



THE MARYLAND GENERAL ASSEMBLY
ANNAPOLIS, MARYLAND 21401-1991

JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW

Memorandum

To: Members of the AELR Committee
Standing Committee Chairs

From: John J. Joyce, AELR Committee Counsel
Kathleen P. Kennedy, AELR Committee Counsel
Georgianne Carter, AELR Committee Counsel

Date: September 18, 2020

Re: **Synopses of Regulations received from 9/4/2020 through 9/17/2020**

Enclosed please find synopses of regulations received by the Joint Committee on Administrative, Executive, and Legislative Review (AELR) during the weeks noted above.

The Office of Policy Analysis prepares analyses of the regulations to determine if there are any problem areas, to ensure that the regulations comply with statutory authority and legislative intent, and to assess the fiscal impact of the regulations. If any regulation is of particular interest to you, please feel free to contact us at 410-946-5350 and we will supply you with a copy of the regulation along with the legal and fiscal analysis.

/cr

cc: Jake Weissmann
Alexandra M. Hughes

Elections, State Board of

Emergency Regulations

DLS Control No. 20-103

Board of Elections:

Absentee Ballots:

Applications: COMAR 33.11.02.05

Canvass of Ballots – Procedures: COMAR 33.11.04.01 and .03

Canvass of Ballots – Rejecting Ballots: COMAR 33.11.05.04

Provisional Voting: Canvass of Ballots – Rejecting Ballots: COMAR 33.16.06.04

According to the board, the proposed regulations require emergency status due to the short time frame before the November General Election. The proposed amendment to Subtitle 11, Chapter 2 removes the requirement for local boards to date stamp some applications for mail-in ballots. This change is requested because of the large number of applications that have been received and more applications that are expected.

The proposed amendment to Regulation .01 of Subtitle 11, Chapter 4 defines when a local board can use a single individual to verify the timeliness of a mail-in ballot, the presence of a signed oath, opening the return envelope, and determining whether the ballot can be scanned. The proposed change to Regulation .03 aligns the start of canvassing to the action the State Board took at its August 19, 2020 meeting.

The proposed amendments to Subtitle 11, Chapter 5, and Subtitle 6, Chapter 6, are needed because current regulations do not work when mail-in ballots are counted before election day. The proposed change requires the local board to reject a provisional ballot from a voter who also returned a mail-in ballot. This approach means that voters who vote a mail-in ballot and provisional ballot are treated the same – that is, their mail-in ballot will be counted (assuming that the mail-in ballot is timely and the oath is signed) – regardless of when they return their voted mail-in ballot or when their mail-in ballot is counted.

Emergency Regulations

DLS Control No. 20-111

Board of Elections:

Canvassing:

Post Election Verification and Audit: COMAR 33.08.05.01 and .04

According to the board, emergency status is requested due to the short time frame before the General election.

The proposed changes:

- define an election day vote center and amends the definition of a precinct to include an election day vote center;

- removes the requirement for the precinct verification and audit of an election day voting center to include precincts with at least 300 registered voters. This change is needed because polling places defined by precincts with a predetermined number of registered voters will not be used on election day. Instead, the 5% requirement remains, with the minimum number of election day vote centers to be audited being one; and
- extends the definition of precinct through Regulation .09 of the Chapter, to allow for election day vote centers to be audited as a precinct in the manual audit that takes place after the election is certified.

Natural Resources, Department of

Proposed Regulation

DLS Control No. 20-104

Department of Natural Resources:

Fisheries Service:

General: COMAR 08.02.01.13

According to the department, the purpose of this action is to designate Cushwa Hatchery as a fishery management propagation area. The property that contains Cushwa Hatchery was recently acquired by the department and will be managed by Fishing and Boating Services. All state hatcheries are designated as fishery management propagation areas. The Cushwa Hatchery facility needs to attain the same designation as all other state-owned hatcheries.

Public Safety and Correctional Services, Department of

Proposed Regulations

DLS Control No. 20-109

Department of Public Safety and Correctional Services:

Police Training Commission:

General Regulations: COMAR 12.04.01.04 and .06

According to the department, the purpose of this action is to update the language of COMAR 12.04.01.04 and .06 to reflect changes that have been made to Maryland law. During the 2018 legislative session, the Maryland General Assembly updated language in § 3-209 of the Public Safety Article to allow an individual who is a permanent legal resident and a honorably discharged veteran from the United States armed forces to become a police officer if the individual has submitted an application to become a citizen of this country. The statutory change also allows for the termination of a police officer who fails to become a United States citizen.

Maryland Department of Health

Proposed Regulation

DLS Control No. 20-105

Maryland Department of Health:

Board of Physical Therapy Examiners:

Fee Schedule: COMAR 10.38.07.02

According to the department, the purpose of this action is to provide a new fee for The Interstate Physical Therapy Licensure Compact pursuant to Chapter 374, Acts of 2019.

Proposed Regulation

DLS Control No. 20-106

Maryland Department of Health:

Medical Care Programs:

Family Planning Program Eligibility: COMAR 10.09.37.03-1

According to the department, the purpose of this action is to implement presumptive eligibility requirements for the Maryland Medicaid Family Planning Program, in accordance with Chapter 465 of the Acts of 2018.

Proposed Regulations

DLS Control No. 20-107

Maryland Department of Health:

Natalie Laprade Medical Cannabis Commission:

Definitions: COMAR 10.62.01.01

Medical Cannabis Grower Quality Control: COMAR 10.62.15.06

Complaints, Adverse Events, and Recall: 10.62.17.02 and .03

Medical Cannabis Concentrates and Medical Cannabis-Infused Products:
COMAR 10.62.23.01

Medical Cannabis Finished Products Packaging: COMAR 10.62.24.01

Licensed Dispensary Packaging and Labeling for Distribution: COMAR 10.62.29.01

Discipline and Enforcement: COMAR 10.62.34.07 and 08

Fee Schedule: COMAR 10.62.35.01

Edible Cannabis Products: COMAR 10.62.37.01-.21

According to the department, the purpose of this action is to establish a regulatory framework for the oversight of the processing and distribution of edible cannabis products. The proposal also eliminates duplicative laboratory testing on each batch of medical cannabis (i.e. "batch testing") that is manufactured into a processed product. Further, the proposal simplifies and strengthens the Commission's administrative process for issuing fines for violations of medical cannabis laws.

Proposed Regulation

DLS Control No. 20-108

Maryland Department of Health:

Health Services Cost Review Commission:

Uniform Accounting and Reporting System for Hospitals and Related Institutions:

COMAR 10.37.01.02

According to the department, the purpose of this action is to update the Health Services Cost Review Commission's manual entitled "Accounting and Budget Manual for Fiscal and Operating Management" (August, 1987), which has been incorporated by reference.