring the Department of General Services to conduct a certain appraisal for a certain purpose; requiring the Task Force to report its findings and recommendations to certain committees of the General Assembly on or before a certain date; defining a certain term; making this Act an emergency measure; providing for the termination of this Act; and generally relating to the Task Force on the Canal Place Preservation and Development Authority.

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

(a) In this section, “Authority” means the Canal Place Preservation and Development Authority.

(b) The Task Force on the Canal Place Preservation and Development Authority, originally established by Chapter 789 of the Acts of the General Assembly of 2018, is reestablished.

(c) (1) Subject to paragraph (2) of this subsection, the Task Force consists of the following members:

(i) the Chair of the Authority, or the Chair’s designee;

(ii) a member of the Allegany County Delegation to the General Assembly, appointed by the Chair of the Allegany County Delegation;

(iii) the Mayor of the City of Cumberland, or the Mayor’s designee;

designee;

- (iv) the Secretary of Budget and Management, or the Secretary's designee;
- (v) the Secretary of General Services, or the Secretary's designee;
- (vi) the Secretary of Planning, or the Secretary's designee; and
- (vii) a current leaseholder at the Shops at Canal Place, appointed by the Executive Director of the Authority.

(2) To the extent practicable, the members shall be the same as the members originally appointed to the Task Force under Chapter 789 of the Acts of the General Assembly of 2018.

(d) The individual elected to serve as chair of the Task Force under Chapter 789 of the Acts of the General Assembly of 2018 shall continue as chair of the Task Force.

(e) The Maryland Department of Planning shall provide staff for the Task Force.

(f) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(g) (1) The purpose of the Task Force is to:

(i) complete the work begun by the Task Force under Chapter 789 of the Acts of the General Assembly of 2018; and

(ii) determine how to alter the powers of the Authority as a State agency established under Title 13, Subtitle 10 of the Financial Institutions Article in order to align the mission and purpose of the Canal Place Heritage Area with that of other certified heritage areas under Title 13, Subtitle 11 of the Financial Institutions Article.

(2) The Task Force shall, at a minimum:

(i) determine the most feasible method to restructure or continue the operations of the Authority as a State entity;

(ii) determine the best method for the disposition of the assets of the Authority, which may include:

1. the transfer of all or part of the assets to another State agency under § 10–304 of the State Finance and Procurement Article; and

2. the sale and transfer of all or part of the assets to a private entity, which must provide the current leaseholders of the Shops at Canal Place with a right of first refusal on the sale or transfer of the Shops at Canal Place;

(iii) determine the best method for the transfer of all leases held and maintained by the Authority;

(iv) examine the effect of the Task Force's recommendations on State employees at the Authority;

(v) examine the costs associated with the dissolution of the Authority;

(vi) consult with the United States Department of the Interior and other applicable federal entities regarding the disposition of Authority assets;

(vii) undertake any other studies or examinations deemed necessary;
and

(viii) recommend draft legislation to implement the conclusions of the Task Force.

(3) (i) In order to carry out the Task Force's duties, on or before July 1, 2020, the Department of General Services shall conduct an independent appraisal of the property owned and maintained by the Authority.

(ii) The appraisal required under this paragraph shall be used to issue a Request for Expressions of Interest to determine the external interest in the purchase of any or all assets managed by the Authority.

(h) On or before September 1, 2020, the Task Force shall report its findings and recommendations, in accordance with § 2–1257 of the State Government Article, to the Senate Budget and Taxation Committee and the House Appropriations Committee.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea or nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. It shall remain effective through June 30, 2021, 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 620**(House Bill 959)**

AN ACT concerning

Health Insurance – Consumer Protections

FOR the purpose of authorizing the Maryland Insurance Commissioner to enforce certain provisions of law under certain applicable powers; requiring the Commissioner to adopt certain regulations under certain circumstances that are consistent with certain federal regulations, rules, and guidance and that establish certain criteria, certain standards, a certain definition, a certain calculation, certain reporting, certain rebate requirements, certain limitations, and certain requirements; prohibiting certain carriers from excluding or limiting certain benefits or denying certain coverage because a certain health condition was present before or on a certain date; prohibiting certain carriers from establishing certain rules for eligibility based on certain health status–related factors; prohibiting certain carriers from requiring certain individuals to pay a certain premium or contribution on the basis of certain health status–related factors; authorizing certain carriers to determine certain premium rates based on certain factors under certain circumstances; requiring certain carriers that provide certain coverage of a child to continue to make certain coverage available until the child is a certain age; prohibiting certain carriers from establishing certain rules for eligibility for coverage of a certain child; requiring certain carriers to accept certain employers and individuals that apply for certain health benefit plans subject to certain provisions of law and except under certain circumstances; providing that certain carriers must provide certain coverage without imposing certain cost–sharing requirements for certain items, services, immunizations, preventive care, and screenings except under certain circumstances; prohibiting certain carriers from establishing certain lifetime limits or annual limits on the dollar value of certain benefits except under certain circumstances; prohibiting certain carriers from applying certain waiting periods before certain coverage becomes effective for certain individuals; requiring certain carriers to allow certain insured individuals to designate certain primary care providers under certain circumstances; requiring certain carriers to treat certain actions by certain providers as care authorized by certain providers; prohibiting certain carriers from requiring authorization or referral by certain persons for an insured individual who seeks certain coverage; requiring certain providers to comply with certain policies and procedures; prohibiting certain carriers from requiring certain individuals from obtaining certain authorization for certain emergency services; requiring certain carriers to provide certain coverage and certain reimbursement for emergency services under certain circumstances; requiring certain carriers to compile and provide consumers a summary of benefits and coverage explanation that includes certain information; requiring the Commissioner to adopt certain regulations in consultation with the Maryland Health Benefits Exchange; requiring the Commissioner to review and update certain standards in a certain manner under certain circumstances; requiring certain carriers to provide a certain notice to certain

insured individuals not later than a certain number of days before a certain date; requiring the Maryland Insurance Administration to levy a certain fine for a certain violation; requiring the Commissioner to adopt certain regulations; establishing certain medical loss ratios for certain markets; requiring certain carriers to comply with certain requirements for calculating certain medical loss ratios and related reporting and rebate requirements; requiring certain carriers to disclose certain information to certain individuals or employers under certain circumstances; authorizing certain carriers to offer certain catastrophic plans to certain individuals under certain circumstances; requiring the Exchange to adopt certain regulations under certain circumstances that are consistent with certain federal laws, regulations, rules, and guidance and that establish a process for issuing certain hardship exemptions and affordability exemptions; establishing certain requirements for certain catastrophic plans; requiring certain carriers to comply with certain annual limitations on cost-sharing for certain essential health benefits covered under certain health benefit plans except under certain circumstances; providing that certain plans must be considered to provide certain prescription drug benefits if the plan complies with certain provisions of federal law or certain regulations; prohibiting certain carriers from rescinding certain health benefit plan coverage unless certain requirements are met; prohibiting certain carriers from refusing, withholding from, or denying certain coverage to certain persons based on certain factors under certain circumstances; requiring the Commission on Civil Rights to enforce certain provisions of this Act; requiring the Administration, the Health Education and Advocacy Unit of the Office of the Attorney General, and the Exchange to monitor certain federal statutes and regulations for a certain purpose and submit a certain annual report to certain committees of the General Assembly on or before a certain date of certain years; providing certain legislative history and intent of the General Assembly; defining certain terms; providing for the application of this Act; making this Act an emergency measure; and generally relating to health insurance and consumer protections.

BY repealing

Article – Insurance

Section 15–137.1

Annotated Code of Maryland

(2017 Replacement Volume and 2019 Supplement)

BY adding to

Article – Insurance

Section 15–1A–01 through 15–1A–22 to be under the new subtitle “Subtitle 1A.
Consumer Protections”

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

[15–137.1.

(a) The General Assembly finds and declares that it is in the public interest to ensure that the health care protections established by the federal Affordable Care Act continue to protect Maryland residents in light of continued threats to the federal Affordable Care Act.

(b) Notwithstanding any other provisions of law, the following provisions of Title I, Subtitles A, C, and D of the Affordable Care Act apply to individual health insurance coverage and health insurance coverage offered in the small group and large group markets, as those terms are defined in the federal Public Health Service Act, issued or delivered in the State by an authorized insurer, nonprofit health service plan, or health maintenance organization:

- (1) coverage of children up to the age of 26 years;
- (2) preexisting condition exclusions;
- (3) policy rescissions;
- (4) bona fide wellness programs;
- (5) lifetime limits;
- (6) annual limits for essential benefits;
- (7) waiting periods;
- (8) designation of primary care providers;
- (9) access to obstetrical and gynecological services;
- (10) emergency services;
- (11) summary of benefits and coverage explanation;
- (12) minimum loss ratio requirements and premium rebates;
- (13) disclosure of information;
- (14) annual limitations on cost sharing;
- (15) child-only plan offerings in the individual market;
- (16) minimum benefit requirements for catastrophic plans;

- (17) health insurance premium rates;
 - (18) coverage for individuals participating in approved clinical trials;
 - (19) contract requirements for stand-alone dental plans sold on the Maryland Health Benefit Exchange;
 - (20) guaranteed availability of coverage;
 - (21) prescription drug benefit requirements; and
 - (22) preventive and wellness services and chronic disease management.
- (c) The provisions of subsection (a) of this section do not apply to coverage for excepted benefits, as defined in 45 C.F.R. § 146.145.
- (d) The Commissioner may enforce this section under any applicable provisions of this article.]

SUBTITLE 1A. CONSUMER PROTECTIONS.

15-1A-01.

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

(B) “CARRIER” MEANS:

(1) AN INSURER THAT HOLDS A CERTIFICATE OF AUTHORITY IN THE STATE AND PROVIDES HEALTH INSURANCE IN THE STATE;

(2) A HEALTH MAINTENANCE ORGANIZATION THAT IS LICENSED TO OPERATE IN THE STATE;

(3) A NONPROFIT HEALTH SERVICE PLAN THAT IS LICENSED TO OPERATE IN THE STATE; OR

(4) ANY OTHER PERSON OR ORGANIZATION THAT PROVIDES HEALTH BENEFIT PLANS SUBJECT TO STATE INSURANCE REGULATION.

(C) “CHILD” MEANS:

(1) A NATURAL CHILD, A STEPCHILD, A FOSTER CHILD, OR AN ADOPTED CHILD OF THE INSURED; OR

(2) A CHILD PLACED WITH THE INSURED FOR LEGAL ADOPTION.

(D) “ESSENTIAL HEALTH BENEFIT” MEANS A HEALTH BENEFIT THAT:

(1) MEETS THE CRITERIA ESTABLISHED UNDER § 1302(B) OF THE AFFORDABLE CARE ACT; OR

(2) IF THE COMMISSIONER ADOPTS REGULATIONS AS DESCRIBED IN § 15-1A-04 OF THIS SUBTITLE, MEETS THE CRITERIA ESTABLISHED BY THE ADOPTED REGULATIONS.

(E) “GRANDFATHERED PLAN” MEANS A HEALTH BENEFIT PLAN THAT:

(1) MEETS THE CRITERIA ESTABLISHED UNDER 45 C.F.R. § 147.140 AND ANY CORRESPONDING FEDERAL RULES AND GUIDANCE AS THOSE PROVISIONS WERE IN EFFECT DECEMBER 1, 2019; OR

(2) IF THE COMMISSIONER ADOPTS REGULATIONS AS DESCRIBED IN § 15-1A-03 OF THE SUBTITLE, MEETS THE CRITERIA ESTABLISHED BY THE ADOPTED REGULATIONS.

(F) “GROUP PLAN” MEANS A SMALL GROUP PLAN OR A LARGE GROUP PLAN.

(G) “HEALTH BENEFIT PLAN” MEANS AN INDIVIDUAL PLAN, A SMALL GROUP PLAN, OR A LARGE GROUP PLAN.

(H) “INDIVIDUAL PLAN” MEANS AN INDIVIDUAL HEALTH BENEFIT PLAN AS DEFINED IN § 15-1301(O) OF THIS TITLE.

(I) “INSURED INDIVIDUAL” MEANS:

(1) AN INSURED, AN ENROLLEE, A SUBSCRIBER, A PARTICIPANT, A MEMBER, OR A BENEFICIARY OF A HEALTH BENEFIT PLAN; OR

(2) ANY COVERED DEPENDENT OF A HEALTH BENEFIT PLAN.

(J) “LARGE GROUP PLAN” MEANS A HEALTH BENEFIT PLAN AS DEFINED IN § 15-1401 OF THIS TITLE.

(K) “SMALL GROUP PLAN” MEANS A HEALTH BENEFIT PLAN AS DEFINED IN § 15-1201 OF THIS TITLE.

15-1A-02.

(A) THE COMMISSIONER MAY ENFORCE:

(1) THE PROVISIONS OF THIS SUBTITLE; AND

(2) NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW, THE FOLLOWING PROVISIONS OF TITLE 1, SUBTITLES A, C, AND D OF THE AFFORDABLE CARE ACT AS THEY APPLY TO INDIVIDUAL HEALTH INSURANCE COVERAGE AND HEALTH INSURANCE COVERAGE OFFERED IN THE SMALL GROUP AND LARGE GROUP MARKETS AS THOSE TERMS ARE DEFINED IN THE FEDERAL PUBLIC HEALTH SERVICE ACT, ISSUED OR DELIVERED IN THE STATE BY AN AUTHORIZED INSURER, NONPROFIT HEALTH SERVICE PLAN, OR HEALTH MAINTENANCE ORGANIZATION:

(I) COVERAGE OF CHILDREN UP TO THE AGE OF 26 YEARS;

(II) PREEXISTING CONDITION EXCLUSIONS;

(III) POLICY RESCISSIONS;

(IV) BONA FIDE WELLNESS PROGRAMS;

(V) LIFETIME LIMITS;

(VI) ANNUAL LIMITS FOR ESSENTIAL BENEFITS;

(VII) WAITING PERIODS;

(VIII) DESIGNATION OF PRIMARY CARE PROVIDERS;

(IX) ACCESS TO OBSTETRICAL AND GYNECOLOGICAL SERVICES;

(X) EMERGENCY SERVICES;

(XI) SUMMARY OF BENEFITS AND COVERAGE EXPLANATION;

(XII) MINIMUM LOSS RATIO REQUIREMENTS AND PREMIUM REBATES;

(XIII) DISCLOSURE OF INFORMATION;

(XIV) ANNUAL LIMITATIONS ON COST-SHARING;

(XV) CHILD-ONLY PLAN OFFERINGS IN THE INDIVIDUAL MARKET;

(XVI) MINIMUM BENEFIT REQUIREMENTS FOR CATASTROPHIC PLANS;

(XVII) HEALTH INSURANCE PREMIUM RATES;

(XVIII) COVERAGE FOR INDIVIDUALS PARTICIPATING IN APPROVED CLINICAL TRIALS;

(XIX) CONTRACT REQUIREMENTS FOR STAND-ALONE DENTAL PLANS SOLD ON THE MARYLAND HEALTH BENEFIT EXCHANGE;

(XX) GUARANTEED AVAILABILITY OF COVERAGE;

(XXI) PRESCRIPTION DRUG BENEFIT REQUIREMENTS; AND

(XXII) PREVENTIVE AND WELLNESS SERVICES AND CHRONIC DISEASE MANAGEMENT.

(B) THE COMMISSIONER MAY ENFORCE THE PROVISIONS IDENTIFIED UNDER SUBSECTION (A) OF THIS SECTION UNDER ANY APPLICABLE POWERS GRANTED TO THE COMMISSIONER UNDER THIS ARTICLE.

15-1A-03.

(A) FOR PURPOSES OF THIS SUBTITLE, TO THE EXTENT NECESSARY, THE COMMISSIONER SHALL ADOPT REGULATIONS THAT:

(1) ESTABLISH CRITERIA THAT A HEALTH BENEFIT PLAN MUST MEET TO BE CONSIDERED A GRANDFATHERED PLAN; AND

(2) ARE CONSISTENT WITH 45 C.F.R. § 147.140 AND ANY CORRESPONDING FEDERAL RULES AND GUIDANCE AS THOSE PROVISIONS WERE IN EFFECT DECEMBER 1, 2019.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE AND SUBJECT TO SUBSECTION (C) OF THIS SECTION, THIS SUBTITLE APPLIES TO ANY HEALTH BENEFIT PLAN THAT IS OFFERED BY A CARRIER IN THE STATE WITHIN THE SCOPE OF:

(1) SUBTITLE 12 OF THIS TITLE;

(2) SUBTITLE 13 OF THIS TITLE; OR

(3) SUBTITLE 14 OF THIS TITLE.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE PROVISIONS OF THIS SUBTITLE DO NOT APPLY TO A GRANDFATHERED PLAN.

(2) (I) THE FOLLOWING PROVISIONS APPLY TO ALL GRANDFATHERED PLANS:

1. THE PROVISIONS OF § 15-1A-08 OF THIS SUBTITLE RELATED TO HEALTH BENEFIT PLANS THAT PROVIDE DEPENDENT COVERAGE OF A CHILD;

2. THE PROVISIONS OF § 15-1A-11 OF THIS SUBTITLE RELATED TO THE PROHIBITION ON ESTABLISHING LIFETIME LIMITS ON THE DOLLAR VALUE OF BENEFITS;

3. THE PROVISIONS OF § 15-1A-12 OF THIS SUBTITLE RELATED TO WAITING PERIODS;

4. THE PROVISIONS OF § 15-1A-15 OF THIS SUBTITLE RELATED TO SUMMARY OF BENEFITS AND COVERAGE REQUIREMENTS;

5. THE PROVISIONS OF § 15-1A-16 OF THIS SUBTITLE RELATED TO MEDICAL LOSS RATIO AND CORRESPONDING REPORTING AND REBATE REQUIREMENTS; AND

6. THE PROVISIONS OF § 15-1A-21 OF THIS SUBTITLE RELATED TO RESCISSION OF A HEALTH BENEFIT PLAN.

(II) THE FOLLOWING PROVISIONS APPLY TO ALL GRANDFATHERED PLANS EXCEPT GRANDFATHERED PLANS THAT ARE INDIVIDUAL PLANS:

1. THE PROVISIONS OF § 15-1A-05 OF THIS SUBTITLE RELATED TO PREEXISTING CONDITION EXCLUSIONS; AND

2. THE PROVISIONS OF § 15-1A-11 OF THIS SUBTITLE RELATED TO THE PROHIBITION ON ESTABLISHING ANNUAL LIMITS ON THE DOLLAR VALUE OF BENEFITS.

15-1A-04.

FOR PURPOSES OF THIS SUBTITLE, TO THE EXTENT NECESSARY, THE COMMISSIONER SHALL ADOPT REGULATIONS THAT:

(1) ESTABLISH CRITERIA THAT A HEALTH BENEFIT PLAN MUST MEET TO BE CONSIDERED A HEALTH BENEFIT PLAN THAT COVERS ESSENTIAL HEALTH BENEFITS; AND

(2) ARE CONSISTENT WITH 45 C.F.R. PART 156 SUBPART B AND ANY CORRESPONDING FEDERAL RULES AND GUIDANCE AS THOSE PROVISIONS WERE IN EFFECT DECEMBER 1, 2019.

15-1A-05.

(A) THIS SECTION APPLIES TO ALL GRANDFATHERED PLANS EXCEPT GRANDFATHERED PLANS THAT ARE INDIVIDUAL PLANS AND TO EVERY HEALTH BENEFIT PLAN THAT IS NOT A GRANDFATHERED PLAN.

(B) A CARRIER MAY NOT:

(1) EXCLUDE OR LIMIT BENEFITS BECAUSE A HEALTH CONDITION WAS PRESENT BEFORE THE EFFECTIVE DATE OF COVERAGE; OR

(2) DENY COVERAGE BECAUSE A HEALTH CONDITION WAS PRESENT BEFORE OR ON THE DATE OF DENIAL.

(C) THE PROHIBITION IN SUBSECTION (B) OF THIS SECTION APPLIES WHETHER OR NOT:

(1) ANY MEDICAL ADVICE, DIAGNOSIS, CARE, OR TREATMENT WAS RECOMMENDED OR RECEIVED FOR THE CONDITION; OR

(2) THE HEALTH CONDITION WAS IDENTIFIED AS A RESULT OF:

(I) A PRE-ENROLLMENT QUESTIONNAIRE OR PHYSICAL EXAMINATION GIVEN TO AN INDIVIDUAL; OR

(II) A REVIEW OF RECORDS RELATING TO THE PRE-ENROLLMENT PERIOD.

15-1A-06.

(A) A CARRIER MAY NOT ESTABLISH RULES FOR ELIGIBILITY, INCLUDING CONTINUED ELIGIBILITY, FOR ENROLLMENT OF AN INDIVIDUAL INTO A HEALTH BENEFIT PLAN BASED ON HEALTH STATUS-RELATED FACTORS, INCLUDING:

(1) HEALTH CONDITION;

- (2) CLAIMS EXPERIENCE;
- (3) RECEIPT OF HEALTH CARE;
- (4) MEDICAL HISTORY;
- (5) GENETIC INFORMATION;
- (6) EVIDENCE OF INSURABILITY INCLUDING CONDITIONS ARISING OUT OF ACTS OF DOMESTIC VIOLENCE; OR
- (7) DISABILITY.

(B) A CARRIER MAY NOT REQUIRE AN INDIVIDUAL, AS A CONDITION OF ENROLLMENT OR CONTINUED ENROLLMENT IN A HEALTH BENEFIT PLAN, TO PAY A PREMIUM OR CONTRIBUTION THAT IS GREATER THAN THE PREMIUM OR CONTRIBUTION FOR A SIMILARLY SITUATED INDIVIDUAL ENROLLED IN THE HEALTH BENEFIT PLAN ON THE BASIS OF ANY HEALTH STATUS-RELATED FACTOR IN RELATION TO THE INDIVIDUAL OR TO AN INDIVIDUAL ENROLLED UNDER THE HEALTH BENEFIT PLAN AS A DEPENDENT OF THE INDIVIDUAL.

15-1A-07.

(A) (1) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE AUTHORITY OF THE COMMISSIONER TO CONDUCT A HEALTH BENEFIT PLAN PREMIUM RATE REVIEW UNDER TITLE 11, SUBTITLE 6 OF THIS ARTICLE.

(2) THIS SECTION APPLIES ONLY TO A CARRIER OFFERING AN INDIVIDUAL PLAN AND, SUBJECT TO § 15-1205 OF THIS TITLE, A CARRIER OFFERING A SMALL GROUP PLAN.

(B) A CARRIER MAY DETERMINE A PREMIUM RATE BASED ON:

- (1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, AGE;
- (2) GEOGRAPHY BASED ON THE FOLLOWING CONTIGUOUS AREAS OF THE STATE:
 - (I) THE BALTIMORE METROPOLITAN AREA;
 - (II) THE DISTRICT OF COLUMBIA METROPOLITAN AREA;
 - (III) WESTERN MARYLAND; AND

(IV) EASTERN MARYLAND AND SOUTHERN MARYLAND;

(3) SUBJECT TO SUBSECTION (D) OF THIS SECTION, WHETHER THE PLAN COVERS AN INDIVIDUAL OR A FAMILY; AND

(4) SUBJECT TO SUBSECTION (E) OF THIS SECTION, TOBACCO USE.

(C) (1) IN THIS SUBSECTION, "AGE" MEANS AN INDIVIDUAL'S AGE AS OF THE DATE OF ISSUANCE OR RENEWAL OF A HEALTH BENEFIT PLAN.

(2) FOR INDIVIDUALS WHO ARE 21 YEARS OF AGE OR OLDER, A PREMIUM RATE BASED ON AGE:

(I) MAY NOT VARY BY MORE THAN A RATIO OF 3 TO 1 FOR ADULTS;

(II) SHALL PROVIDE FOR 1-YEAR AGE BANDS FOR INDIVIDUALS AT LEAST 21 YEARS OLD AND UNDER THE AGE OF 64 YEARS; AND

(III) SHALL PROVIDE FOR A SINGLE AGE BAND FOR INDIVIDUALS AT LEAST 64 YEARS OLD.

(3) FOR INDIVIDUALS WHO ARE UNDER THE AGE OF 21 YEARS, A PREMIUM RATE BASED ON AGE SHALL:

(I) BE ACTUARIALLY JUSTIFIED AND CONSISTENT WITH THE UNIFORM AGE RATING CURVE ESTABLISHED IN ACCORDANCE WITH PARAGRAPH (4) OF THIS SUBSECTION;

(II) PROVIDE FOR A SINGLE AGE BAND FOR INDIVIDUALS UNDER THE AGE OF 15 YEARS; AND

(III) PROVIDE FOR 1-YEAR AGE BANDS FOR INDIVIDUALS AT LEAST 15 YEARS OLD AND UNDER THE AGE OF 20 YEARS.

(4) THE UNIFORM AGE RATING CURVE REQUIRED UNDER PARAGRAPH (3)(I) OF THIS SUBSECTION MAY BE ESTABLISHED BY THE COMMISSIONER IN THE INDIVIDUAL MARKET, SMALL GROUP MARKET, OR BOTH MARKETS.

(D) (1) A RATING VARIATION FOR A HEALTH BENEFIT PLAN THAT PROVIDES COVERAGE FOR A FAMILY SHALL BE APPLIED BASED ON THE PORTION OF THE PREMIUM ATTRIBUTABLE TO EACH FAMILY MEMBER COVERED.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A PREMIUM FOR A HEALTH BENEFIT PLAN THAT PROVIDES COVERAGE FOR A FAMILY SHALL BE DETERMINED BY SUMMING THE PREMIUMS FOR EACH INDIVIDUAL FAMILY MEMBER.

(II) FOR A HEALTH BENEFIT PLAN THAT PROVIDES FAMILY COVERAGE FOR INDIVIDUALS UNDER THE AGE OF 21 YEARS, THE SUM SHALL INCLUDE NOT MORE THAN THE PREMIUMS FOR THE THREE OLDEST INDIVIDUALS UNDER THE AGE OF 21 YEARS.

(E) A PREMIUM RATE BASED ON TOBACCO USE MAY NOT VARY BY MORE THAN A RATIO OF 1.5 TO 1.

15-1A-08.

(A) A CARRIER THAT OFFERS A HEALTH BENEFIT PLAN, INCLUDING A GRANDFATHERED PLAN, THAT PROVIDES FOR DEPENDENT COVERAGE OF A CHILD SHALL CONTINUE TO MAKE THE COVERAGE AVAILABLE FOR THE CHILD UNTIL THE CHILD IS 26 YEARS OLD.

(B) A CARRIER MAY NOT ESTABLISH RULES FOR ELIGIBILITY, INCLUDING CONTINUED ELIGIBILITY, FOR COVERAGE OF A CHILD UNDER THE AGE OF 26 YEARS BASED ON ANY FACTOR OTHER THAN THE RELATIONSHIP BETWEEN THE CHILD AND THE INSURED.

15-1A-09.

(A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) THROUGH (D) OF THIS SECTION, A CARRIER SHALL ACCEPT EVERY EMPLOYER AND INDIVIDUAL IN THE STATE THAT APPLIES FOR A HEALTH BENEFIT PLAN, SUBJECT TO THE FOLLOWING PROVISIONS OF THIS ARTICLE:

(1) SUBTITLE 4 OF THIS TITLE;

(2) §§ 15-1206(C), 15-1208.1, 15-1208.2, 15-1209, AND 15-1210 OF THIS TITLE;

(3) §§ 15-1316 AND 15-1318 OF THIS TITLE; AND

(4) §§ 15-1406 AND 15-1406.1 OF THIS TITLE.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A CARRIER MAY RESTRICT ENROLLMENT TO OPEN OR SPECIAL ENROLLMENT PERIODS.

(2) A CARRIER THAT OFFERS A LARGE GROUP PLAN SHALL ALLOW AN EMPLOYER ELIGIBLE TO PURCHASE A LARGE GROUP PLAN TO PURCHASE A LARGE GROUP PLAN AT ANY TIME DURING THE YEAR.

(C) IF A CARRIER USES A NETWORK FOR A HEALTH BENEFIT PLAN UNDER WHICH THE FINANCING AND DELIVERY OF MEDICAL CARE ARE PROVIDED, IN WHOLE OR IN PART, THROUGH A DEFINED SET OF PROVIDERS UNDER CONTRACT WITH THE CARRIER, THE CARRIER:

(1) (I) MAY LIMIT THE EMPLOYERS THAT MAY APPLY FOR COVERAGE TO EMPLOYERS OF ELIGIBLE INDIVIDUALS WHO LIVE, WORK, OR RESIDE IN THE SERVICE AREA FOR THE NETWORK; AND

(II) IF THE CARRIER IS A HEALTH MAINTENANCE ORGANIZATION, MAY LIMIT THE INDIVIDUALS WHO MAY APPLY FOR COVERAGE IN THE INDIVIDUAL MARKET TO THOSE WHO LIVE OR RESIDE IN THE SERVICE AREA FOR THE NETWORK; OR

(2) MAY DENY COVERAGE WITHIN A SERVICE AREA IF THE CARRIER:

(I) DEMONSTRATES TO THE COMMISSIONER THAT:

1. THE CARRIER DOES NOT HAVE THE CAPACITY TO DELIVER ADEQUATE SERVICES TO ADDITIONAL ENROLLEES OF GROUPS OR ADDITIONAL INDIVIDUALS BECAUSE OF ITS OBLIGATIONS TO EXISTING GROUP CONTRACT HOLDERS AND ENROLLEES; AND

2. THE CARRIER APPLIES THE DENIAL OF COVERAGE UNIFORMLY TO ALL EMPLOYERS AND INDIVIDUALS WITHOUT REGARD TO THE CLAIMS EXPERIENCE OR ANY HEALTH STATUS-RELATED FACTOR; AND

(II) DOES NOT OFFER COVERAGE WITHIN THE SERVICE AREA FOR AT LEAST 180 DAYS AFTER THE DATE THE CARRIER DENIED COVERAGE IN THE SERVICE AREA.

(D) A CARRIER MAY DENY COVERAGE IF THE CARRIER:

(1) DEMONSTRATES TO THE COMMISSIONER THAT:

(I) THE CARRIER DOES NOT HAVE THE FINANCIAL RESERVES NECESSARY TO UNDERWRITE ADDITIONAL COVERAGE; AND

(II) THE CARRIER APPLIES THE DENIAL OF COVERAGE UNIFORMLY TO ALL EMPLOYERS AND INDIVIDUALS WITHOUT REGARD TO THE CLAIMS EXPERIENCE OR ANY HEALTH STATUS-RELATED FACTOR; AND

(2) UNLESS A LATER DATE IS OTHERWISE AUTHORIZED BY THE COMMISSIONER, DOES NOT OFFER THE DENIED COVERAGE FOR AT LEAST 180 DAYS AFTER THE DATE THE CARRIER DENIED THE COVERAGE.

15-1A-10.

(A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, A CARRIER SHALL PROVIDE COVERAGE FOR AND MAY NOT IMPOSE ANY COST-SHARING REQUIREMENTS, INCLUDING COPAYMENTS, COINSURANCE, OR DEDUCTIBLES FOR:

(1) EVIDENCE-BASED ITEMS OR SERVICES THAT HAVE IN EFFECT A RATING OF A OR B IN THE CURRENT RECOMMENDATIONS OF THE UNITED STATES PREVENTIVE SERVICES TASK FORCE WITH RESPECT TO THE INDIVIDUAL INVOLVED;

(2) IMMUNIZATIONS FOR ROUTINE USE IN CHILDREN, ADOLESCENTS, AND ADULTS THAT HAVE IN EFFECT A RECOMMENDATION FROM THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION WITH RESPECT TO THE INDIVIDUAL INVOLVED, IF THE RECOMMENDATION:

(I) HAS BEEN ADOPTED BY THE DIRECTOR OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION; AND

(II) IS LISTED ON THE IMMUNIZATION SCHEDULES OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION FOR ROUTINE USE;

(3) WITH RESPECT TO INFANTS, CHILDREN, AND ADOLESCENTS, EVIDENCE-INFORMED PREVENTIVE CARE AND SCREENINGS PROVIDED FOR IN COMPREHENSIVE GUIDELINES SUPPORTED BY THE HEALTH RESOURCES AND SERVICES ADMINISTRATION; AND

(4) WITH RESPECT TO WOMEN:

(I) ~~EXCEPT AS~~ TO THE EXTENT NOT PROVIDED IN ITEM (II) OF THIS ITEM, PREVENTIVE CARE AND SCREENINGS AS PROVIDED FOR IN COMPREHENSIVE GUIDELINES SUPPORTED BY THE HEALTH RESOURCES AND SERVICES ADMINISTRATION FOR PURPOSES OF § 2713(A)(4) OF THE FEDERAL PUBLIC HEALTH SERVICE ACT; AND

(II) SUBJECT TO ~~§§ 15-826 AND 15-826.1~~ § 15-826(C) OF THIS TITLE, CONTRACEPTIVE COVERAGE AS PROVIDED FOR IN COMPREHENSIVE GUIDELINES SUPPORTED BY THE HEALTH RESOURCES AND SERVICES ADMINISTRATION FOR PURPOSES OF § 2713(A)(4) OF THE FEDERAL PUBLIC HEALTH SERVICE ACT.

(B) TO THE EXTENT THAT COST-SHARING IS OTHERWISE ALLOWED UNDER FEDERAL OR STATE LAW, A HEALTH BENEFIT PLAN THAT USES A NETWORK OF PROVIDERS MAY IMPOSE COST-SHARING REQUIREMENTS ON THE COVERAGE DESCRIBED IN SUBSECTION (A) OF THIS SECTION FOR ITEMS OR SERVICES DELIVERED BY AN OUT-OF-NETWORK PROVIDER.

(C) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A CARRIER FROM PROVIDING COVERAGE FOR SERVICES IN ADDITION TO THOSE RECOMMENDED BY THE UNITED STATES PREVENTIVE SERVICES TASK FORCE OR TO DENY COVERAGE FOR SERVICES THAT ARE NOT RECOMMENDED BY THE TASK FORCE.

15-1A-11.

(A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, A CARRIER THAT OFFERS A HEALTH BENEFIT PLAN, INCLUDING A GRANDFATHERED PLAN, MAY NOT ESTABLISH LIFETIME LIMITS OR ANNUAL LIMITS ON THE DOLLAR VALUE OF BENEFITS FOR ANY INSURED INDIVIDUAL.

(B) TO THE EXTENT THAT LIMITS ARE OTHERWISE AUTHORIZED UNDER FEDERAL OR STATE LAW, A CARRIER MAY ESTABLISH ANNUAL LIMITS ON THE DOLLAR VALUE OF BENEFITS FOR AN INSURED INDIVIDUAL FOR A GRANDFATHERED PLAN THAT IS AN INDIVIDUAL PLAN.

(C) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A CARRIER FROM PLACING ANNUAL OR LIFETIME PER BENEFICIARY LIMITS ON SPECIFIC COVERED BENEFITS THAT ARE NOT ESSENTIAL HEALTH BENEFITS.

15-1A-12.

A CARRIER OFFERING A GROUP PLAN, INCLUDING A GRANDFATHERED PLAN, MAY NOT APPLY A WAITING PERIOD OF MORE THAN 90 DAYS THAT MUST PASS BEFORE COVERAGE BECOMES EFFECTIVE FOR AN INDIVIDUAL WHO IS OTHERWISE ELIGIBLE FOR THE GROUP PLAN.

15-1A-13.

(A) IF A CARRIER REQUIRES OR PROVIDES FOR THE DESIGNATION OF A PARTICIPATING PRIMARY CARE PROVIDER FOR AN INSURED INDIVIDUAL, THE CARRIER SHALL ALLOW EACH INSURED INDIVIDUAL TO DESIGNATE ANY PARTICIPATING PRIMARY CARE PROVIDER IF THE PROVIDER IS AVAILABLE TO ACCEPT THE INSURED INDIVIDUAL.

(B) (1) (I) THIS SUBSECTION APPLIES ONLY TO AN INDIVIDUAL WHO HAS A CHILD WHO IS AN INSURED INDIVIDUAL UNDER THE INDIVIDUAL'S HEALTH BENEFIT PLAN.

(II) THIS SUBSECTION MAY NOT BE CONSTRUED TO WAIVE ANY EXCLUSIONS OF COVERAGE UNDER THE TERMS AND CONDITIONS OF A HEALTH BENEFIT PLAN WITH RESPECT TO COVERAGE OF PEDIATRIC CARE.

(2) IF A CARRIER REQUIRES OR PROVIDES FOR THE DESIGNATION OF A PARTICIPATING PRIMARY CARE PROVIDER FOR A CHILD, THE CARRIER SHALL ALLOW THE INDIVIDUAL TO DESIGNATE ANY PARTICIPATING PHYSICIAN WHO SPECIALIZES IN PEDIATRICS AS THE CHILD'S PRIMARY CARE PROVIDER IF THE PROVIDER IS AVAILABLE TO ACCEPT THE CHILD.

(C) (1) (I) THIS SUBSECTION APPLIES ONLY TO A CARRIER THAT:

1. PROVIDES COVERAGE FOR OBSTETRICAL OR GYNECOLOGICAL CARE; AND

2. REQUIRES THE DESIGNATION BY AN INSURED INDIVIDUAL OF A PARTICIPATING PRIMARY CARE PROVIDER.

(II) THIS SUBSECTION MAY NOT BE CONSTRUED TO:

1. WAIVE ANY EXCLUSIONS OF COVERAGE UNDER THE TERMS AND CONDITIONS OF A HEALTH BENEFIT PLAN WITH RESPECT TO COVERAGE OF OBSTETRICAL OR GYNECOLOGICAL CARE; OR

2. PROHIBIT A CARRIER FROM REQUIRING THAT THE OBSTETRICAL OR GYNECOLOGICAL PROVIDER NOTIFY THE PRIMARY CARE PROVIDER OR CARRIER FOR AN INSURED INDIVIDUAL OF TREATMENT DECISIONS.

(2) A CARRIER SHALL TREAT THE PROVISION OF OBSTETRICAL AND GYNECOLOGICAL CARE AND THE ORDERING OF RELATED OBSTETRICAL AND GYNECOLOGICAL ITEMS AND SERVICES BY A PARTICIPATING HEALTH CARE PROVIDER THAT SPECIALIZES IN OBSTETRICS OR GYNECOLOGY AS CARE AUTHORIZED BY THE PRIMARY CARE PROVIDER FOR THE INSURED INDIVIDUAL.

(3) A CARRIER MAY NOT REQUIRE AUTHORIZATION OR REFERRAL BY ANY PERSON, INCLUDING THE PRIMARY CARE PROVIDER FOR THE INSURED INDIVIDUAL, FOR AN INSURED INDIVIDUAL WHO SEEKS COVERAGE FOR OBSTETRICAL OR GYNECOLOGICAL CARE PROVIDED BY A PARTICIPATING HEALTH CARE PROVIDER WHO SPECIALIZES IN OBSTETRICS OR GYNECOLOGY.

(4) A HEALTH CARE PROVIDER THAT PROVIDES OBSTETRICAL OR GYNECOLOGICAL CARE SHALL COMPLY WITH A CARRIER'S POLICIES AND PROCEDURES.

15-1A-14.

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

(2) "EMERGENCY MEDICAL CONDITION" MEANS A MEDICAL CONDITION THAT MANIFESTS ITSELF BY ACUTE SYMPTOMS OF SUCH SEVERITY, INCLUDING SEVERE PAIN, THAT THE ABSENCE OF IMMEDIATE MEDICAL ATTENTION COULD REASONABLY BE EXPECTED BY A PRUDENT LAYPERSON, WHO POSSESSES AN AVERAGE KNOWLEDGE OF HEALTH AND MEDICINE, TO RESULT IN A CONDITION DESCRIBED IN § 1867(E)(1) OF THE SOCIAL SECURITY ACT.

(3) "EMERGENCY SERVICES" MEANS, WITH RESPECT TO AN EMERGENCY MEDICAL CONDITION:

(I) A MEDICAL SCREENING EXAMINATION THAT IS WITHIN THE CAPABILITY OF THE EMERGENCY DEPARTMENT OF A HOSPITAL OR FREESTANDING MEDICAL FACILITY, INCLUDING ANCILLARY SERVICES ROUTINELY AVAILABLE TO THE EMERGENCY DEPARTMENT TO EVALUATE AN EMERGENCY MEDICAL CONDITION; OR

(II) ANY OTHER EXAMINATION OR TREATMENT WITHIN THE CAPABILITIES OF THE STAFF AND FACILITIES AVAILABLE AT THE HOSPITAL OR FREESTANDING MEDICAL FACILITY THAT IS NECESSARY TO STABILIZE THE PATIENT.

(B) IF A CARRIER PROVIDES OR COVERS ANY BENEFITS FOR EMERGENCY SERVICES IN AN EMERGENCY DEPARTMENT OF A HOSPITAL OR FREESTANDING MEDICAL FACILITY, THE CARRIER:

(1) MAY NOT REQUIRE AN INSURED INDIVIDUAL TO OBTAIN PRIOR AUTHORIZATION FOR THE EMERGENCY SERVICES; AND

(2) SHALL PROVIDE COVERAGE FOR THE EMERGENCY SERVICES REGARDLESS OF WHETHER THE HEALTH CARE PROVIDER PROVIDING THE EMERGENCY SERVICES HAS A CONTRACTUAL RELATIONSHIP WITH THE CARRIER TO FURNISH EMERGENCY SERVICES.

(C) IF A HEALTH CARE PROVIDER OF EMERGENCY SERVICES DOES NOT HAVE A CONTRACTUAL RELATIONSHIP WITH THE CARRIER TO PROVIDE EMERGENCY SERVICES, THE CARRIER:

(1) MAY NOT IMPOSE ANY ADMINISTRATIVE REQUIREMENT OR LIMITATION ON COVERAGE THAT WOULD BE MORE RESTRICTIVE THAN ADMINISTRATIVE REQUIREMENTS OR LIMITATIONS IMPOSED ON COVERAGE FOR EMERGENCY SERVICES FURNISHED BY A HEALTH CARE PROVIDER WITH A CONTRACTUAL RELATIONSHIP WITH THE CARRIER;

(2) SUBJECT TO § 14–205.2 OF THIS ARTICLE AND § 19–710.1 OF THE HEALTH – GENERAL ARTICLE, MAY NOT IMPOSE ANY COST–SHARING AMOUNT GREATER THAN THE AMOUNT IMPOSED FOR EMERGENCY SERVICES FURNISHED BY A HEALTH CARE PROVIDER WITH A CONTRACTUAL RELATIONSHIP WITH THE CARRIER; AND

(3) SHALL REIMBURSE THE HEALTH CARE PROVIDER AT THE REIMBURSEMENT RATE SPECIFIED IN SUBSECTION (D) OF THIS SECTION.

(D) EXCEPT AS PROVIDED IN § 14–205.2 OF THIS ARTICLE AND § 19–710.1 OF THE HEALTH – GENERAL ARTICLE, A CARRIER SHALL REIMBURSE A HEALTH CARE PROVIDER OF EMERGENCY SERVICES THAT DOES NOT HAVE A CONTRACTUAL RELATIONSHIP WITH THE CARRIER THE GREATER OF:

(1) THE MEDIAN AMOUNT NEGOTIATED WITH IN–NETWORK PROVIDERS FOR THE EMERGENCY SERVICE, EXCLUDING ANY IN–NETWORK COPAYMENT OR COINSURANCE;

(2) THE AMOUNT FOR THE EMERGENCY SERVICE CALCULATED USING THE SAME METHOD THE HEALTH BENEFIT PLAN GENERALLY USES TO DETERMINE PAYMENTS FOR OUT–OF–NETWORK SERVICES, EXCLUDING ANY IN–NETWORK COPAYMENT OR COINSURANCE, WITHOUT REDUCTION FOR OUT–OF–NETWORK COST–SHARING THAT GENERALLY APPLIES UNDER THE HEALTH BENEFIT PLAN; OR

(3) THE AMOUNT THAT WOULD BE PAID UNDER MEDICARE PART A OR PART B FOR THE EMERGENCY SERVICE, EXCLUDING ANY IN–NETWORK COPAYMENT OR COINSURANCE.

(A) THIS SECTION APPLIES TO ALL GRANDFATHERED PLANS AND TO EVERY HEALTH BENEFIT PLAN THAT IS NOT A GRANDFATHERED PLAN.

(B) (1) A CARRIER SHALL COMPILE AND PROVIDE TO CONSUMERS A SUMMARY OF BENEFITS AND COVERAGE EXPLANATION THAT:

(I) ACCURATELY DESCRIBES THE BENEFITS AND COVERAGE UNDER THE APPLICABLE HEALTH BENEFIT PLAN; AND

(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, COMPLIES WITH THE STANDARDS UNDER 45 C.F.R. § 147.200.

(2) IF THE COMMISSIONER ADOPTS REGULATIONS AS DESCRIBED IN SUBSECTION (C) OF THIS SECTION, A SUMMARY OF BENEFITS AND COVERAGE EXPLANATION SHALL COMPLY WITH THE STANDARDS IN THE ADOPTED REGULATIONS.

(C) TO THE EXTENT NECESSARY, THE COMMISSIONER, IN CONSULTATION WITH THE MARYLAND HEALTH BENEFIT EXCHANGE, SHALL ADOPT REGULATIONS THAT:

(1) ESTABLISH STANDARDS FOR THE SUMMARY OF BENEFITS AND COVERAGE; AND

(2) ARE CONSISTENT WITH 45 C.F.R. § 147.200 AND ANY CORRESPONDING FEDERAL RULES AND GUIDANCE IN EFFECT DECEMBER 1, 2019.

(D) THE SUMMARY OF BENEFITS AND COVERAGE SHALL BE PRESENTED:

(1) IN A UNIFORM FORMAT THAT DOES NOT EXCEED FOUR PAGES IN LENGTH AND DOES NOT INCLUDE PRINT SMALLER THAN 12 POINT TYPE; AND

(2) IN A CULTURALLY AND LINGUISTICALLY APPROPRIATE MANNER THAT USES TERMINOLOGY UNDERSTANDABLE BY THE AVERAGE INSURED INDIVIDUAL.

(E) THE STANDARDS DEVELOPED UNDER SUBSECTION (C) OF THIS SECTION SHALL INCLUDE:

(1) UNIFORM DEFINITIONS OF STANDARD INSURANCE-RELATED TERMS AND MEDICAL TERMS SO CONSUMERS MAY COMPARE HEALTH BENEFIT PLANS AND UNDERSTAND THE TERMS OF AND EXCEPTIONS TO COVERAGE, INCLUDING:

- (I) PREMIUM;
- (II) DEDUCTIBLE;
- (III) COINSURANCE;
- (IV) COPAYMENT;
- (V) OUT-OF-POCKET LIMIT;
- (VI) PREFERRED PROVIDER;
- (VII) NONPREFERRED PROVIDER;
- (VIII) OUT-OF-NETWORK COPAYMENTS;
- (IX) USUAL, CUSTOMARY, AND REASONABLE FEES;
- (X) EXCLUDED SERVICES;
- (XI) GRIEVANCE AND APPEALS;
- (XII) HOSPITALIZATION;
- (XIII) HOSPITAL OUTPATIENT CARE;
- (XIV) EMERGENCY ROOM CARE;
- (XV) PHYSICIAN SERVICES;
- (XVI) PRESCRIPTION DRUG COVERAGE;
- (XVII) DURABLE MEDICAL EQUIPMENT;
- (XVIII) HOME HEALTH CARE;
- (XIX) SKILLED NURSING CARE;
- (XX) REHABILITATION SERVICES;
- (XXI) HOSPICE SERVICES;
- (XXII) EMERGENCY MEDICAL TRANSPORTATION; AND

(XXIII) ANY OTHER TERMS THE COMMISSIONER DETERMINES ARE IMPORTANT TO DEFINE SO A CONSUMER MAY COMPARE THE MEDICAL BENEFITS OFFERED BY HEALTH BENEFIT PLANS AND UNDERSTAND THE EXTENT OF AND EXCEPTIONS TO THOSE MEDICAL BENEFITS;

(2) A DESCRIPTION OF THE COVERAGE OF A HEALTH BENEFIT PLAN, INCLUDING COST-SHARING FOR:

(I) EACH OF THE CATEGORIES OF THE ESSENTIAL HEALTH BENEFITS IN THE STATE BENCHMARK PLAN SELECTED IN ACCORDANCE WITH § 31-116 OF THIS ARTICLE; AND

(II) OTHER BENEFITS, AS IDENTIFIED BY THE COMMISSIONER;

(3) THE EXCEPTIONS, REDUCTIONS, AND LIMITATIONS ON COVERAGE;

(4) THE RENEWABILITY AND CONTINUATION OF COVERAGE PROVISIONS;

(5) A COVERAGE FACTS LABEL THAT INCLUDES EXAMPLES TO ILLUSTRATE COMMON BENEFITS SCENARIOS BASED ON RECOGNIZED CLINICAL PRACTICE GUIDELINES, INCLUDING PREGNANCY AND SERIOUS OR CHRONIC MEDICAL CONDITIONS AND RELATED COST-SHARING REQUIREMENTS;

(6) A STATEMENT OF WHETHER THE HEALTH BENEFIT PLAN ENSURES THAT THE PLAN OR COVERAGE SHARE OF THE TOTAL ALLOWED COSTS OF BENEFITS PROVIDED UNDER THE PLAN OR COVERAGE IS NOT LESS THAN 60% OF THE COSTS;

(7) A STATEMENT THAT:

(I) THE SUMMARY OF BENEFITS IS AN OUTLINE OF THE HEALTH BENEFIT PLAN; AND

(II) THE LANGUAGE OF THE HEALTH BENEFIT PLAN SHOULD BE CONSULTED TO DETERMINE THE GOVERNING CONTRACTUAL PROVISIONS; AND

(8) A CONTACT NUMBER FOR THE CONSUMER TO CALL WITH ADDITIONAL QUESTIONS AND A WEBSITE WHERE A COPY OF THE ACTUAL HEALTH BENEFIT PLAN CAN BE REVIEWED AND OBTAINED.

(F) AS APPROPRIATE, THE COMMISSIONER, IN CONSULTATION WITH THE MARYLAND HEALTH BENEFIT EXCHANGE, SHALL PERIODICALLY REVIEW AND UPDATE THE STANDARDS DEVELOPED UNDER SUBSECTION (C) OF THIS SECTION.

(G) (1) EACH CARRIER SHALL PROVIDE A SUMMARY OF BENEFITS AND COVERAGE EXPLANATION THAT COMPLIES WITH THE STANDARDS DEVELOPED UNDER SUBSECTION (C) OF THIS SECTION BY THE COMMISSIONER TO:

(I) AN APPLICANT AT THE TIME OF APPLICATION; AND

(II) AN INSURED INDIVIDUAL BEFORE THE TIME OF ENROLLMENT OR REENROLLMENT, AS APPLICABLE.

(2) A CARRIER MAY PROVIDE A SUMMARY OF BENEFITS AND COVERAGE EXPLANATION AS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IN PAPER OR ELECTRONIC FORM.

(H) EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, IF A CARRIER MAKES ANY MATERIAL MODIFICATION IN ANY OF THE TERMS OF THE PLAN OR COVERAGE INVOLVED THAT IS NOT REFLECTED IN THE MOST RECENTLY PROVIDED SUMMARY OF BENEFITS AND COVERAGE EXPLANATION, THE CARRIER SHALL PROVIDE NOTICE OF THE MODIFICATION TO INSURED INDIVIDUALS NOT LATER THAN 60 DAYS BEFORE THE EFFECTIVE DATE OF THE MODIFICATION.

(I) (1) THE MARYLAND INSURANCE ADMINISTRATION SHALL LEVY A FINE OF NOT MORE THAN \$1,000 AGAINST A CARRIER THAT WILLFULLY FAILS TO PROVIDE THE INFORMATION REQUIRED UNDER THIS SECTION.

(2) A FAILURE WITH RESPECT TO EACH INSURED INDIVIDUAL SHALL CONSTITUTE A SEPARATE OFFENSE FOR PURPOSES OF THIS SUBSECTION.

15-1A-16.

(A) (1) FOR PURPOSES OF THIS SECTION, “MEDICAL LOSS RATIO”:

(I) HAS THE MEANING ESTABLISHED IN 45 C.F.R. § 158.221; OR

(II) IF THE COMMISSIONER ADOPTS REGULATIONS AS DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION, HAS THE MEANING ESTABLISHED BY THE ADOPTED REGULATIONS.

(2) TO THE EXTENT NECESSARY, THE COMMISSIONER SHALL ADOPT REGULATIONS THAT:

(I) ESTABLISH A DEFINITION FOR “MEDICAL LOSS RATIO”; AND

(II) ARE CONSISTENT WITH 45 C.F.R. § 158.221 AND ANY CORRESPONDING FEDERAL RULES AND GUIDANCE AS THOSE PROVISIONS WERE IN EFFECT DECEMBER 1, 2019.

(B) THIS SECTION APPLIES TO ALL GRANDFATHERED PLANS AND TO EVERY HEALTH BENEFIT PLAN THAT IS NOT A GRANDFATHERED PLAN.

(C) THE MINIMUM ACCEPTABLE MEDICAL LOSS RATIO IS:

(1) FOR THE LARGE GROUP MARKET, 85% OR A HIGHER PERCENTAGE AS DETERMINED BY THE COMMISSIONER IN REGULATIONS; AND

(2) FOR THE SMALL GROUP MARKET AND INDIVIDUAL MARKET, 80% OR A HIGHER PERCENTAGE AS DETERMINED BY THE COMMISSIONER IN REGULATIONS.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH CARRIER SHALL COMPLY WITH THE REQUIREMENTS FOR CALCULATING MEDICAL LOSS RATIOS AND RELATED REPORTING AND REBATE REQUIREMENTS ESTABLISHED IN 45 C.F.R. PART 158 AND ANY CORRESPONDING FEDERAL RULES AND GUIDANCE.

(2) IF THE COMMISSIONER ADOPTS REGULATIONS AS DESCRIBED IN SUBSECTION (E) OF THIS SECTION, EACH CARRIER SHALL COMPLY WITH THE REQUIREMENTS IN THE ADOPTED REGULATIONS.

(E) TO THE EXTENT NECESSARY, THE COMMISSIONER SHALL ADOPT REGULATIONS THAT:

(1) ESTABLISH REQUIREMENTS FOR CALCULATING MEDICAL LOSS RATIOS AND RELATED REPORTING AND REBATE REQUIREMENTS; AND

(2) ARE CONSISTENT WITH 45 C.F.R. PART 158 AND ANY CORRESPONDING FEDERAL RULES AND GUIDANCE AS THOSE PROVISIONS WERE IN EFFECT DECEMBER 1, 2019.

15-1A-17.

(A) (1) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE A CARRIER TO DISCLOSE INFORMATION THAT IS PROPRIETARY AND TRADE SECRET INFORMATION UNDER APPLICABLE LAW.

(2) THIS SECTION APPLIES ONLY TO CARRIERS OFFERING AN INDIVIDUAL PLAN OR A SMALL GROUP PLAN.

(B) A CARRIER SHALL DISCLOSE TO AN INDIVIDUAL OR EMPLOYER, AS APPLICABLE, THE FOLLOWING INFORMATION:

(1) THE CARRIER'S RIGHT TO CHANGE PREMIUM RATES AND THE FACTORS THAT MAY AFFECT CHANGES IN PREMIUM RATES; AND

(2) THE BENEFITS AND PREMIUMS AVAILABLE UNDER ALL HEALTH BENEFIT PLANS FOR WHICH THE EMPLOYER OR INDIVIDUAL IS QUALIFIED.

(C) THE CARRIER SHALL MAKE THE DISCLOSURE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION:

(1) AS PART OF ITS SOLICITATION AND SALES MATERIAL; OR

(2) IF THE INFORMATION IS REQUESTED BY THE INDIVIDUAL OR EMPLOYER.

(D) INFORMATION DISCLOSED IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION SHALL BE:

(1) PROVIDED IN A MANNER DETERMINED TO BE UNDERSTANDABLE BY THE AVERAGE EMPLOYER OR INDIVIDUAL; AND

(2) SUFFICIENT TO REASONABLY INFORM THE EMPLOYER OR INDIVIDUAL OF THE EMPLOYER'S OR INDIVIDUAL'S RIGHTS AND OBLIGATIONS UNDER THE HEALTH BENEFIT PLAN.

15-1A-18.

(A) A CARRIER MAY OFFER A CATASTROPHIC PLAN IN THE INDIVIDUAL MARKET IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

(B) A CATASTROPHIC PLAN MAY BE OFFERED ONLY TO INDIVIDUALS WHO:

(1) ARE UNDER THE AGE OF 30 YEARS BEFORE THE BEGINNING OF THE PLAN YEAR; OR

(2) HOLD CERTIFICATION FOR A HARDSHIP EXEMPTION OR AN AFFORDABILITY EXEMPTION AS REQUIRED IN SUBSECTION (C) OF THIS SECTION.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, TO BE OFFERED A CATASTROPHIC PLAN, AN INDIVIDUAL SHALL HOLD

CERTIFICATION FOR A HARDSHIP EXEMPTION OR AN AFFORDABILITY EXEMPTION UNDER 42 U.S.C. § 5000A.

(2) IF THE MARYLAND HEALTH BENEFIT EXCHANGE ADOPTS REGULATIONS AS DESCRIBED UNDER SUBSECTION (D) OF THIS SECTION, AN INDIVIDUAL SHALL HOLD CERTIFICATION FOR A HARDSHIP EXEMPTION OR AN AFFORDABILITY EXEMPTION UNDER THE REGULATIONS ADOPTED BY THE EXCHANGE.

(D) TO THE EXTENT NECESSARY, THE MARYLAND HEALTH BENEFIT EXCHANGE SHALL ADOPT REGULATIONS THAT:

(1) ESTABLISH A PROCESS FOR ISSUING HARDSHIP EXEMPTIONS AND AFFORDABILITY EXEMPTIONS; AND

(2) ARE CONSISTENT WITH 42 U.S.C. § 5000A AND ANY CORRESPONDING FEDERAL RULES AND GUIDANCE AS THOSE PROVISIONS WERE IN EFFECT DECEMBER 1, 2019.

(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A CATASTROPHIC PLAN SHALL PROVIDE COVERAGE FOR ESSENTIAL HEALTH BENEFITS.

(2) A CATASTROPHIC PLAN SHALL REQUIRE A DEDUCTIBLE THAT:

(I) IS EQUAL TO THE ANNUAL LIMIT ON COST-SHARING DESCRIBED IN § 15-1A-19 OF THIS SUBTITLE;

(II) APPLIES TO ESSENTIAL HEALTH BENEFITS;

(III) DOES NOT APPLY TO AT LEAST THREE PRIMARY CARE VISITS EACH PLAN YEAR; AND

(IV) DOES NOT APPLY TO ANY COVERED BENEFITS FOR WHICH A DEDUCTIBLE IS PROHIBITED UNDER THIS TITLE.

15-1A-19.

(A) (1) IN THIS SECTION, “COST-SHARING” MEANS ANY EXPENDITURE REQUIRED BY OR ON BEHALF OF AN INSURED INDIVIDUAL WITH RESPECT TO ESSENTIAL HEALTH BENEFITS.

(2) “COST-SHARING” INCLUDES:

(I) DEDUCTIBLES, COINSURANCE, COPAYMENTS, OR SIMILAR CHARGES; AND

(II) ANY OTHER EXPENDITURE REQUIRED OF AN INSURED INDIVIDUAL THAT IS A QUALIFIED MEDICAL EXPENSE, AS DEFINED IN 26 U.S.C. § 223(D)(2), WITH RESPECT TO ESSENTIAL HEALTH BENEFITS COVERED UNDER THE PLAN.

(3) “COST-SHARING” DOES NOT INCLUDE PREMIUMS, BALANCE BILLING AMOUNTS FOR NONNETWORK PROVIDERS, OR SPENDING FOR NONCOVERED SERVICES.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH CARRIER SHALL COMPLY WITH ANNUAL LIMITATIONS ON COST-SHARING FOR ESSENTIAL HEALTH BENEFITS COVERED UNDER HEALTH BENEFIT PLANS AS ESTABLISHED BY 45 C.F.R. § 156.130.

(2) IF THE COMMISSIONER ADOPTS REGULATIONS AS DESCRIBED IN SUBSECTION (C) OF THIS SECTION, EACH CARRIER SHALL COMPLY WITH THE ADOPTED REGULATIONS.

(C) TO THE EXTENT NECESSARY, THE COMMISSIONER SHALL ADOPT REGULATIONS THAT:

(1) ESTABLISH ANNUAL LIMITATIONS ON COST-SHARING; AND

(2) ARE CONSISTENT WITH 45 C.F.R. § 156.130 AND ANY CORRESPONDING FEDERAL RULES AND GUIDANCE AS THOSE PROVISIONS WERE IN EFFECT DECEMBER 1, 2019.

15-1A-20.

(A) (1) THIS SECTION APPLIES ONLY TO INDIVIDUAL PLANS AND SMALL GROUP PLANS.

(2) THE REQUIREMENTS IN THIS SECTION ARE IN ADDITION TO AND NOT IN SUBSTITUTION OF ANY OTHER REQUIREMENTS OF LAW RELATED TO PRESCRIPTION DRUG BENEFITS.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN INDIVIDUAL PLAN OR A SMALL GROUP PLAN SHALL BE CONSIDERED TO PROVIDE PRESCRIPTION DRUG ESSENTIAL HEALTH BENEFITS ONLY IF THE INDIVIDUAL PLAN OR SMALL GROUP PLAN COMPLIES WITH 45 C.F.R. § 156.122.

(2) IF THE COMMISSIONER ADOPTS REGULATIONS AS DESCRIBED IN SUBSECTION (C) OF THIS SECTION, AN INDIVIDUAL PLAN OR A SMALL GROUP PLAN SHALL BE CONSIDERED TO PROVIDE PRESCRIPTION DRUG ESSENTIAL HEALTH BENEFITS ONLY IF THE INDIVIDUAL PLAN OR SMALL GROUP PLAN COMPLIES WITH THE REGULATIONS ADOPTED BY THE COMMISSIONER.

(C) TO THE EXTENT NECESSARY, THE COMMISSIONER SHALL ADOPT REGULATIONS THAT:

(1) ESTABLISH CRITERIA TO DETERMINE WHETHER AN INDIVIDUAL PLAN OR A SMALL GROUP PLAN PROVIDES PRESCRIPTION DRUG ESSENTIAL HEALTH BENEFIT COVERAGE; AND

(2) ARE CONSISTENT WITH 45 C.F.R. § 156.122 AND ANY CORRESPONDING FEDERAL RULES AND GUIDANCE AS THOSE PROVISIONS WERE IN EFFECT DECEMBER 1, 2019.

15-1A-21.

(A) THIS SECTION APPLIES TO ALL GRANDFATHERED PLANS AND TO EVERY HEALTH BENEFIT PLAN THAT IS NOT A GRANDFATHERED PLAN.

(B) (1) SUBJECT TO § 15-1106 OF THIS TITLE, A CARRIER MAY NOT RESCIND THE COVERAGE UNDER A HEALTH BENEFIT PLAN UNLESS:

(I) THE INSURED INDIVIDUAL PERFORMS AN ACT, A PRACTICE, OR AN OMISSION THAT CONSTITUTES FRAUD OR MAKES A MISREPRESENTATION OF MATERIAL FACT AS PROHIBITED BY THE HEALTH BENEFIT PLAN; AND

(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE CARRIER COMPLIES WITH 45 C.F.R. § 147.128.

(2) IF THE COMMISSIONER ADOPTS REGULATIONS AS DESCRIBED IN SUBSECTION (C) OF THIS SECTION, A CARRIER THAT RESCINDS THE COVERAGE UNDER A HEALTH BENEFIT PLAN IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION SHALL COMPLY WITH THE ADOPTED REGULATIONS.

(C) TO THE EXTENT NECESSARY, THE COMMISSIONER SHALL ADOPT REGULATIONS THAT:

(1) ESTABLISH REQUIREMENTS THAT A CARRIER SHALL COMPLY WITH TO RESCIND COVERAGE UNDER SUBSECTION (B) OF THIS SECTION; AND

(2) ARE CONSISTENT WITH 45 C.F.R. § 147.128 AND ANY FEDERAL RULES AND GUIDANCE AS THOSE PROVISIONS WERE IN EFFECT DECEMBER 1, 2019.

15-1A-22.

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

(2) “GENDER IDENTITY” HAS THE MEANING STATED IN § 20-101 OF THE STATE GOVERNMENT ARTICLE.

(3) “SEXUAL ORIENTATION” HAS THE MEANING STATED IN § 20-101 OF THE STATE GOVERNMENT ARTICLE.

(B) THIS SECTION DOES NOT PROHIBIT A CARRIER FROM REFUSING, WITHHOLDING, OR DENYING COVERAGE UNDER A HEALTH BENEFIT PLAN TO ANY INDIVIDUAL FOR FAILURE TO CONFORM TO THE USUAL AND REGULAR REQUIREMENTS, STANDARDS, AND REGULATIONS OF THE CARRIER, UNLESS THE DENIAL IS BASED ON DISCRIMINATION ON THE GROUNDS OF RACE, SEX, COLOR, CREED, NATIONAL ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION, AGE, GENDER IDENTITY, OR DISABILITY.

(C) THIS SECTION DOES NOT APPLY TO LIMITATIONS OR RESTRICTIONS RELATED TO AGE OR MARITAL STATUS THAT ARE SPECIFICALLY AUTHORIZED OR REQUIRED UNDER THIS ARTICLE TO LIMIT OR RESTRICT ELIGIBILITY FOR INSURANCE COVERAGE OR BENEFITS.

~~(D)~~ (D) A CARRIER MAY NOT REFUSE, WITHHOLD, OR DENY ANY INDIVIDUAL COVERAGE UNDER A HEALTH BENEFIT PLAN OFFERED BY THE CARRIER OR OTHERWISE DISCRIMINATE AGAINST ANY INDIVIDUAL BECAUSE OF THE INDIVIDUAL’S RACE, SEX, CREED, COLOR, NATIONAL ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION, AGE, GENDER IDENTITY, OR DISABILITY.

~~(E)~~ (E) THE COMMISSION ON CIVIL RIGHTS SHALL ENFORCE THE PROVISIONS OF THIS SECTION AS PROVIDED FOR IN § 2-202 OF THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Insurance Administration, the Health Education and Advocacy Unit of the Office of the Attorney General, and the Maryland Health Benefit Exchange:

(1) shall monitor federal statutes and regulations to determine whether provisions of the federal Affordable Care Act or corresponding regulations are repealed or amended to the benefit or detriment of Maryland consumers; and

(2) on or before December 31 each year until 2024, in accordance with § 2–1257 of the State Government Article, submit a joint report to the Senate Finance Committee and the House Health and Government Operations Committee on:

(i) any repeals or amendments determined to be a benefit or detriment to Maryland consumers; and

(ii) recommendations for legislation the General Assembly should enact to address the repeals or amendments.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The General Assembly, in Chapters 3 and 4 of the Acts of the General Assembly of 2011, enacted the list of protections in § 15–137.1 of the Insurance Article to protect Maryland residents approximately 1 year after the Patient Protection and Affordable Care Act (ACA) was passed and approximately 1 year before the United States Supreme Court upheld the majority of the ACA in *National Federation of Independent Business v. Sebelius*.

(b) The General Assembly, regardless of whether the ACA was found to be constitutional, intended for the protections listed in § 15–137.1 of the Insurance Article, as enacted by Chapters 3 and 4 of the Acts of the General Assembly of 2011 and as amended thereafter, to apply to individual health insurance coverage and health insurance coverage offered in the small group and large group markets issued or delivered in the State by an authorized insurer, nonprofit health service plan, or health maintenance organization.

(c) The General Assembly, in Chapters 3 and 4 of the Acts of the General Assembly of 2011 and in yearly conformity bills thereafter consistent with the General Assembly's intent, repealed some provisions of Maryland law that provided the same or similar protections as the ACA and used cross–references to the ACA as a stylistic drafting choice for the purpose of maintaining consistency between State and federal law.

(d) In recent years, the federal government has reduced the shared responsibility payment for individuals failing to demonstrate health insurance coverage to \$0, has taken regulatory action to minimize the protections provided to Americans by the ACA, and, after refusing to defend the ACA, has asserted, in the context of *Texas v. United States*, that 26 U.S.C. § 5000(A), the minimum essential coverage requirement, is unconstitutional and that the remainder of the ACA is inseverable.

(e) Moving the provisions in § 15–137.1 of the Insurance Article to § 15–1A–02 of the Insurance Article and supplementing the cross–references to the ACA with the codification of specific statutory language in Title 15, Subtitle 1A of the Insurance Article, as enacted by Section 1 of this Act, further implements the continuing intent of the General Assembly to ensure that Maryland residents benefit from the consumer protections.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

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

Chapter 621

(Senate Bill 872)

AN ACT concerning

Health Insurance – Consumer Protections

FOR the purpose of authorizing the Maryland Insurance Commissioner to enforce certain provisions of law under certain applicable powers; requiring the Commissioner to adopt certain regulations under certain circumstances that are consistent with certain federal regulations, rules, and guidance and that establish certain criteria, certain standards, a certain definition, a certain calculation, certain reporting, certain rebate requirements, certain limitations, and certain requirements; prohibiting certain carriers from excluding or limiting certain benefits or denying certain coverage because a certain health condition was present before or on a certain date; prohibiting certain carriers from establishing certain rules for eligibility based on certain health status–related factors; prohibiting certain carriers from requiring certain individuals to pay a certain premium or contribution on the basis of certain health status–related factors; authorizing certain carriers to determine certain premium rates based on certain factors under certain circumstances; requiring certain carriers that provide certain coverage of a child to continue to make certain coverage available until the child is a certain age; prohibiting certain carriers from establishing certain rules for eligibility for coverage of a certain child; requiring certain carriers to accept certain employers and individuals that apply for certain health benefit plans subject to certain provisions of law and except under certain circumstances; providing that certain carriers must provide certain coverage without imposing certain cost–sharing requirements for certain items, services, immunizations, preventive care, and screenings except under certain circumstances; prohibiting certain carriers from establishing certain lifetime limits or annual limits on the dollar value of certain benefits except under certain circumstances; prohibiting certain carriers from applying certain waiting periods before certain coverage becomes effective for certain individuals; requiring certain carriers to allow certain insured individuals to designate certain primary care providers under certain circumstances; requiring certain carriers to treat certain actions by certain providers as care authorized by certain providers; prohibiting certain carriers from requiring authorization or referral by certain persons for an insured individual who seeks

certain coverage; requiring certain providers to comply with certain policies and procedures; prohibiting certain carriers from requiring certain individuals from obtaining certain authorization for certain emergency services; requiring certain carriers to provide certain coverage and certain reimbursement for emergency services under certain circumstances; requiring certain carriers to compile and provide consumers a summary of benefits and coverage explanation that includes certain information; requiring the Commissioner to adopt certain regulations in consultation with the Maryland Health Benefits Exchange; requiring the Commissioner to review and update certain standards in a certain manner under certain circumstances; requiring certain carriers to provide a certain notice to certain insured individuals not later than a certain number of days before a certain date; requiring the Maryland Insurance Administration to levy a certain fine for a certain violation; requiring the Commissioner to adopt certain regulations; establishing certain medical loss ratios for certain markets; requiring certain carriers to comply with certain requirements for calculating certain medical loss ratios and related reporting and rebate requirements; requiring certain carriers to disclose certain information to certain individuals or employers under certain circumstances; authorizing certain carriers to offer certain catastrophic plans to certain individuals under certain circumstances; requiring the Exchange to adopt certain regulations under certain circumstances that are consistent with certain federal laws, regulations, rules, and guidance and that establish a process for issuing certain hardship exemptions and affordability exemptions; establishing certain requirements for certain catastrophic plans; requiring certain carriers to comply with certain annual limitations on cost-sharing for certain essential health benefits covered under certain health benefit plans except under certain circumstances; providing that certain plans must be considered to provide certain prescription drug benefits if the plan complies with certain provisions of federal law or certain regulations; prohibiting certain carriers from rescinding certain health benefit plan coverage unless certain requirements are met; prohibiting certain carriers from refusing, withholding from, or denying certain coverage to certain persons based on certain factors under certain circumstances; requiring the Commission on Civil Rights to enforce certain provisions of this Act; requiring the Administration, the Health Education and Advocacy Unit of the Office of the Attorney General, and the Exchange to monitor certain federal statutes and regulations for a certain purpose and submit a certain annual report to certain committees of the General Assembly on or before a certain date of certain years; providing certain legislative history and intent of the General Assembly; defining certain terms; providing for the application of this Act; making this Act an emergency measure; and generally relating to health insurance and consumer protections.

BY repealing

Article – Insurance

Section 15–137.1

Annotated Code of Maryland

(2017 Replacement Volume and 2019 Supplement)

BY adding to

Article – Insurance

Section 15–1A–01 through 15–1A–22 to be under the new subtitle “Subtitle 1A. Consumer Protections”

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

[15–137.1.

(a) The General Assembly finds and declares that it is in the public interest to ensure that the health care protections established by the federal Affordable Care Act continue to protect Maryland residents in light of continued threats to the federal Affordable Care Act.

(b) Notwithstanding any other provisions of law, the following provisions of Title I, Subtitles A, C, and D of the Affordable Care Act apply to individual health insurance coverage and health insurance coverage offered in the small group and large group markets, as those terms are defined in the federal Public Health Service Act, issued or delivered in the State by an authorized insurer, nonprofit health service plan, or health maintenance organization:

- (1) coverage of children up to the age of 26 years;
- (2) preexisting condition exclusions;
- (3) policy rescissions;
- (4) bona fide wellness programs;
- (5) lifetime limits;
- (6) annual limits for essential benefits;
- (7) waiting periods;
- (8) designation of primary care providers;
- (9) access to obstetrical and gynecological services;
- (10) emergency services;
- (11) summary of benefits and coverage explanation;

- (12) minimum loss ratio requirements and premium rebates;
 - (13) disclosure of information;
 - (14) annual limitations on cost sharing;
 - (15) child-only plan offerings in the individual market;
 - (16) minimum benefit requirements for catastrophic plans;
 - (17) health insurance premium rates;
 - (18) coverage for individuals participating in approved clinical trials;
 - (19) contract requirements for stand-alone dental plans sold on the Maryland Health Benefit Exchange;
 - (20) guaranteed availability of coverage;
 - (21) prescription drug benefit requirements; and
 - (22) preventive and wellness services and chronic disease management.
- (c) The provisions of subsection (a) of this section do not apply to coverage for excepted benefits, as defined in 45 C.F.R. § 146.145.
- (d) The Commissioner may enforce this section under any applicable provisions of this article.]

SUBTITLE 1A. CONSUMER PROTECTIONS.

15-1A-01.

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

(B) “CARRIER” MEANS:

(1) AN INSURER THAT HOLDS A CERTIFICATE OF AUTHORITY IN THE STATE AND PROVIDES HEALTH INSURANCE IN THE STATE;

(2) A HEALTH MAINTENANCE ORGANIZATION THAT IS LICENSED TO OPERATE IN THE STATE;

(3) A NONPROFIT HEALTH SERVICE PLAN THAT IS LICENSED TO OPERATE IN THE STATE; OR

(4) ANY OTHER PERSON OR ORGANIZATION THAT PROVIDES HEALTH BENEFIT PLANS SUBJECT TO STATE INSURANCE REGULATION.

(C) “CHILD” MEANS:

(1) A NATURAL CHILD, A STEPCHILD, A FOSTER CHILD, OR AN ADOPTED CHILD OF THE INSURED; OR

(2) A CHILD PLACED WITH THE INSURED FOR LEGAL ADOPTION.

(D) “ESSENTIAL HEALTH BENEFIT” MEANS A HEALTH BENEFIT THAT:

(1) MEETS THE CRITERIA ESTABLISHED UNDER § 1302(B) OF THE AFFORDABLE CARE ACT; OR

(2) IF THE COMMISSIONER ADOPTS REGULATIONS AS DESCRIBED IN § 15-1A-04 OF THIS SUBTITLE, MEETS THE CRITERIA ESTABLISHED BY THE ADOPTED REGULATIONS.

(E) “GRANDFATHERED PLAN” MEANS A HEALTH BENEFIT PLAN THAT:

(1) MEETS THE CRITERIA ESTABLISHED UNDER 45 C.F.R. § 147.140 AND ANY CORRESPONDING FEDERAL RULES AND GUIDANCE AS THOSE PROVISIONS WERE IN EFFECT DECEMBER 1, 2019; OR

(2) IF THE COMMISSIONER ADOPTS REGULATIONS AS DESCRIBED IN § 15-1A-03 OF THE SUBTITLE, MEETS THE CRITERIA ESTABLISHED BY THE ADOPTED REGULATIONS.

(F) “GROUP PLAN” MEANS A SMALL GROUP PLAN OR A LARGE GROUP PLAN.

(G) “HEALTH BENEFIT PLAN” MEANS AN INDIVIDUAL PLAN, A SMALL GROUP PLAN, OR A LARGE GROUP PLAN.

(H) “INDIVIDUAL PLAN” MEANS AN INDIVIDUAL HEALTH BENEFIT PLAN AS DEFINED IN § 15-1301(O) OF THIS TITLE.

(I) “INSURED INDIVIDUAL” MEANS:

(1) AN INSURED, AN ENROLLEE, A SUBSCRIBER, A PARTICIPANT, A MEMBER, OR A BENEFICIARY OF A HEALTH BENEFIT PLAN; OR

(2) ANY COVERED DEPENDENT OF A HEALTH BENEFIT PLAN.

(J) "LARGE GROUP PLAN" MEANS A HEALTH BENEFIT PLAN AS DEFINED IN § 15-1401 OF THIS TITLE.

(K) "SMALL GROUP PLAN" MEANS A HEALTH BENEFIT PLAN AS DEFINED IN § 15-1201 OF THIS TITLE.

15-1A-02.

(A) THE COMMISSIONER MAY ENFORCE:

(1) THE PROVISIONS OF THIS SUBTITLE; AND

(2) NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW, THE FOLLOWING PROVISIONS OF TITLE 1, SUBTITLES A, C, AND D OF THE AFFORDABLE CARE ACT AS THEY APPLY TO INDIVIDUAL HEALTH INSURANCE COVERAGE AND HEALTH INSURANCE COVERAGE OFFERED IN THE SMALL GROUP AND LARGE GROUP MARKETS AS THOSE TERMS ARE DEFINED IN THE FEDERAL PUBLIC HEALTH SERVICE ACT, ISSUED OR DELIVERED IN THE STATE BY AN AUTHORIZED INSURER, NONPROFIT HEALTH SERVICE PLAN, OR HEALTH MAINTENANCE ORGANIZATION:

(I) COVERAGE OF CHILDREN UP TO THE AGE OF 26 YEARS;

(II) PREEXISTING CONDITION EXCLUSIONS;

(III) POLICY RESCISSIONS;

(IV) BONA FIDE WELLNESS PROGRAMS;

(V) LIFETIME LIMITS;

(VI) ANNUAL LIMITS FOR ESSENTIAL BENEFITS;

(VII) WAITING PERIODS;

(VIII) DESIGNATION OF PRIMARY CARE PROVIDERS;

(IX) ACCESS TO OBSTETRICAL AND GYNECOLOGICAL SERVICES;

(X) EMERGENCY SERVICES;

(XI) SUMMARY OF BENEFITS AND COVERAGE EXPLANATION;

(XII) MINIMUM LOSS RATIO REQUIREMENTS AND PREMIUM REBATES;

- (XIII) DISCLOSURE OF INFORMATION;
- (XIV) ANNUAL LIMITATIONS ON COST-SHARING;
- (XV) CHILD-ONLY PLAN OFFERINGS IN THE INDIVIDUAL MARKET;
- (XVI) MINIMUM BENEFIT REQUIREMENTS FOR CATASTROPHIC PLANS;
- (XVII) HEALTH INSURANCE PREMIUM RATES;
- (XVIII) COVERAGE FOR INDIVIDUALS PARTICIPATING IN APPROVED CLINICAL TRIALS;
- (XIX) CONTRACT REQUIREMENTS FOR STAND-ALONE DENTAL PLANS SOLD ON THE MARYLAND HEALTH BENEFIT EXCHANGE;
- (XX) GUARANTEED AVAILABILITY OF COVERAGE;
- (XXI) PRESCRIPTION DRUG BENEFIT REQUIREMENTS; AND
- (XXII) PREVENTIVE AND WELLNESS SERVICES AND CHRONIC DISEASE MANAGEMENT.

(B) THE COMMISSIONER MAY ENFORCE THE PROVISIONS IDENTIFIED UNDER SUBSECTION (A) OF THIS SECTION UNDER ANY APPLICABLE POWERS GRANTED TO THE COMMISSIONER UNDER THIS ARTICLE.

15-1A-03.

(A) FOR PURPOSES OF THIS SUBTITLE, TO THE EXTENT NECESSARY, THE COMMISSIONER SHALL ADOPT REGULATIONS THAT:

(1) ESTABLISH CRITERIA THAT A HEALTH BENEFIT PLAN MUST MEET TO BE CONSIDERED A GRANDFATHERED PLAN; AND

(2) ARE CONSISTENT WITH 45 C.F.R. § 147.140 AND ANY CORRESPONDING FEDERAL RULES AND GUIDANCE AS THOSE PROVISIONS WERE IN EFFECT DECEMBER 1, 2019.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE AND SUBJECT TO SUBSECTION (C) OF THIS SECTION, THIS SUBTITLE APPLIES TO ANY HEALTH

BENEFIT PLAN THAT IS OFFERED BY A CARRIER IN THE STATE WITHIN THE SCOPE OF:

- (1) SUBTITLE 12 OF THIS TITLE;**
- (2) SUBTITLE 13 OF THIS TITLE; OR**
- (3) SUBTITLE 14 OF THIS TITLE.**

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE PROVISIONS OF THIS SUBTITLE DO NOT APPLY TO A GRANDFATHERED PLAN.

(2) (I) THE FOLLOWING PROVISIONS APPLY TO ALL GRANDFATHERED PLANS:

1. THE PROVISIONS OF § 15-1A-08 OF THIS SUBTITLE RELATED TO HEALTH BENEFIT PLANS THAT PROVIDE DEPENDENT COVERAGE OF A CHILD;

2. THE PROVISIONS OF § 15-1A-11 OF THIS SUBTITLE RELATED TO THE PROHIBITION ON ESTABLISHING LIFETIME LIMITS ON THE DOLLAR VALUE OF BENEFITS;

3. THE PROVISIONS OF § 15-1A-12 OF THIS SUBTITLE RELATED TO WAITING PERIODS;

4. THE PROVISIONS OF § 15-1A-15 OF THIS SUBTITLE RELATED TO SUMMARY OF BENEFITS AND COVERAGE REQUIREMENTS;

5. THE PROVISIONS OF § 15-1A-16 OF THIS SUBTITLE RELATED TO MEDICAL LOSS RATIO AND CORRESPONDING REPORTING AND REBATE REQUIREMENTS; AND

6. THE PROVISIONS OF § 15-1A-21 OF THIS SUBTITLE RELATED TO RESCISSION OF A HEALTH BENEFIT PLAN.

(II) THE FOLLOWING PROVISIONS APPLY TO ALL GRANDFATHERED PLANS EXCEPT GRANDFATHERED PLANS THAT ARE INDIVIDUAL PLANS:

1. THE PROVISIONS OF § 15-1A-05 OF THIS SUBTITLE RELATED TO PREEXISTING CONDITION EXCLUSIONS; AND

2. THE PROVISIONS OF § 15–1A–11 OF THIS SUBTITLE RELATED TO THE PROHIBITION ON ESTABLISHING ANNUAL LIMITS ON THE DOLLAR VALUE OF BENEFITS.

15–1A–04.

FOR PURPOSES OF THIS SUBTITLE, TO THE EXTENT NECESSARY, THE COMMISSIONER SHALL ADOPT REGULATIONS THAT:

(1) ESTABLISH CRITERIA THAT A HEALTH BENEFIT PLAN MUST MEET TO BE CONSIDERED A HEALTH BENEFIT PLAN THAT COVERS ESSENTIAL HEALTH BENEFITS; AND

(2) ARE CONSISTENT WITH 45 C.F.R. PART 156 SUBPART B AND ANY CORRESPONDING FEDERAL RULES AND GUIDANCE AS THOSE PROVISIONS WERE IN EFFECT DECEMBER 1, 2019.

15–1A–05.

(A) THIS SECTION APPLIES TO ALL GRANDFATHERED PLANS EXCEPT GRANDFATHERED PLANS THAT ARE INDIVIDUAL PLANS AND TO EVERY HEALTH BENEFIT PLAN THAT IS NOT A GRANDFATHERED PLAN.

(B) A CARRIER MAY NOT:

(1) EXCLUDE OR LIMIT BENEFITS BECAUSE A HEALTH CONDITION WAS PRESENT BEFORE THE EFFECTIVE DATE OF COVERAGE; OR

(2) DENY COVERAGE BECAUSE A HEALTH CONDITION WAS PRESENT BEFORE OR ON THE DATE OF DENIAL.

(C) THE PROHIBITION IN SUBSECTION (B) OF THIS SECTION APPLIES WHETHER OR NOT:

(1) ANY MEDICAL ADVICE, DIAGNOSIS, CARE, OR TREATMENT WAS RECOMMENDED OR RECEIVED FOR THE CONDITION; OR

(2) THE HEALTH CONDITION WAS IDENTIFIED AS A RESULT OF:

(I) A PRE-ENROLLMENT QUESTIONNAIRE OR PHYSICAL EXAMINATION GIVEN TO AN INDIVIDUAL; OR

(II) A REVIEW OF RECORDS RELATING TO THE PRE-ENROLLMENT PERIOD.

15-1A-06.

(A) A CARRIER MAY NOT ESTABLISH RULES FOR ELIGIBILITY, INCLUDING CONTINUED ELIGIBILITY, FOR ENROLLMENT OF AN INDIVIDUAL INTO A HEALTH BENEFIT PLAN BASED ON HEALTH STATUS-RELATED FACTORS, INCLUDING:

- (1) HEALTH CONDITION;**
- (2) CLAIMS EXPERIENCE;**
- (3) RECEIPT OF HEALTH CARE;**
- (4) MEDICAL HISTORY;**
- (5) GENETIC INFORMATION;**
- (6) EVIDENCE OF INSURABILITY INCLUDING CONDITIONS ARISING OUT OF ACTS OF DOMESTIC VIOLENCE; OR**
- (7) DISABILITY.**

(B) A CARRIER MAY NOT REQUIRE AN INDIVIDUAL, AS A CONDITION OF ENROLLMENT OR CONTINUED ENROLLMENT IN A HEALTH BENEFIT PLAN, TO PAY A PREMIUM OR CONTRIBUTION THAT IS GREATER THAN THE PREMIUM OR CONTRIBUTION FOR A SIMILARLY SITUATED INDIVIDUAL ENROLLED IN THE HEALTH BENEFIT PLAN ON THE BASIS OF ANY HEALTH STATUS-RELATED FACTOR IN RELATION TO THE INDIVIDUAL OR TO AN INDIVIDUAL ENROLLED UNDER THE HEALTH BENEFIT PLAN AS A DEPENDENT OF THE INDIVIDUAL.

15-1A-07.

(A) (1) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE AUTHORITY OF THE COMMISSIONER TO CONDUCT A HEALTH BENEFIT PLAN PREMIUM RATE REVIEW UNDER TITLE 11, SUBTITLE 6 OF THIS ARTICLE.

(2) THIS SECTION APPLIES ONLY TO A CARRIER OFFERING AN INDIVIDUAL PLAN AND, SUBJECT TO § 15-1205 OF THIS TITLE, A CARRIER OFFERING A SMALL GROUP PLAN.

(B) A CARRIER MAY DETERMINE A PREMIUM RATE BASED ON:

- (1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, AGE;**

(2) GEOGRAPHY BASED ON THE FOLLOWING CONTIGUOUS AREAS OF THE STATE:

- (I) THE BALTIMORE METROPOLITAN AREA;**
- (II) THE DISTRICT OF COLUMBIA METROPOLITAN AREA;**
- (III) WESTERN MARYLAND; AND**
- (IV) EASTERN MARYLAND AND SOUTHERN MARYLAND;**

(3) SUBJECT TO SUBSECTION (D) OF THIS SECTION, WHETHER THE PLAN COVERS AN INDIVIDUAL OR A FAMILY; AND

(4) SUBJECT TO SUBSECTION (E) OF THIS SECTION, TOBACCO USE.

(C) (1) IN THIS SUBSECTION, “AGE” MEANS AN INDIVIDUAL’S AGE AS OF THE DATE OF ISSUANCE OR RENEWAL OF A HEALTH BENEFIT PLAN.

(2) FOR INDIVIDUALS WHO ARE 21 YEARS OF AGE OR OLDER, A PREMIUM RATE BASED ON AGE:

(I) MAY NOT VARY BY MORE THAN A RATIO OF 3 TO 1 FOR ADULTS;

(II) SHALL PROVIDE FOR 1-YEAR AGE BANDS FOR INDIVIDUALS AT LEAST 21 YEARS OLD AND UNDER THE AGE OF 64 YEARS; AND

(III) SHALL PROVIDE FOR A SINGLE AGE BAND FOR INDIVIDUALS AT LEAST 64 YEARS OLD.

(3) FOR INDIVIDUALS WHO ARE UNDER THE AGE OF 21 YEARS, A PREMIUM RATE BASED ON AGE SHALL:

(I) BE ACTUARIALLY JUSTIFIED AND CONSISTENT WITH THE UNIFORM AGE RATING CURVE ESTABLISHED IN ACCORDANCE WITH PARAGRAPH (4) OF THIS SUBSECTION;

(II) PROVIDE FOR A SINGLE AGE BAND FOR INDIVIDUALS UNDER THE AGE OF 15 YEARS; AND

(III) PROVIDE FOR 1-YEAR AGE BANDS FOR INDIVIDUALS AT LEAST 15 YEARS OLD AND UNDER THE AGE OF 20 YEARS.

(4) THE UNIFORM AGE RATING CURVE REQUIRED UNDER PARAGRAPH (3)(I) OF THIS SUBSECTION MAY BE ESTABLISHED BY THE COMMISSIONER IN THE INDIVIDUAL MARKET, SMALL GROUP MARKET, OR BOTH MARKETS.

(D) (1) A RATING VARIATION FOR A HEALTH BENEFIT PLAN THAT PROVIDES COVERAGE FOR A FAMILY SHALL BE APPLIED BASED ON THE PORTION OF THE PREMIUM ATTRIBUTABLE TO EACH FAMILY MEMBER COVERED.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A PREMIUM FOR A HEALTH BENEFIT PLAN THAT PROVIDES COVERAGE FOR A FAMILY SHALL BE DETERMINED BY SUMMING THE PREMIUMS FOR EACH INDIVIDUAL FAMILY MEMBER.

(II) FOR A HEALTH BENEFIT PLAN THAT PROVIDES FAMILY COVERAGE FOR INDIVIDUALS UNDER THE AGE OF 21 YEARS, THE SUM SHALL INCLUDE NOT MORE THAN THE PREMIUMS FOR THE THREE OLDEST INDIVIDUALS UNDER THE AGE OF 21 YEARS.

(E) A PREMIUM RATE BASED ON TOBACCO USE MAY NOT VARY BY MORE THAN A RATIO OF 1.5 TO 1.

15-1A-08.

(A) A CARRIER THAT OFFERS A HEALTH BENEFIT PLAN, INCLUDING A GRANDFATHERED PLAN, THAT PROVIDES FOR DEPENDENT COVERAGE OF A CHILD SHALL CONTINUE TO MAKE THE COVERAGE AVAILABLE FOR THE CHILD UNTIL THE CHILD IS 26 YEARS OLD.

(B) A CARRIER MAY NOT ESTABLISH RULES FOR ELIGIBILITY, INCLUDING CONTINUED ELIGIBILITY, FOR COVERAGE OF A CHILD UNDER THE AGE OF 26 YEARS BASED ON ANY FACTOR OTHER THAN THE RELATIONSHIP BETWEEN THE CHILD AND THE INSURED.

15-1A-09.

(A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) THROUGH (D) OF THIS SECTION, A CARRIER SHALL ACCEPT EVERY EMPLOYER AND INDIVIDUAL IN THE STATE THAT APPLIES FOR A HEALTH BENEFIT PLAN, SUBJECT TO THE FOLLOWING PROVISIONS OF THIS ARTICLE:

(1) SUBTITLE 4 OF THIS TITLE;

(2) §§ 15–1206(c), 15–1208.1, 15–1208.2, 15–1209, AND 15–1210 OF THIS TITLE;

(3) §§ 15–1316 AND 15–1318 OF THIS TITLE; AND

(4) §§ 15–1406 AND 15–1406.1 OF THIS TITLE.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A CARRIER MAY RESTRICT ENROLLMENT TO OPEN OR SPECIAL ENROLLMENT PERIODS.

(2) A CARRIER THAT OFFERS A LARGE GROUP PLAN SHALL ALLOW AN EMPLOYER ELIGIBLE TO PURCHASE A LARGE GROUP PLAN TO PURCHASE A LARGE GROUP PLAN AT ANY TIME DURING THE YEAR.

(C) IF A CARRIER USES A NETWORK FOR A HEALTH BENEFIT PLAN UNDER WHICH THE FINANCING AND DELIVERY OF MEDICAL CARE ARE PROVIDED, IN WHOLE OR IN PART, THROUGH A DEFINED SET OF PROVIDERS UNDER CONTRACT WITH THE CARRIER, THE CARRIER:

(1) (I) MAY LIMIT THE EMPLOYERS THAT MAY APPLY FOR COVERAGE TO EMPLOYERS OF ELIGIBLE INDIVIDUALS WHO LIVE, WORK, OR RESIDE IN THE SERVICE AREA FOR THE NETWORK; AND

(II) IF THE CARRIER IS A HEALTH MAINTENANCE ORGANIZATION, MAY LIMIT THE INDIVIDUALS WHO MAY APPLY FOR COVERAGE IN THE INDIVIDUAL MARKET TO THOSE WHO LIVE OR RESIDE IN THE SERVICE AREA FOR THE NETWORK; OR

(2) MAY DENY COVERAGE WITHIN A SERVICE AREA IF THE CARRIER:

(I) DEMONSTRATES TO THE COMMISSIONER THAT:

1. THE CARRIER DOES NOT HAVE THE CAPACITY TO DELIVER ADEQUATE SERVICES TO ADDITIONAL ENROLLEES OF GROUPS OR ADDITIONAL INDIVIDUALS BECAUSE OF ITS OBLIGATIONS TO EXISTING GROUP CONTRACT HOLDERS AND ENROLLEES; AND

2. THE CARRIER APPLIES THE DENIAL OF COVERAGE UNIFORMLY TO ALL EMPLOYERS AND INDIVIDUALS WITHOUT REGARD TO THE CLAIMS EXPERIENCE OR ANY HEALTH STATUS–RELATED FACTOR; AND

(II) DOES NOT OFFER COVERAGE WITHIN THE SERVICE AREA FOR AT LEAST 180 DAYS AFTER THE DATE THE CARRIER DENIED COVERAGE IN THE SERVICE AREA.

(D) A CARRIER MAY DENY COVERAGE IF THE CARRIER:

(1) DEMONSTRATES TO THE COMMISSIONER THAT:

(I) THE CARRIER DOES NOT HAVE THE FINANCIAL RESERVES NECESSARY TO UNDERWRITE ADDITIONAL COVERAGE; AND

(II) THE CARRIER APPLIES THE DENIAL OF COVERAGE UNIFORMLY TO ALL EMPLOYERS AND INDIVIDUALS WITHOUT REGARD TO THE CLAIMS EXPERIENCE OR ANY HEALTH STATUS-RELATED FACTOR; AND

(2) UNLESS A LATER DATE IS OTHERWISE AUTHORIZED BY THE COMMISSIONER, DOES NOT OFFER THE DENIED COVERAGE FOR AT LEAST 180 DAYS AFTER THE DATE THE CARRIER DENIED THE COVERAGE.

15-1A-10.

(A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, A CARRIER SHALL PROVIDE COVERAGE FOR AND MAY NOT IMPOSE ANY COST-SHARING REQUIREMENTS, INCLUDING COPAYMENTS, COINSURANCE, OR DEDUCTIBLES FOR:

(1) EVIDENCE-BASED ITEMS OR SERVICES THAT HAVE IN EFFECT A RATING OF A OR B IN THE CURRENT RECOMMENDATIONS OF THE UNITED STATES PREVENTIVE SERVICES TASK FORCE WITH RESPECT TO THE INDIVIDUAL INVOLVED;

(2) IMMUNIZATIONS FOR ROUTINE USE IN CHILDREN, ADOLESCENTS, AND ADULTS THAT HAVE IN EFFECT A RECOMMENDATION FROM THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION WITH RESPECT TO THE INDIVIDUAL INVOLVED, IF THE RECOMMENDATION:

(I) HAS BEEN ADOPTED BY THE DIRECTOR OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION; AND

(II) IS LISTED ON THE IMMUNIZATION SCHEDULES OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION FOR ROUTINE USE;

(3) WITH RESPECT TO INFANTS, CHILDREN, AND ADOLESCENTS, EVIDENCE-INFORMED PREVENTIVE CARE AND SCREENINGS PROVIDED FOR IN COMPREHENSIVE GUIDELINES SUPPORTED BY THE HEALTH RESOURCES AND SERVICES ADMINISTRATION; AND

(4) WITH RESPECT TO WOMEN:

(I) ~~EXCEPT AS~~ TO THE EXTENT NOT PROVIDED IN ITEM (II) OF THIS ITEM, PREVENTIVE CARE AND SCREENINGS AS PROVIDED FOR IN COMPREHENSIVE GUIDELINES SUPPORTED BY THE HEALTH RESOURCES AND SERVICES ADMINISTRATION FOR PURPOSES OF § 2713(A)(4) OF THE FEDERAL PUBLIC HEALTH SERVICE ACT; AND

(II) SUBJECT TO ~~§§ 15-826 AND 15-826.1~~ § 15-826(C) OF THIS TITLE, CONTRACEPTIVE COVERAGE AS PROVIDED FOR IN COMPREHENSIVE GUIDELINES SUPPORTED BY THE HEALTH RESOURCES AND SERVICES ADMINISTRATION FOR PURPOSES OF § 2713(A)(4) OF THE FEDERAL PUBLIC HEALTH SERVICE ACT.

(B) TO THE EXTENT THAT COST-SHARING IS OTHERWISE ALLOWED UNDER FEDERAL OR STATE LAW, A HEALTH BENEFIT PLAN THAT USES A NETWORK OF PROVIDERS MAY IMPOSE COST-SHARING REQUIREMENTS ON THE COVERAGE DESCRIBED IN SUBSECTION (A) OF THIS SECTION FOR ITEMS OR SERVICES DELIVERED BY AN OUT-OF-NETWORK PROVIDER.

(C) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A CARRIER FROM PROVIDING COVERAGE FOR SERVICES IN ADDITION TO THOSE RECOMMENDED BY THE UNITED STATES PREVENTIVE SERVICES TASK FORCE OR TO DENY COVERAGE FOR SERVICES THAT ARE NOT RECOMMENDED BY THE TASK FORCE.

15-1A-11.

(A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, A CARRIER THAT OFFERS A HEALTH BENEFIT PLAN, INCLUDING A GRANDFATHERED PLAN, MAY NOT ESTABLISH LIFETIME LIMITS OR ANNUAL LIMITS ON THE DOLLAR VALUE OF BENEFITS FOR ANY INSURED INDIVIDUAL.

(B) TO THE EXTENT THAT LIMITS ARE OTHERWISE AUTHORIZED UNDER FEDERAL OR STATE LAW, A CARRIER MAY ESTABLISH ANNUAL LIMITS ON THE DOLLAR VALUE OF BENEFITS FOR AN INSURED INDIVIDUAL FOR A GRANDFATHERED PLAN THAT IS AN INDIVIDUAL PLAN.

(C) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A CARRIER FROM PLACING ANNUAL OR LIFETIME PER BENEFICIARY LIMITS ON SPECIFIC COVERED BENEFITS THAT ARE NOT ESSENTIAL HEALTH BENEFITS.

15-1A-12.

A CARRIER OFFERING A GROUP PLAN, INCLUDING A GRANDFATHERED PLAN, MAY NOT APPLY A WAITING PERIOD OF MORE THAN 90 DAYS THAT MUST PASS BEFORE COVERAGE BECOMES EFFECTIVE FOR AN INDIVIDUAL WHO IS OTHERWISE ELIGIBLE FOR THE GROUP PLAN.

15-1A-13.

(A) IF A CARRIER REQUIRES OR PROVIDES FOR THE DESIGNATION OF A PARTICIPATING PRIMARY CARE PROVIDER FOR AN INSURED INDIVIDUAL, THE CARRIER SHALL ALLOW EACH INSURED INDIVIDUAL TO DESIGNATE ANY PARTICIPATING PRIMARY CARE PROVIDER IF THE PROVIDER IS AVAILABLE TO ACCEPT THE INSURED INDIVIDUAL.

(B) (1) (I) THIS SUBSECTION APPLIES ONLY TO AN INDIVIDUAL WHO HAS A CHILD WHO IS AN INSURED INDIVIDUAL UNDER THE INDIVIDUAL'S HEALTH BENEFIT PLAN.

(II) THIS SUBSECTION MAY NOT BE CONSTRUED TO WAIVE ANY EXCLUSIONS OF COVERAGE UNDER THE TERMS AND CONDITIONS OF A HEALTH BENEFIT PLAN WITH RESPECT TO COVERAGE OF PEDIATRIC CARE.

(2) IF A CARRIER REQUIRES OR PROVIDES FOR THE DESIGNATION OF A PARTICIPATING PRIMARY CARE PROVIDER FOR A CHILD, THE CARRIER SHALL ALLOW THE INDIVIDUAL TO DESIGNATE ANY PARTICIPATING PHYSICIAN WHO SPECIALIZES IN PEDIATRICS AS THE CHILD'S PRIMARY CARE PROVIDER IF THE PROVIDER IS AVAILABLE TO ACCEPT THE CHILD.

(C) (1) (I) THIS SUBSECTION APPLIES ONLY TO A CARRIER THAT:

1. PROVIDES COVERAGE FOR OBSTETRICAL OR GYNECOLOGICAL CARE; AND
2. REQUIRES THE DESIGNATION BY AN INSURED INDIVIDUAL OF A PARTICIPATING PRIMARY CARE PROVIDER.

(II) THIS SUBSECTION MAY NOT BE CONSTRUED TO:

1. WAIVE ANY EXCLUSIONS OF COVERAGE UNDER THE TERMS AND CONDITIONS OF A HEALTH BENEFIT PLAN WITH RESPECT TO COVERAGE OF OBSTETRICAL OR GYNECOLOGICAL CARE; OR

2. PROHIBIT A CARRIER FROM REQUIRING THAT THE OBSTETRICAL OR GYNECOLOGICAL PROVIDER NOTIFY THE PRIMARY CARE PROVIDER OR CARRIER FOR AN INSURED INDIVIDUAL OF TREATMENT DECISIONS.

(2) A CARRIER SHALL TREAT THE PROVISION OF OBSTETRICAL AND GYNECOLOGICAL CARE AND THE ORDERING OF RELATED OBSTETRICAL AND GYNECOLOGICAL ITEMS AND SERVICES BY A PARTICIPATING HEALTH CARE PROVIDER THAT SPECIALIZES IN OBSTETRICS OR GYNECOLOGY AS CARE AUTHORIZED BY THE PRIMARY CARE PROVIDER FOR THE INSURED INDIVIDUAL.

(3) A CARRIER MAY NOT REQUIRE AUTHORIZATION OR REFERRAL BY ANY PERSON, INCLUDING THE PRIMARY CARE PROVIDER FOR THE INSURED INDIVIDUAL, FOR AN INSURED INDIVIDUAL WHO SEEKS COVERAGE FOR OBSTETRICAL OR GYNECOLOGICAL CARE PROVIDED BY A PARTICIPATING HEALTH CARE PROVIDER WHO SPECIALIZES IN OBSTETRICS OR GYNECOLOGY.

(4) A HEALTH CARE PROVIDER THAT PROVIDES OBSTETRICAL OR GYNECOLOGICAL CARE SHALL COMPLY WITH A CARRIER'S POLICIES AND PROCEDURES.

15-1A-14.

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

(2) "EMERGENCY MEDICAL CONDITION" MEANS A MEDICAL CONDITION THAT MANIFESTS ITSELF BY ACUTE SYMPTOMS OF SUCH SEVERITY, INCLUDING SEVERE PAIN, THAT THE ABSENCE OF IMMEDIATE MEDICAL ATTENTION COULD REASONABLY BE EXPECTED BY A PRUDENT LAYPERSON, WHO POSSESSES AN AVERAGE KNOWLEDGE OF HEALTH AND MEDICINE, TO RESULT IN A CONDITION DESCRIBED IN § 1867(E)(1) OF THE SOCIAL SECURITY ACT.

(3) "EMERGENCY SERVICES" MEANS, WITH RESPECT TO AN EMERGENCY MEDICAL CONDITION:

(I) A MEDICAL SCREENING EXAMINATION THAT IS WITHIN THE CAPABILITY OF THE EMERGENCY DEPARTMENT OF A HOSPITAL OR FREESTANDING MEDICAL FACILITY, INCLUDING ANCILLARY SERVICES ROUTINELY AVAILABLE TO THE EMERGENCY DEPARTMENT TO EVALUATE AN EMERGENCY MEDICAL CONDITION; OR

(II) ANY OTHER EXAMINATION OR TREATMENT WITHIN THE CAPABILITIES OF THE STAFF AND FACILITIES AVAILABLE AT THE HOSPITAL OR FREESTANDING MEDICAL FACILITY THAT IS NECESSARY TO STABILIZE THE PATIENT.

(B) IF A CARRIER PROVIDES OR COVERS ANY BENEFITS FOR EMERGENCY SERVICES IN AN EMERGENCY DEPARTMENT OF A HOSPITAL OR FREESTANDING MEDICAL FACILITY, THE CARRIER:

(1) MAY NOT REQUIRE AN INSURED INDIVIDUAL TO OBTAIN PRIOR AUTHORIZATION FOR THE EMERGENCY SERVICES; AND

(2) SHALL PROVIDE COVERAGE FOR THE EMERGENCY SERVICES REGARDLESS OF WHETHER THE HEALTH CARE PROVIDER PROVIDING THE EMERGENCY SERVICES HAS A CONTRACTUAL RELATIONSHIP WITH THE CARRIER TO FURNISH EMERGENCY SERVICES.

(C) IF A HEALTH CARE PROVIDER OF EMERGENCY SERVICES DOES NOT HAVE A CONTRACTUAL RELATIONSHIP WITH THE CARRIER TO PROVIDE EMERGENCY SERVICES, THE CARRIER:

(1) MAY NOT IMPOSE ANY ADMINISTRATIVE REQUIREMENT OR LIMITATION ON COVERAGE THAT WOULD BE MORE RESTRICTIVE THAN ADMINISTRATIVE REQUIREMENTS OR LIMITATIONS IMPOSED ON COVERAGE FOR EMERGENCY SERVICES FURNISHED BY A HEALTH CARE PROVIDER WITH A CONTRACTUAL RELATIONSHIP WITH THE CARRIER;

(2) SUBJECT TO § 14-205.2 OF THIS ARTICLE AND § 19-710.1 OF THE HEALTH – GENERAL ARTICLE, MAY NOT IMPOSE ANY COST-SHARING AMOUNT GREATER THAN THE AMOUNT IMPOSED FOR EMERGENCY SERVICES FURNISHED BY A HEALTH CARE PROVIDER WITH A CONTRACTUAL RELATIONSHIP WITH THE CARRIER; AND

(3) SHALL REIMBURSE THE HEALTH CARE PROVIDER AT THE REIMBURSEMENT RATE SPECIFIED IN SUBSECTION (D) OF THIS SECTION.

(D) EXCEPT AS PROVIDED IN § 14-205.2 OF THIS ARTICLE AND § 19-710.1 OF THE HEALTH – GENERAL ARTICLE, A CARRIER SHALL REIMBURSE A HEALTH CARE PROVIDER OF EMERGENCY SERVICES THAT DOES NOT HAVE A CONTRACTUAL RELATIONSHIP WITH THE CARRIER THE GREATER OF:

(1) THE MEDIAN AMOUNT NEGOTIATED WITH IN-NETWORK PROVIDERS FOR THE EMERGENCY SERVICE, EXCLUDING ANY IN-NETWORK COPAYMENT OR COINSURANCE;

(2) THE AMOUNT FOR THE EMERGENCY SERVICE CALCULATED USING THE SAME METHOD THE HEALTH BENEFIT PLAN GENERALLY USES TO DETERMINE PAYMENTS FOR OUT-OF-NETWORK SERVICES, EXCLUDING ANY IN-NETWORK COPAYMENT OR COINSURANCE, WITHOUT REDUCTION FOR OUT-OF-NETWORK COST-SHARING THAT GENERALLY APPLIES UNDER THE HEALTH BENEFIT PLAN; OR

(3) THE AMOUNT THAT WOULD BE PAID UNDER MEDICARE PART A OR PART B FOR THE EMERGENCY SERVICE, EXCLUDING ANY IN-NETWORK COPAYMENT OR COINSURANCE.

15-1A-15.

(A) THIS SECTION APPLIES TO ALL GRANDFATHERED PLANS AND TO EVERY HEALTH BENEFIT PLAN THAT IS NOT A GRANDFATHERED PLAN.

(B) (1) A CARRIER SHALL COMPILE AND PROVIDE TO CONSUMERS A SUMMARY OF BENEFITS AND COVERAGE EXPLANATION THAT:

(I) ACCURATELY DESCRIBES THE BENEFITS AND COVERAGE UNDER THE APPLICABLE HEALTH BENEFIT PLAN; AND

(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, COMPLIES WITH THE STANDARDS UNDER 45 C.F.R. § 147.200.

(2) IF THE COMMISSIONER ADOPTS REGULATIONS AS DESCRIBED IN SUBSECTION (C) OF THIS SECTION, A SUMMARY OF BENEFITS AND COVERAGE EXPLANATION SHALL COMPLY WITH THE STANDARDS IN THE ADOPTED REGULATIONS.

(C) TO THE EXTENT NECESSARY, THE COMMISSIONER, IN CONSULTATION WITH THE MARYLAND HEALTH BENEFIT EXCHANGE, SHALL ADOPT REGULATIONS THAT:

(1) ESTABLISH STANDARDS FOR THE SUMMARY OF BENEFITS AND COVERAGE; AND

(2) ARE CONSISTENT WITH 45 C.F.R. § 147.200 AND ANY CORRESPONDING FEDERAL RULES AND GUIDANCE IN EFFECT DECEMBER 1, 2019.

(D) THE SUMMARY OF BENEFITS AND COVERAGE SHALL BE PRESENTED:

(1) IN A UNIFORM FORMAT THAT DOES NOT EXCEED FOUR PAGES IN LENGTH AND DOES NOT INCLUDE PRINT SMALLER THAN 12 POINT TYPE; AND

(2) IN A CULTURALLY AND LINGUISTICALLY APPROPRIATE MANNER THAT USES TERMINOLOGY UNDERSTANDABLE BY THE AVERAGE INSURED INDIVIDUAL.

(E) THE STANDARDS DEVELOPED UNDER SUBSECTION (C) OF THIS SECTION SHALL INCLUDE:

(1) UNIFORM DEFINITIONS OF STANDARD INSURANCE-RELATED TERMS AND MEDICAL TERMS SO CONSUMERS MAY COMPARE HEALTH BENEFIT PLANS AND UNDERSTAND THE TERMS OF AND EXCEPTIONS TO COVERAGE, INCLUDING:

- (I) PREMIUM;**
- (II) DEDUCTIBLE;**
- (III) COINSURANCE;**
- (IV) COPAYMENT;**
- (V) OUT-OF-POCKET LIMIT;**
- (VI) PREFERRED PROVIDER;**
- (VII) NONPREFERRED PROVIDER;**
- (VIII) OUT-OF-NETWORK COPAYMENTS;**
- (IX) USUAL, CUSTOMARY, AND REASONABLE FEES;**
- (X) EXCLUDED SERVICES;**
- (XI) GRIEVANCE AND APPEALS;**
- (XII) HOSPITALIZATION;**
- (XIII) HOSPITAL OUTPATIENT CARE;**
- (XIV) EMERGENCY ROOM CARE;**
- (XV) PHYSICIAN SERVICES;**

(XVI) PRESCRIPTION DRUG COVERAGE;

(XVII) DURABLE MEDICAL EQUIPMENT;

(XVIII) HOME HEALTH CARE;

(XIX) SKILLED NURSING CARE;

(XX) REHABILITATION SERVICES;

(XXI) HOSPICE SERVICES;

(XXII) EMERGENCY MEDICAL TRANSPORTATION; AND

(XXIII) ANY OTHER TERMS THE COMMISSIONER DETERMINES ARE IMPORTANT TO DEFINE SO A CONSUMER MAY COMPARE THE MEDICAL BENEFITS OFFERED BY HEALTH BENEFIT PLANS AND UNDERSTAND THE EXTENT OF AND EXCEPTIONS TO THOSE MEDICAL BENEFITS;

(2) A DESCRIPTION OF THE COVERAGE OF A HEALTH BENEFIT PLAN, INCLUDING COST-SHARING FOR:

(I) EACH OF THE CATEGORIES OF THE ESSENTIAL HEALTH BENEFITS IN THE STATE BENCHMARK PLAN SELECTED IN ACCORDANCE WITH § 31-116 OF THIS ARTICLE; AND

(II) OTHER BENEFITS, AS IDENTIFIED BY THE COMMISSIONER;

(3) THE EXCEPTIONS, REDUCTIONS, AND LIMITATIONS ON COVERAGE;

(4) THE RENEWABILITY AND CONTINUATION OF COVERAGE PROVISIONS;

(5) A COVERAGE FACTS LABEL THAT INCLUDES EXAMPLES TO ILLUSTRATE COMMON BENEFITS SCENARIOS BASED ON RECOGNIZED CLINICAL PRACTICE GUIDELINES, INCLUDING PREGNANCY AND SERIOUS OR CHRONIC MEDICAL CONDITIONS AND RELATED COST-SHARING REQUIREMENTS;

(6) A STATEMENT OF WHETHER THE HEALTH BENEFIT PLAN ENSURES THAT THE PLAN OR COVERAGE SHARE OF THE TOTAL ALLOWED COSTS OF BENEFITS PROVIDED UNDER THE PLAN OR COVERAGE IS NOT LESS THAN 60% OF THE COSTS;

(7) A STATEMENT THAT:

(I) THE SUMMARY OF BENEFITS IS AN OUTLINE OF THE HEALTH BENEFIT PLAN; AND

(II) THE LANGUAGE OF THE HEALTH BENEFIT PLAN SHOULD BE CONSULTED TO DETERMINE THE GOVERNING CONTRACTUAL PROVISIONS; AND

(8) A CONTACT NUMBER FOR THE CONSUMER TO CALL WITH ADDITIONAL QUESTIONS AND A WEBSITE WHERE A COPY OF THE ACTUAL HEALTH BENEFIT PLAN CAN BE REVIEWED AND OBTAINED.

(F) AS APPROPRIATE, THE COMMISSIONER, IN CONSULTATION WITH THE MARYLAND HEALTH BENEFIT EXCHANGE, SHALL PERIODICALLY REVIEW AND UPDATE THE STANDARDS DEVELOPED UNDER SUBSECTION (C) OF THIS SECTION.

(G) (1) EACH CARRIER SHALL PROVIDE A SUMMARY OF BENEFITS AND COVERAGE EXPLANATION THAT COMPLIES WITH THE STANDARDS DEVELOPED UNDER SUBSECTION (C) OF THIS SECTION BY THE COMMISSIONER TO:

(I) AN APPLICANT AT THE TIME OF APPLICATION; AND

(II) AN INSURED INDIVIDUAL BEFORE THE TIME OF ENROLLMENT OR REENROLLMENT, AS APPLICABLE.

(2) A CARRIER MAY PROVIDE A SUMMARY OF BENEFITS AND COVERAGE EXPLANATION AS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IN PAPER OR ELECTRONIC FORM.

(H) EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, IF A CARRIER MAKES ANY MATERIAL MODIFICATION IN ANY OF THE TERMS OF THE PLAN OR COVERAGE INVOLVED THAT IS NOT REFLECTED IN THE MOST RECENTLY PROVIDED SUMMARY OF BENEFITS AND COVERAGE EXPLANATION, THE CARRIER SHALL PROVIDE NOTICE OF THE MODIFICATION TO INSURED INDIVIDUALS NOT LATER THAN 60 DAYS BEFORE THE EFFECTIVE DATE OF THE MODIFICATION.

(I) (1) THE MARYLAND INSURANCE ADMINISTRATION SHALL LEVY A FINE OF NOT MORE THAN \$1,000 AGAINST A CARRIER THAT WILLFULLY FAILS TO PROVIDE THE INFORMATION REQUIRED UNDER THIS SECTION.

(2) A FAILURE WITH RESPECT TO EACH INSURED INDIVIDUAL SHALL CONSTITUTE A SEPARATE OFFENSE FOR PURPOSES OF THIS SUBSECTION.

(A) (1) FOR PURPOSES OF THIS SECTION, “MEDICAL LOSS RATIO”:

(I) HAS THE MEANING ESTABLISHED IN 45 C.F.R. § 158.221; OR

(II) IF THE COMMISSIONER ADOPTS REGULATIONS AS DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION, HAS THE MEANING ESTABLISHED BY THE ADOPTED REGULATIONS.

(2) TO THE EXTENT NECESSARY, THE COMMISSIONER SHALL ADOPT REGULATIONS THAT:

(I) ESTABLISH A DEFINITION FOR “MEDICAL LOSS RATIO”; AND

(II) ARE CONSISTENT WITH 45 C.F.R. § 158.221 AND ANY CORRESPONDING FEDERAL RULES AND GUIDANCE AS THOSE PROVISIONS WERE IN EFFECT DECEMBER 1, 2019.

(B) THIS SECTION APPLIES TO ALL GRANDFATHERED PLANS AND TO EVERY HEALTH BENEFIT PLAN THAT IS NOT A GRANDFATHERED PLAN.

(C) THE MINIMUM ACCEPTABLE MEDICAL LOSS RATIO IS:

(1) FOR THE LARGE GROUP MARKET, 85% OR A HIGHER PERCENTAGE AS DETERMINED BY THE COMMISSIONER IN REGULATIONS; AND

(2) FOR THE SMALL GROUP MARKET AND INDIVIDUAL MARKET, 80% OR A HIGHER PERCENTAGE AS DETERMINED BY THE COMMISSIONER IN REGULATIONS.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH CARRIER SHALL COMPLY WITH THE REQUIREMENTS FOR CALCULATING MEDICAL LOSS RATIOS AND RELATED REPORTING AND REBATE REQUIREMENTS ESTABLISHED IN 45 C.F.R. PART 158 AND ANY CORRESPONDING FEDERAL RULES AND GUIDANCE.

(2) IF THE COMMISSIONER ADOPTS REGULATIONS AS DESCRIBED IN SUBSECTION (E) OF THIS SECTION, EACH CARRIER SHALL COMPLY WITH THE REQUIREMENTS IN THE ADOPTED REGULATIONS.

(E) TO THE EXTENT NECESSARY, THE COMMISSIONER SHALL ADOPT REGULATIONS THAT:

(1) ESTABLISH REQUIREMENTS FOR CALCULATING MEDICAL LOSS RATIOS AND RELATED REPORTING AND REBATE REQUIREMENTS; AND

(2) ARE CONSISTENT WITH 45 C.F.R. PART 158 AND ANY CORRESPONDING FEDERAL RULES AND GUIDANCE AS THOSE PROVISIONS WERE IN EFFECT DECEMBER 1, 2019.

15-1A-17.

(A) (1) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE A CARRIER TO DISCLOSE INFORMATION THAT IS PROPRIETARY AND TRADE SECRET INFORMATION UNDER APPLICABLE LAW.

(2) THIS SECTION APPLIES ONLY TO CARRIERS OFFERING AN INDIVIDUAL PLAN OR A SMALL GROUP PLAN.

(B) A CARRIER SHALL DISCLOSE TO AN INDIVIDUAL OR EMPLOYER, AS APPLICABLE, THE FOLLOWING INFORMATION:

(1) THE CARRIER'S RIGHT TO CHANGE PREMIUM RATES AND THE FACTORS THAT MAY AFFECT CHANGES IN PREMIUM RATES; AND

(2) THE BENEFITS AND PREMIUMS AVAILABLE UNDER ALL HEALTH BENEFIT PLANS FOR WHICH THE EMPLOYER OR INDIVIDUAL IS QUALIFIED.

(C) THE CARRIER SHALL MAKE THE DISCLOSURE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION:

(1) AS PART OF ITS SOLICITATION AND SALES MATERIAL; OR

(2) IF THE INFORMATION IS REQUESTED BY THE INDIVIDUAL OR EMPLOYER.

(D) INFORMATION DISCLOSED IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION SHALL BE:

(1) PROVIDED IN A MANNER DETERMINED TO BE UNDERSTANDABLE BY THE AVERAGE EMPLOYER OR INDIVIDUAL; AND

(2) SUFFICIENT TO REASONABLY INFORM THE EMPLOYER OR INDIVIDUAL OF THE EMPLOYER'S OR INDIVIDUAL'S RIGHTS AND OBLIGATIONS UNDER THE HEALTH BENEFIT PLAN.

15-1A-18.

(A) A CARRIER MAY OFFER A CATASTROPHIC PLAN IN THE INDIVIDUAL MARKET IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

(B) A CATASTROPHIC PLAN MAY BE OFFERED ONLY TO INDIVIDUALS WHO:

(1) ARE UNDER THE AGE OF 30 YEARS BEFORE THE BEGINNING OF THE PLAN YEAR; OR

(2) HOLD CERTIFICATION FOR A HARDSHIP EXEMPTION OR AN AFFORDABILITY EXEMPTION AS REQUIRED IN SUBSECTION (C) OF THIS SECTION.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, TO BE OFFERED A CATASTROPHIC PLAN, AN INDIVIDUAL SHALL HOLD CERTIFICATION FOR A HARDSHIP EXEMPTION OR AN AFFORDABILITY EXEMPTION UNDER 42 U.S.C. § 5000A.

(2) IF THE MARYLAND HEALTH BENEFIT EXCHANGE ADOPTS REGULATIONS AS DESCRIBED UNDER SUBSECTION (D) OF THIS SECTION, AN INDIVIDUAL SHALL HOLD CERTIFICATION FOR A HARDSHIP EXEMPTION OR AN AFFORDABILITY EXEMPTION UNDER THE REGULATIONS ADOPTED BY THE EXCHANGE.

(D) TO THE EXTENT NECESSARY, THE MARYLAND HEALTH BENEFIT EXCHANGE SHALL ADOPT REGULATIONS THAT:

(1) ESTABLISH A PROCESS FOR ISSUING HARDSHIP EXEMPTIONS AND AFFORDABILITY EXEMPTIONS; AND

(2) ARE CONSISTENT WITH 42 U.S.C. § 5000A AND ANY CORRESPONDING FEDERAL RULES AND GUIDANCE AS THOSE PROVISIONS WERE IN EFFECT DECEMBER 1, 2019.

(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A CATASTROPHIC PLAN SHALL PROVIDE COVERAGE FOR ESSENTIAL HEALTH BENEFITS.

(2) A CATASTROPHIC PLAN SHALL REQUIRE A DEDUCTIBLE THAT:

(I) IS EQUAL TO THE ANNUAL LIMIT ON COST-SHARING DESCRIBED IN § 15-1A-19 OF THIS SUBTITLE;

(II) APPLIES TO ESSENTIAL HEALTH BENEFITS;

(III) DOES NOT APPLY TO AT LEAST THREE PRIMARY CARE VISITS EACH PLAN YEAR; AND

(IV) DOES NOT APPLY TO ANY COVERED BENEFITS FOR WHICH A DEDUCTIBLE IS PROHIBITED UNDER THIS TITLE.

15-1A-19.

(A) (1) IN THIS SECTION, "COST-SHARING" MEANS ANY EXPENDITURE REQUIRED BY OR ON BEHALF OF AN INSURED INDIVIDUAL WITH RESPECT TO ESSENTIAL HEALTH BENEFITS.

(2) "COST-SHARING" INCLUDES:

(I) DEDUCTIBLES, COINSURANCE, COPAYMENTS, OR SIMILAR CHARGES; AND

(II) ANY OTHER EXPENDITURE REQUIRED OF AN INSURED INDIVIDUAL THAT IS A QUALIFIED MEDICAL EXPENSE, AS DEFINED IN 26 U.S.C. § 223(D)(2), WITH RESPECT TO ESSENTIAL HEALTH BENEFITS COVERED UNDER THE PLAN.

(3) "COST-SHARING" DOES NOT INCLUDE PREMIUMS, BALANCE BILLING AMOUNTS FOR NONNETWORK PROVIDERS, OR SPENDING FOR NONCOVERED SERVICES.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH CARRIER SHALL COMPLY WITH ANNUAL LIMITATIONS ON COST-SHARING FOR ESSENTIAL HEALTH BENEFITS COVERED UNDER HEALTH BENEFIT PLANS AS ESTABLISHED BY 45 C.F.R. § 156.130.

(2) IF THE COMMISSIONER ADOPTS REGULATIONS AS DESCRIBED IN SUBSECTION (C) OF THIS SECTION, EACH CARRIER SHALL COMPLY WITH THE ADOPTED REGULATIONS.

(C) TO THE EXTENT NECESSARY, THE COMMISSIONER SHALL ADOPT REGULATIONS THAT:

(1) ESTABLISH ANNUAL LIMITATIONS ON COST-SHARING; AND

(2) ARE CONSISTENT WITH 45 C.F.R. § 156.130 AND ANY CORRESPONDING FEDERAL RULES AND GUIDANCE AS THOSE PROVISIONS WERE IN EFFECT DECEMBER 1, 2019.

15-1A-20.

(A) (1) THIS SECTION APPLIES ONLY TO INDIVIDUAL PLANS AND SMALL GROUP PLANS.

(2) THE REQUIREMENTS IN THIS SECTION ARE IN ADDITION TO AND NOT IN SUBSTITUTION OF ANY OTHER REQUIREMENTS OF LAW RELATED TO PRESCRIPTION DRUG BENEFITS.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN INDIVIDUAL PLAN OR A SMALL GROUP PLAN SHALL BE CONSIDERED TO PROVIDE PRESCRIPTION DRUG ESSENTIAL HEALTH BENEFITS ONLY IF THE INDIVIDUAL PLAN OR SMALL GROUP PLAN COMPLIES WITH 45 C.F.R. § 156.122.

(2) IF THE COMMISSIONER ADOPTS REGULATIONS AS DESCRIBED IN SUBSECTION (C) OF THIS SECTION, AN INDIVIDUAL PLAN OR A SMALL GROUP PLAN SHALL BE CONSIDERED TO PROVIDE PRESCRIPTION DRUG ESSENTIAL HEALTH BENEFITS ONLY IF THE INDIVIDUAL PLAN OR SMALL GROUP PLAN COMPLIES WITH THE REGULATIONS ADOPTED BY THE COMMISSIONER.

(C) TO THE EXTENT NECESSARY, THE COMMISSIONER SHALL ADOPT REGULATIONS THAT:

(1) ESTABLISH CRITERIA TO DETERMINE WHETHER AN INDIVIDUAL PLAN OR A SMALL GROUP PLAN PROVIDES PRESCRIPTION DRUG ESSENTIAL HEALTH BENEFIT COVERAGE; AND

(2) ARE CONSISTENT WITH 45 C.F.R. § 156.122 AND ANY CORRESPONDING FEDERAL RULES AND GUIDANCE AS THOSE PROVISIONS WERE IN EFFECT DECEMBER 1, 2019.

15-1A-21.

(A) THIS SECTION APPLIES TO ALL GRANDFATHERED PLANS AND TO EVERY HEALTH BENEFIT PLAN THAT IS NOT A GRANDFATHERED PLAN.

(B) (1) SUBJECT TO § 15-1106 OF THIS TITLE, A CARRIER MAY NOT RESCIND THE COVERAGE UNDER A HEALTH BENEFIT PLAN UNLESS:

(I) THE INSURED INDIVIDUAL PERFORMS AN ACT, A PRACTICE, OR AN OMISSION THAT CONSTITUTES FRAUD OR MAKES A MISREPRESENTATION OF MATERIAL FACT AS PROHIBITED BY THE HEALTH BENEFIT PLAN; AND

(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE CARRIER COMPLIES WITH 45 C.F.R. § 147.128.

(2) IF THE COMMISSIONER ADOPTS REGULATIONS AS DESCRIBED IN SUBSECTION (C) OF THIS SECTION, A CARRIER THAT RESCINDS THE COVERAGE UNDER A HEALTH BENEFIT PLAN IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION SHALL COMPLY WITH THE ADOPTED REGULATIONS.

(C) TO THE EXTENT NECESSARY, THE COMMISSIONER SHALL ADOPT REGULATIONS THAT:

(1) ESTABLISH REQUIREMENTS THAT A CARRIER SHALL COMPLY WITH TO RESCIND COVERAGE UNDER SUBSECTION (B) OF THIS SECTION; AND

(2) ARE CONSISTENT WITH 45 C.F.R. § 147.128 AND ANY FEDERAL RULES AND GUIDANCE AS THOSE PROVISIONS WERE IN EFFECT DECEMBER 1, 2019.

15-1A-22.

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

(2) "GENDER IDENTITY" HAS THE MEANING STATED IN § 20-101 OF THE STATE GOVERNMENT ARTICLE.

(3) "SEXUAL ORIENTATION" HAS THE MEANING STATED IN § 20-101 OF THE STATE GOVERNMENT ARTICLE.

(B) THIS SECTION DOES NOT PROHIBIT A CARRIER FROM REFUSING, WITHHOLDING, OR DENYING COVERAGE UNDER A HEALTH BENEFIT PLAN TO ANY INDIVIDUAL FOR FAILURE TO CONFORM TO THE USUAL AND REGULAR REQUIREMENTS, STANDARDS, AND REGULATIONS OF THE CARRIER, UNLESS THE DENIAL IS BASED ON DISCRIMINATION ON THE GROUNDS OF RACE, SEX, COLOR, CREED, NATIONAL ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION, AGE, GENDER IDENTITY, OR DISABILITY.

(C) THIS SECTION DOES NOT APPLY TO LIMITATIONS OR RESTRICTIONS RELATED TO AGE OR MARITAL STATUS THAT ARE SPECIFICALLY AUTHORIZED OR REQUIRED UNDER THIS ARTICLE TO LIMIT OR RESTRICT ELIGIBILITY FOR INSURANCE COVERAGE OR BENEFITS.

~~(C)~~ (D) A CARRIER MAY NOT REFUSE, WITHHOLD, OR DENY ANY INDIVIDUAL COVERAGE UNDER A HEALTH BENEFIT PLAN OFFERED BY THE CARRIER OR OTHERWISE DISCRIMINATE AGAINST ANY INDIVIDUAL BECAUSE OF THE

INDIVIDUAL'S RACE, SEX, CREED, COLOR, NATIONAL ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION, AGE, GENDER IDENTITY, OR DISABILITY.

~~(D)~~ (E) THE COMMISSION ON CIVIL RIGHTS SHALL ENFORCE THE PROVISIONS OF THIS SECTION AS PROVIDED FOR IN § 2-202 OF THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Insurance Administration, the Health Education and Advocacy Unit of the Office of the Attorney General, and the Maryland Health Benefit Exchange:

(1) shall monitor federal statutes and regulations to determine whether provisions of the federal Affordable Care Act or corresponding regulations are repealed or amended to the benefit or detriment of Maryland consumers; and

(2) on or before December 31 each year until 2024, in accordance with § 2-1257 of the State Government Article, submit a joint report to the Senate Finance Committee and the House Health and Government Operations Committee on:

(i) any repeals or amendments determined to be a benefit or detriment to Maryland consumers; and

(ii) recommendations for legislation the General Assembly should enact to address the repeals or amendments.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The General Assembly, in Chapters 3 and 4 of the Acts of the General Assembly of 2011, enacted the list of protections in § 15-137.1 of the Insurance Article to protect Maryland residents approximately 1 year after the Patient Protection and Affordable Care Act (ACA) was passed and approximately 1 year before the United States Supreme Court upheld the majority of the ACA in *National Federation of Independent Business v. Sebelius*.

(b) The General Assembly, regardless of whether the ACA was found to be constitutional, intended for the protections listed in § 15-137.1 of the Insurance Article, as enacted by Chapters 3 and 4 of the Acts of the General Assembly of 2011 and as amended thereafter, to apply to individual health insurance coverage and health insurance coverage offered in the small group and large group markets issued or delivered in the State by an authorized insurer, nonprofit health service plan, or health maintenance organization.

(c) The General Assembly, in Chapters 3 and 4 of the Acts of the General Assembly of 2011 and in yearly conformity bills thereafter consistent with the General Assembly's intent, repealed some provisions of Maryland law that provided the same or similar protections as the ACA and used cross-references to the ACA as a stylistic drafting choice for the purpose of maintaining consistency between State and federal law.

(d) In recent years, the federal government has reduced the shared responsibility payment for individuals failing to demonstrate health insurance coverage to \$0, has taken regulatory action to minimize the protections provided to Americans by the ACA, and, after refusing to defend the ACA, has asserted, in the context of *Texas v. United States*, that 26 U.S.C. § 5000(A), the minimum essential coverage requirement, is unconstitutional and that the remainder of the ACA is inseverable.

(e) Moving the provisions in § 15–137.1 of the Insurance Article to § 15–1A–02 of the Insurance Article and supplementing the cross–references to the ACA with the codification of specific statutory language in Title 15, Subtitle 1A of the Insurance Article, as enacted by Section 1 of this Act, further implements the continuing intent of the General Assembly to ensure that Maryland residents benefit from the consumer protections.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

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

Chapter 622

(House Bill 1493)

AN ACT concerning

Worcester County – Special Event Zones – Prohibitions

FOR the purpose of prohibiting a person from engaging in exhibition driving within a special event zone in Worcester County; prohibiting a person from committing certain violations of the Maryland Vehicle Law within a special event zone in Worcester County; defining the term “exhibition driving” for purposes of this Act; establishing certain penalties for violations of this Act; altering a certain definition; making stylistic changes; making this Act an emergency measure; and generally relating to special event zones in Worcester County.

BY repealing

Article – Transportation

Section 21–811

Annotated Code of Maryland

(2012 Replacement Volume and 2019 Supplement)

BY adding to

Article – Transportation
Section 21–1132
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

[21–811.

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

(2) “Special event” means any automotive or motor vehicle event occurring on or in close proximity to a highway that:

(i) Has been permitted or approved by a unit of local government; or

(ii) Is expected to have 1,000 or more individuals in attendance, regardless of whether the event has been permitted or approved by a unit of local government.

(3) “Special event zone” means an area on or alongside a highway that is marked by appropriate warning signs or other traffic control devices designating that a special event is in progress.

(b) This section applies only in Worcester County.

(c) (1) The State Highway Administration may, on its own initiative or at the request of a local authority:

(i) Designate an area on a State highway as a special event zone;
and

(ii) Reduce established speed limits in the special event zone after a determination that the change is necessary to ensure public safety.

(2) A local authority may:

(i) Designate an area on a highway under its jurisdiction as a special event zone; and

(ii) Reduce established speed limits in the special event zone after a determination that the change is necessary to ensure public safety.

(d) A speed limit established under this section shall become effective when posted.

(e) A person may not drive a motor vehicle at a speed exceeding the posted speed limit within a special event zone established in accordance with this section.

(f) A person convicted of a violation of subsection (e) of this section is subject to a fine not exceeding \$1,000.]

21-1132.

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

(2) "EXHIBITION DRIVING" MEANS:

(I) THE OPERATION OF A MOTOR VEHICLE IN A MANNER THAT RESULTS IN:

1. THE EXCESSIVE, ABRUPT ACCELERATION OR DECELERATION OF THE MOTOR VEHICLE;

2. THE SKIDDING, SQUEALING, BURNING, OR SMOKING OF THE TIRES OF THE MOTOR VEHICLE;

3. THE SWERVING OR SWAYING OF THE MOTOR VEHICLE FROM SIDE TO SIDE WHILE SKIDDING;

4. THE ENGINE OF THE MOTOR VEHICLE PRODUCING AN UNREASONABLY LOUD, RAUCOUS, OR DISTURBING NOISE;

5. THE GRINDING OF THE GEARS OF THE MOTOR VEHICLE OR THE BACKFIRING OF THE ENGINE OF THE MOTOR VEHICLE; OR

6. ANY OF THE WHEELS OF THE MOTOR VEHICLE LOSING CONTACT WITH THE GROUND; OR

(II) THE TRANSPORTATION OF A PASSENGER ON OR IN AN AREA OF A MOTOR VEHICLE THAT IS NOT DESIGNED OR INTENDED FOR PASSENGER TRANSPORT SUCH AS THE HOOD OR ROOF.

(3) "SPECIAL EVENT" MEANS ANY AUTOMOTIVE OR MOTOR VEHICLE EVENT OCCURRING ON OR IN CLOSE PROXIMITY TO A HIGHWAY THAT:

(I) HAS BEEN PERMITTED OR APPROVED BY A UNIT OF LOCAL GOVERNMENT; OR

(II) IS EXPECTED TO HAVE 1,000 OR MORE INDIVIDUALS IN ATTENDANCE, REGARDLESS OF WHETHER THE EVENT HAS BEEN PERMITTED OR APPROVED BY A UNIT OF LOCAL GOVERNMENT.

(4) (I) “SPECIAL EVENT ZONE” MEANS AN AREA ON OR ALONG A HIGHWAY THAT IS MARKED BY APPROPRIATE WARNING SIGNS OR OTHER TRAFFIC CONTROL DEVICES DESIGNATING THE AREA AS A SPECIAL EVENT ZONE ~~AND~~, INDICATING THAT A SPECIAL EVENT IS IN PROGRESS, AND STATING THAT A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO ARREST.

(II) “SPECIAL EVENT ZONE” INCLUDES A PARKING STRUCTURE, A PARKING LOT, A STREET, OR ANY OTHER PROPERTY, PRIVATE OR PUBLIC, IMMEDIATELY ADJACENT TO THE MARKED AREA ON OR ALONG THE MARKED AREA.

(B) THIS SECTION APPLIES ONLY IN WORCESTER COUNTY.

(C) (1) THE STATE HIGHWAY ADMINISTRATION MAY, ON ITS OWN INITIATIVE OR AT THE REQUEST OF A LOCAL AUTHORITY:

(I) DESIGNATE AN AREA ON A STATE HIGHWAY AS A SPECIAL EVENT ZONE; AND

(II) REDUCE ESTABLISHED SPEED LIMITS IN THE SPECIAL EVENT ZONE AFTER A DETERMINATION THAT THE CHANGE IS NECESSARY TO ENSURE PUBLIC SAFETY.

(2) A LOCAL AUTHORITY MAY:

(I) DESIGNATE AN AREA ON A HIGHWAY UNDER ITS JURISDICTION AS A SPECIAL EVENT ZONE; AND

(II) REDUCE ESTABLISHED SPEED LIMITS IN THE SPECIAL EVENT ZONE AFTER A DETERMINATION THAT THE CHANGE IS NECESSARY TO ENSURE PUBLIC SAFETY.

(3) A SPEED LIMIT ESTABLISHED UNDER THIS SUBSECTION SHALL BECOME EFFECTIVE WHEN POSTED.

(D) A PERSON MAY NOT ENGAGE IN EXHIBITION DRIVING WITHIN A SPECIAL EVENT ZONE.

(E) A PERSON MAY NOT COMMIT ANY OF THE FOLLOWING VIOLATIONS WITHIN A SPECIAL EVENT ZONE:

- (1) DRIVING A MOTOR VEHICLE AT A SPEED EXCEEDING THE POSTED SPEED LIMIT;
- (2) NEGLIGENT DRIVING UNDER § 21-901.1(B) OF THIS TITLE;
- (3) DRIVING A MOTOR VEHICLE IN A RACE OR SPEED CONTEST UNDER § 21-1116(A) OF THIS TITLE THAT DOES NOT RESULT IN SERIOUS BODILY INJURY TO ANOTHER PERSON, AS DEFINED IN § 20-102(C) OF THIS ARTICLE;
- (4) PARTICIPATING IN A RACE OR SPEED CONTEST UNDER § 21-1116(B) OF THIS TITLE; OR
- (5) SKIDDING, SPINNING OF WHEELS, OR CAUSING EXCESSIVE NOISE UNDER § 21-1117 OF THIS TITLE.

(F) (1) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION ~~(E)~~ (D) OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 60 DAYS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

(2) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION ~~(F)~~ (E) OF THIS SECTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

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

Chapter 623

(Senate Bill 878)

AN ACT concerning

Worcester County – Special Event Zones – Prohibitions

FOR the purpose of prohibiting a person from engaging in exhibition driving within a special event zone in Worcester County; prohibiting a person from committing

certain violations of the Maryland Vehicle Law within a special event zone in Worcester County; defining the term “exhibition driving” for purposes of this Act; establishing certain penalties for violations of this Act; altering a certain definition; making stylistic changes; making this Act an emergency measure; and generally relating to special event zones in Worcester County.

BY repealing

Article – Transportation

Section 21–811

Annotated Code of Maryland

(2012 Replacement Volume and 2019 Supplement)

BY adding to

Article – Transportation

Section 21–1132

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

[21–811.

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

(2) “Special event” means any automotive or motor vehicle event occurring on or in close proximity to a highway that:

(i) Has been permitted or approved by a unit of local government; or

(ii) Is expected to have 1,000 or more individuals in attendance, regardless of whether the event has been permitted or approved by a unit of local government.

(3) “Special event zone” means an area on or alongside a highway that is marked by appropriate warning signs or other traffic control devices designating that a special event is in progress.

(b) This section applies only in Worcester County.

(c) (1) The State Highway Administration may, on its own initiative or at the request of a local authority:

(i) Designate an area on a State highway as a special event zone;

and

(ii) Reduce established speed limits in the special event zone after a determination that the change is necessary to ensure public safety.

(2) A local authority may:

(i) Designate an area on a highway under its jurisdiction as a special event zone; and

(ii) Reduce established speed limits in the special event zone after a determination that the change is necessary to ensure public safety.

(d) A speed limit established under this section shall become effective when posted.

(e) A person may not drive a motor vehicle at a speed exceeding the posted speed limit within a special event zone established in accordance with this section.

(f) A person convicted of a violation of subsection (e) of this section is subject to a fine not exceeding \$1,000.]

21-1132.

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

(2) "EXHIBITION DRIVING" MEANS:

(I) THE OPERATION OF A MOTOR VEHICLE IN A MANNER THAT RESULTS IN:

1. THE EXCESSIVE, ABRUPT ACCELERATION OR DECELERATION OF THE MOTOR VEHICLE;

2. THE SKIDDING, SQUEALING, BURNING, OR SMOKING OF THE TIRES OF THE MOTOR VEHICLE;

3. THE SWERVING OR SWAYING OF THE MOTOR VEHICLE FROM SIDE TO SIDE WHILE SKIDDING;

4. THE ENGINE OF THE MOTOR VEHICLE PRODUCING AN UNREASONABLY LOUD, RAUCOUS, OR DISTURBING NOISE;

5. THE GRINDING OF THE GEARS OF THE MOTOR VEHICLE OR THE BACKFIRING OF THE ENGINE OF THE MOTOR VEHICLE; OR

6. ANY OF THE WHEELS OF THE MOTOR VEHICLE LOSING CONTACT WITH THE GROUND; OR

(II) THE TRANSPORTATION OF A PASSENGER ON OR IN AN AREA OF A MOTOR VEHICLE THAT IS NOT DESIGNED OR INTENDED FOR PASSENGER TRANSPORT SUCH AS THE HOOD OR ROOF.

(3) “SPECIAL EVENT” MEANS ANY AUTOMOTIVE OR MOTOR VEHICLE EVENT OCCURRING ON OR IN CLOSE PROXIMITY TO A HIGHWAY THAT:

(I) HAS BEEN PERMITTED OR APPROVED BY A UNIT OF LOCAL GOVERNMENT; OR

(II) IS EXPECTED TO HAVE 1,000 OR MORE INDIVIDUALS IN ATTENDANCE, REGARDLESS OF WHETHER THE EVENT HAS BEEN PERMITTED OR APPROVED BY A UNIT OF LOCAL GOVERNMENT.

(4) (I) “SPECIAL EVENT ZONE” MEANS AN AREA ON OR ALONG A HIGHWAY THAT IS MARKED BY APPROPRIATE WARNING SIGNS OR OTHER TRAFFIC CONTROL DEVICES DESIGNATING THE AREA AS A SPECIAL EVENT ZONE ~~AND~~, INDICATING THAT A SPECIAL EVENT IS IN PROGRESS, AND STATING THAT A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO ARREST.

(II) “SPECIAL EVENT ZONE” INCLUDES A PARKING STRUCTURE, A PARKING LOT, A STREET, OR ANY OTHER PROPERTY, PRIVATE OR PUBLIC, IMMEDIATELY ADJACENT TO THE MARKED AREA ON OR ALONG THE MARKED AREA.

(B) THIS SECTION APPLIES ONLY IN WORCESTER COUNTY.

(C) (1) THE STATE HIGHWAY ADMINISTRATION MAY, ON ITS OWN INITIATIVE OR AT THE REQUEST OF A LOCAL AUTHORITY:

(I) DESIGNATE AN AREA ON A STATE HIGHWAY AS A SPECIAL EVENT ZONE; AND

(II) REDUCE ESTABLISHED SPEED LIMITS IN THE SPECIAL EVENT ZONE AFTER A DETERMINATION THAT THE CHANGE IS NECESSARY TO ENSURE PUBLIC SAFETY.

(2) A LOCAL AUTHORITY MAY:

(I) DESIGNATE AN AREA ON A HIGHWAY UNDER ITS JURISDICTION AS A SPECIAL EVENT ZONE; AND

(II) **REDUCE ESTABLISHED SPEED LIMITS IN THE SPECIAL EVENT ZONE AFTER A DETERMINATION THAT THE CHANGE IS NECESSARY TO ENSURE PUBLIC SAFETY.**

(3) **A SPEED LIMIT ESTABLISHED UNDER THIS SUBSECTION SHALL BECOME EFFECTIVE WHEN POSTED.**

(D) **A PERSON MAY NOT ENGAGE IN EXHIBITION DRIVING WITHIN A SPECIAL EVENT ZONE.**

(E) **A PERSON MAY NOT COMMIT ANY OF THE FOLLOWING VIOLATIONS WITHIN A SPECIAL EVENT ZONE:**

(1) **DRIVING A MOTOR VEHICLE AT A SPEED EXCEEDING THE POSTED SPEED LIMIT;**

(2) **NEGLIGENT DRIVING UNDER § 21-901.1(B) OF THIS TITLE;**

(3) **DRIVING A MOTOR VEHICLE IN A RACE OR SPEED CONTEST UNDER § 21-1116(A) OF THIS TITLE THAT DOES NOT RESULT IN SERIOUS BODILY INJURY TO ANOTHER PERSON, AS DEFINED IN § 20-102(C) OF THIS ARTICLE;**

(4) **PARTICIPATING IN A RACE OR SPEED CONTEST UNDER § 21-1116(B) OF THIS TITLE; OR**

(5) **SKIDDING, SPINNING OF WHEELS, OR CAUSING EXCESSIVE NOISE UNDER § 21-1117 OF THIS TITLE.**

(F) (1) **A PERSON CONVICTED OF A VIOLATION OF SUBSECTION ~~(E)~~ (D) OF THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 60 DAYS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.**

(2) **A PERSON CONVICTED OF A VIOLATION OF SUBSECTION ~~(F)~~ (E) OF THIS SECTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

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

