



MARYLAND GENERAL ASSEMBLY
JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW

SYNOPSIS OF EMERGENCY REGULATIONS

The following document provides synopses of emergency regulations received by the AELR Committee on the dates noted below. Please contact the issuing agency for copies of the text of emergency regulations. For more information, please contact George Butler, Kathryn Selle or Nathan McCurdy at the number below.

Date Received	Title and Summary	Public Hearing Scheduled, *if any	Date & Summary of any action
December 14, 2018	<p>Emergency Regulation DLS Control No. 18-393 Department of the Environment: Air Quality: Low Emissions Vehicle Program: COMAR 26.11.34.02</p> <p>The EPA's national GHG emission standards for light-duty vehicles apply to the same types of vehicles under 40 CFR Parts 85, 86, and 600. The California standards are currently equivalent to and aligned with the federal program. California and the other Section 177</p>		Emergency status beginning December 31, 2018 and expiring June 29, 2019.

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	<p>States, including Maryland, adopted a compliance provision to allow vehicle manufactures to meet the California Clean Cars GHG requirements by complying with the EPA GHG requirements. However, EPA has proposed to alter the national GHG standards. The proposed amendments incorporate the current compliance provision requirements as codified by California and removes conflict if EPA’s national GHG standards are altered as proposed.</p>		
<p>October 18, 2018</p>	<p>Emergency Regulations DLS Control No. 18-304 Maryland Department of Health: Natalie Laprade Medical Cannabis Commission: Definitions: COMAR 10.62.01.01 General Regulations: COMAR 10.62.02.05 Medical Cannabis Grower License: COMAR 10.62.08.05 Medical Cannabis Processor License: COMAR 10.62.19.04 Medical Cannabis Dispensary License: COMAR 10.62.25.05</p> <p>The purpose of this emergency action is to expand the evaluation criteria for medical cannabis licensing applications to address the needs of minority and women applicants. The emergency action aims to reduce barriers to entry and encourage participation in the medical cannabis industry by minorities and women. This emergency action is being requested because these emergency regulations are statutorily mandated under</p>		<p>Emergency status beginning November 13, 2018 and expiring April 24, 2019.</p>

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	<p>§ 13-3305.2 of the Health – General Article and are based upon the findings of a disparities study which concluded there is a compelling interest to implement remedial measures to assist minorities and women seeking to participate in the medical cannabis industry. Section 7 of Chapter 598 of 2018 further emphasizes the Maryland General Assembly’s intent that the regulations must be emergency in nature and requires certain legislative reports on the progress of the emergency regulations.</p>		
<p>August 2, 2018</p>	<p>Emergency/Proposed Regulation DLS Control No. 18-214 Comptroller of the Treasury: Sales and Use Tax: Sales and Use Tax: COMAR 03.06.01.33</p> <p>The purpose of this action is to enforce a collection requirement that remote sellers without a physical presence in Maryland collect Maryland sales and use taxes for products delivered into Maryland. The recent Supreme Court ruling, South Dakota v. Wayfair, reverses a 1992 ruling on Quill Corp. v. North Dakota that said sellers only had to collect state sales taxes if they had a warehouse, office or sales representative in the state. The Office of the Comptroller is receiving inquiries regarding the impact the decision has on the Comptroller’s authority to compel remote sellers to collect Maryland sales and use tax on sales to Maryland customers. The Comptroller is charged with compliance and enforcement efforts related to the collection of the sales and use tax. The</p>		<p>Emergency status beginning October 1, 2018 and expiring March 30, 2019.</p>

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	<p>Office of the Comptroller does not want a delayed response to have a negative impact on the Maryland's sales and use tax receipts thus emergency regulations should be enacted to begin the collection of sales tax from out of state sellers.</p>		
<p>July 5, 2018</p>	<p>Emergency Regulations DLS Control No. 18-176 Maryland Higher Education Commission: Academic Regulations: Academic Programs - Degree-Granting Institutions: COMAR 13B.02.03.02 and .20</p> <p>At a public meeting on June 27, 2018, the Maryland Higher Education Commission approved amendments to COMAR 13B.02.03, for emergency adoption, in order to permit needed educational programs to be provided at regional higher education centers within the State.</p>		<p>Emergency status beginning August 2, 2018 and expiring December 31, 2018.</p>
<p>May 25, 2018</p>	<p>Emergency Regulation DLS Control No. 18-162 State Board of Education: Child and Family Day Care: Child Care Subsidy Program: COMAR 13A.14.06.03</p> <p>The department notes that, rather than being locked into out-of-date income eligibility categories, these emergency regulations would allow the department to establish an income eligibility scale for the Child Care Subsidy Program on a yearly basis to govern eligibility for childcare subsidies for that year.</p>		<p>Emergency status beginning July 9, 2018 and expiring January 4, 2019.</p>

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	<p>The department is requesting emergency status for these regulations as it is critical for the health and welfare of low income families in need of child care to revise the regulation immediately to provide subsidies to families who could qualify under current United States Department of Health and Human Services income eligibility guidelines reflecting the economic reality of 2018. The department intends to file proposed regulations during the 180-day emergency status to make the amendments permanent.</p>		
<p>May 29, 2018</p>	<p>Emergency/Proposed Regulations DLS Control No. 18-139 Department of Agriculture: Pesticide Use Control: Use and Sale of Pesticides, Certification of Pesticide Applicators and Pest Control Consultants, and Licensing of Pesticide Businesses: COMAR 15.05.01.02</p> <p>The purpose of this action is to allow certain minimum risk pesticides as approved by the Secretary to control plant pests by state licensed grow facilities when growing medical Cannabis and establish a procedure to be followed by a person who seeks the Secretary's approval for the use of other minimum risk pesticides on Cannabis.</p>		<p>Emergency status beginning July 6, 2018 and expiring September 29, 2018.</p>
<p>April 30, 2018</p>	<p>Emergency/Proposed Regulations DLS Control No. 18-115 Maryland State Lottery and Gaming Control Agency: Gaming Provisions: Collection of Taxes, Fees and Penalties: COMAR 36.03.08.03</p>		

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	<p>Instant Bingo Machines in Anne Arundel and Calvert Counties: General: 36.07.01.01 and .03</p> <p>This proposal updates regulations of the Maryland Lottery and Gaming Control Agency to implement Section 23 of Ch. 10 of 2018, which clarifies the General Assembly’s intent with electronic instant bingo machines in §§ 12-301.1 and 12-308 of the Criminal Law Article. This Act takes effect June 1, 2018. The proposal also implements Ch. 299 of 2018, which amends the definition of “proceeds” in § 9-1A-01(u) of the State Government Article. That Act takes effect July 1, 2018.</p>		
April 9, 2018	<p>Emergency Regulations DLS Control No. 18-103 Department of Natural Resources: Fisheries Service: Fish: COMAR 08.02.05.02 Striped Bass: COMAR 08.02.15.03, .09, .10 Gear: COMAR 08.02.25.01, .03</p> <p>The purpose of this action is to reduce the dead discards of striped bass that occur throughout the summer/fall recreational and charter boat fisheries.</p>		Emergency status beginning May 3, 2018 and expiring October 12, 2018.
November 17, 2017	<p>Emergency/Proposed Regulations DLS Control No. 17-226 Maryland Department of Health: Maryland Health Care Commission: State Health Plan for Facilities and Services: Specialized Health Care Services - Acute Inpatient Rehabilitation Services: COMAR 10.24.09.01</p>		Emergency status beginning March 17, 2018 and expiring June 22, 2018.

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	<p>The amendment describes the method for identifying acute rehabilitation discharges from Maryland hospitals and hospitals located in the District of Columbia. As a result of the implementation of ICD-10 codes on October 1, 2015, the description of the method for identifying acute rehabilitation discharges must be revised in order to describe the process for obtaining the most accurate count of acute rehabilitation discharges, which are used to develop projections for the adult acute rehabilitation bed need. The projections are used to evaluate Certificate of Need applications that propose the establishment of a new acute inpatient rehabilitation hospital or the establishment of acute inpatient rehabilitation service at a general or specialty hospital. The chapter must accurately describe how the new projections will be developed.</p> <p>The commission indicates that an emergency regulation is needed because commission staff received a letter of intent on October 25, 2017 from an applicant that proposes the establishment of a new acute inpatient rehabilitation hospital in Maryland and, in its letter of intent, inquired about the commission’s plan to update acute rehabilitation bed need projections. The emergency amendment is needed in order for the chapter to accurately reflect the correct data sources to be used in the projections.</p>		

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November 9, 2017	<p>Emergency Regulation DLS Control No. 17-216 Department of Labor, Licensing, and Regulation: Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors -- Real Estate Appraisers: Code of Ethics: COMAR 09.19.05.01</p> <p>The purpose of this action is to amend Regulation .01 under COMAR 09.19.05 to incorporate by reference the 2018-2019 edition of the Uniform Standards of Professional Appraisal Practice (“USPAP”), which was enacted by the Appraisal Standards Board of the Appraisal Foundation, effective January 1, 2018, and with which licensed and certified real estate appraisers are required, by federal mandate, to comply.</p> <p>The commission will not be in compliance with a federal mandate requiring adoption of the 2018-2019 edition of the Uniform Standards of Professional Appraisal Practice by January 1, 2018 if emergency status is not granted.</p>		Emergency status beginning February 6, 2018 and expiring June 30, 2018.
September 15, 2017	<p>Emergency/Proposed Regulations DLS Control No. 17-174 Maryland Department of Health: Health Services Cost Review Commission: Rate Application and Approval Procedures: COMAR 10.37.10.03 - .11</p> <p>The purpose of this action is to set forth the process for filing a full rate application with the commission; identify</p>		

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	<p>the methodologies to be used in approving permanent rates; describe the annual update factor vis-à-vis the All-Payer Model Agreement, including corrective action if necessary to maintain compliance with the All-Payer Model Agreement; and provide options to hospitals for Commission review of a full rate application.</p> <p>Emergency status is requested because the current regulatory moratorium on full rate applications is due to expire on November 1, 2017.</p>		
August 22, 2017	<p>Emergency/Proposed Regulations DLS Control No. 17-152 Department of Agriculture: Office of the Secretary: Food Donation Pilot Program: COMAR 15.01.12.01-.07</p> <p>To give tax credits to Maryland farmers who donate farm grown produce to low-income organizations that support Marylanders experiencing hunger.</p>		Emergency status beginning September 8, 2017 and expiring January 3, 2018.
June 8, 2017	<p>Emergency/Proposed Regulations DLS Control No. 17-098 Department of Natural Resources: Fisheries Service: Crabs: COMAR 08.02.03.11, .12</p> <p>The purpose of the emergency action is to implement changes that were made to Natural Resources Article, §4-803, Annotated Code of Maryland during the 2017 legislative session. Senate Bill 59 and House Bill 1314</p>		

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	<p>passed during the 2017 legislative session and will be effective July 1, 2017. This legislation requires the Department to adopt regulations to permit commercial harvesters to take crabs using legal gears one hour earlier than current rules permit on certain holidays and the day before those holidays. The proposed action allows commercial crab harvesters to start harvesting crabs one hour earlier than currently allowed on Memorial Day, July 4, Labor Day and the day immediately preceding those holidays. The change applies to all commercial gear.</p> <p>Emergency status is requested so that crab harvesters may benefit as soon as possible. If the emergency action is approved, harvesters will be able to harvest one hour early on July 3rd, July 4th, September 3rd and September 4th. If it is not approved, they will not benefit from the legislation until May 2018.</p>		
June 7, 2017	<p>Emergency/Proposed Regulations DLS Control No. 17-097 Department of Transportation: Motor Vehicle Administration--Vehicle Registration: Tax Credit Certificate: COMAR 11.15.36.01-.04</p> <p>It is requested that the emergency status begin on July 1, 2017, to coincide with effective date of Chapter 502, Senate Bill 57, Acts of 2017.</p>		

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March 30, 2017	<p>Emergency/Proposed Regulations DLS Control No. 17-077 Maryland State Lottery and Gaming Control Agency: Gaming Provisions: Collections of Taxes, Fees, and Penalties: COMAR 09.10.03.01, .10</p> <p>The purpose of this action is to update the regulations to implement new legislation (SB 496, Ch.445) that takes effect July 1, 2017, and requires the State Lottery and Gaming Control Commission to adopt regulations allowing a casino that returns to successful players more than the amount of money bet through video lottery terminals or table games on a given day to subtract that “negative” amount from the proceeds of a following day. Losses may not be subtracted for more than two consecutive gaming</p>		Emergency status beginning July 10, 2017 and expiring December 5, 2017.
March 7, 2017	<p>Emergency/Proposed Regulations DLS Control No. 17-021 Department of Labor, Licensing, and Regulation: Racing Commission: Prohibited Acts: COMAR 09.10.03.01, .10</p> <p>The purpose of this action is to authorize the Maryland Racing Commission to conduct out-of-competition specimen collection and testing for prohibited substances on horses that are engaged in activities related to competing in horse racing in Maryland. Samples will be tested to ensure compliance with the applicable medication and anti-doping standards of the Association of Racing Commissioners International, Inc. of which the Maryland Racing Commission is a member.</p>		Emergency status beginning May 18, 2017 and expiring September 1, 2017.

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	<p>The Maryland Racing Commission has been engaged in national and regional uniform medication reform. Adopting these regulations on an emergency basis will allow the Racing Commission to have an out-of-competition sampling and testing program in place prior to the 2017 Preakness Stakes in May, 2017.</p>		