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 John Joyce, Kathleen Kennedy, or Georgeanne Carter at the number below.

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<tr>
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| December 9, 2021 | Emergency Regulation  
DLS Control No. 21-237  
State Board of Education:  
State School Administration:  
Face Coverings in School Facilities:  
COMAR 13A.01.07.01 through .06 |                                  |                             |

The regulations are necessary to mitigate the spread of COVID-19 in Maryland public schools, prevent public school closures, and limit the number of students required
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| December 7, 2021 | **Emergency Regulations**  
**DLS Control No. 21-232**  
**Maryland Department of Health: Developmental Disabilities: Fee Payment System for Licensed Residential and Day Programs:**  
**COMAR 10.22.17.02 and .10**  

The purpose of this emergency action is to permit flexibilities in the minimum service hours for Day Habilitation services provided and billed for, consistent with DDA’s Appendix K, temporarily amending requirements in DDA’s Medicaid Waiver programs during the public health emergency. This emergency action is being requested because the Maryland Department of Health wants to allow Day Habilitation providers to provide and bill for services to individuals. | | |
<p>| | to quarantine out of the classroom during the 2021-2022 school year due to COVID-19. | | |</p>
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| November 29, 2021 | Emergency/Proposed Regulations  
DLS Control No. 21-225  
Maryland State Lottery and Gaming Control Agency:  
General Provisions:  
Voluntary Exclusion and Responsible Gaming: COMAR 36.01.03.01 through .08  
Fantasy Competition:  
Online Fantasy Competition Claim Procedures: 36.09.01.01 and .02  
Registration: COMAR 36.09.02.01 through .04  
General Standards and Prohibitions: COMAR 36.09.03.01 through .07  
Financial Standards: COMAR 36.09.04.01 through .06  
Responsible Gaming: COMAR 36.09.05.01 through .03  

These proposed amendments would update the agency’s Voluntary Exclusion and Responsible Gaming programs to include sports wagering and fantasy competitions regulations. The agency hopes to incorporate changes made by passage of Ch. 356 of 2021 with respect to the fantasy competition program, which launched on May 18, 2021. In addition, it is anticipated that five sportsbooks will open by the end of December 2021, and both the fantasy competition operators and the sports wagering facility licensees need to implement these required operational changes. |                                |                              |
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<td>November 23, 2021</td>
<td>Emergency/Proposed Regulations DLS Control No. 21-221</td>
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<td>Department of Agriculture: Office of the Secretary:</td>
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<td>Certified Local Farm Enterprise Program: COMAR 15.01.19.01 through 10</td>
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The Maryland Department of Agriculture (MDA) is requesting Emergency Action to implement H.B. 1488 (2020 Regular Session of the Maryland General Assembly), which created the Certified Local Farm Enterprise Program. Under the Program, State agencies (including public universities) shall structure their procurement procedures for food to try to achieve an overall goal of 20 percent of the unit’s total dollar value of all such procurement contracts made directly or indirectly from Certified Local Farm Enterprises. To be certified, a local farm operation must meet the requirements of the State’s Nutrient Management Law (Title 8, Subtitle 3 of the Maryland Agriculture Article). MDA has been working with, and has received feedback from, State Agencies that will be impacted by the program. It has also developed a Central Directory, listing the local farm enterprises that the program may utilize. MDA would like to begin implementing the Program immediately.
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| October 28, 2021| **Emergency Regulation**  
DLS Control No. 21-188  
Independent Agencies:  
Prescription Drug Affordability Board:  
Prescription Drug Affordability Fund:  
COMAR 14.01.02.02 through 03  
In compliance with § 21-2C-11 of the Health – General Article the board, a new agency, issued fee assessments prior to October 1, 2021. Issues have arisen concerning which entities are covered by the statute and subject to assessment. The board is requesting emergency regulations to establish and refine the procedures for reviewing and evaluating requests for waivers and exemptions from the assessment and ensuring compliance with the statute. | n/a                              | Emergency status beginning November 16, 2021, and expiring May 6, 2022.                     |
| September 29, 2021| **Emergency Regulation**  
DLS Control No. 21-169  
Maryland Department of Labor:  
Racing Commission: Prohibited Acts:  
COMAR 09.10.03.01-1  
These amendments are to further the safety and welfare of horses participating in racing. | n/a                              | Emergency status beginning November 1, 2021, and expiring April 30, 2022.                  |
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| August 27, 2021 | **Emergency Regulation**  
DLS Control No. 21-110  
State Board of Education:  
State School Administration:  
Educational Equity:  
COMAR 13A.01.06.01 through .04 | 09/14/2021                        | Emergency status beginning September 14, 2021, and expiring February 25, 2022. |
|                 | The regulations are necessary to mitigate the spread of COVID-19 in Maryland public schools, prevent public school closures, and limit the number of students required to quarantine out of the classroom during the 2021-2022 school year due to COVID-19. The adoption of standard regulations, which require a notice and comment period, could not be completed in the timeframe required to prevent public school closures and limit necessary quarantines during the 2021-2022 school year. Thus, emergency regulations are being proposed. |                    |                                                                                   |
| August 26, 2021 | **Emergency/Proposed Regulations**  
DLS Control No. 21-109  
Maryland Higher Education Commission:  
<p>|                 | As we enter the post-pandemic era, private career schools that want to continue to offer online programs will need to apply for approval to do so, resulting in a financial guarantee that would make offering online education cost-prohibitive. Emergency status for these regulations will allow them to continue to offer online education |                    |                                                                                   |</p>
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| August 20, 2021 | **Emergency Regulations**  
DLS Control No. 21-107  
State Procurement Regulations:  
Administrative and Civil Remedies: Maryland State Board of Contract Appeals — General: COMAR 21.10.05.01-.02, and 04-15  
Maryland State Board of Contract Appeals — Procedures For Appealing Contract Disputes: COMAR 21.10.06.01,.03-.04,.06,.08-.15,.17-.25, and .31  
Maryland State Board of Contract Appeals — Procedures for Appealing Protests: COMAR 21.10.07.01-.06  

These emergency regulations are promulgated pursuant to the recently enacted legislative mandate, found in HB 940, with an effective date of May 18, 2021, requiring an applicant for a sports wagering license whose application has been denied to pursue an appeal of any protest regarding the denial of the application with the MSBCA under Title 15 of the MD Procurement Law. The MSBCA procedural regulations address and thus apply only to bid protests (i.e., protests relating to the formation of procurement contracts)—they do not address protests relating to sports wagering license applications. Accordingly, the MSBCA has proposed the following amendments to the language of its procedural regulations to address all types of protests, rather than merely bid | n/a                                                                 | Emergency status beginning September 9, 2021, and expiring January 27, 2022.                                                                 |
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| July 30, 2021 | Emergency Regulation  
DLS Control No. 21-093  
Maryland Institute for Emergency Medical Services Systems: Commercial Ambulance Services: Eligibility, Application, and License Renewal: COMAR 30.09.04.08  
In order to augment the availability of commercial ambulances to conduct interfacility transports, the EMS Board took action under the Governor’s emergency declaration to allow waivers of certain personnel requirements for commercial ambulances. With the expiration of the emergency, the authority to grant the waivers will be ending. However, a need for increased availability of fully staffed commercial ambulances to conduct interfacility transports still exists. | n/a | Emergency status beginning August 26, 2021, and expiring February 1, 2022. |
| July 26, 2021 | Emergency/Proposed Regulations  
DLS Control No. 21-091  
Department of Agriculture: Office of the Secretary: Farmers’ Market Nutrition Program—Appeal Procedure: COMAR 15.01.18.01 through .11  
Each year, the Maryland Department of Agriculture receives a large grant from USDA to administer the Farmers Market Nutrition Program, a federal-state program designed to: (1) Provide low income seniors and | n/a | Emergency status beginning September 10, 2021, and expiring March 8, 2022. |
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<td>participants in the Women, Infants, and Children Program access to locally grown fruits, vegetables, honey, and herbs; and (2) Increase the domestic consumption of agricultural commodities through farmers’ markets, roadside stands, and community supported agricultural programs. To continue receiving this grant, MDA must adopt an appeal process that complies with USDA regulations. USDA already has reviewed and approved the proposed regulations.</td>
<td>n/a</td>
<td>Emergency status beginning August 12, 2021, and expiring December 31, 2021.</td>
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</table>
|               | **Emergency Regulations**  
DLS Control No. 21-089  
Maryland Department of Health: Developmental Disabilities: Fee Payment System for Licensed Residential and Day Programs: COMAR 10.22.17.02 and .10 |                                   |                                             |
|               | This emergency action is being requested because the department wants to allow providers to provide and bill for services to individuals. |                                   |                                             |
| July 19, 2021 | Emergency/Proposed Regulations  
DLS Control No. 21-083  
Maryland State Lottery and Gaming Control Agency:  
General Provisions: General:  
COMAR 36.01.01.01 and .05  
Administrative Procedures:  
COMAR 36.01.02.04 through .06  
Sports Wagering Provisions: General:  
COMAR 36.10.01.01 and .02  
All Applicants and Licensees – Applications and Investigations: COMAR 36.10.02.01 through.14  
Qualification Requirements:  
COMAR 36.10.03.01 through.06  
Specific Requirements for Sports Wagering Facility Licensees: COMAR 36.10.04.01 through .11  
Specific Requirements for Mobile Sports Wagering Licenses: 36.10.05.01 through .05  
Specific Requirements for Other Licenses Required for Sports Wagering: COMAR 36.10.06.01 through .11  
License Denial Procedures:  
COMAR 36.10.07.01 through .06  
Enforcement: COMAR 36.10.08.01 through .11  
Unannounced Inspections:  
COMAR 36.10.09.01 through .03  
Enforcement of Voluntary Exclusion Program:  
COMAR 36.10.10.01 through .03  
Mandatory Exclusion:  
COMAR 36.10.11.01 through .09  
Collection of Taxes, Fees, and Penalties:  
COMAR 36.10.12.01 through .04  
Sports Wagering Licensee Minimum Internal Control Standards: COMAR 36.10.13.01 through .44  
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| July 7, 2021  | Emergency Regulation  
DLS Control No. 21-066  
Maryland Department of Labor:  

Sports Wagering Licensee Facility Standards: COMAR 36.10.15.01 through .04  
Wagering Using Online, Web-based, or Mobile Applications: COMAR 36.10.16.01 through .06  
Sports Wagering Equipment: COMAR 36.10.17.01 through .03  
Sports Wagering Technical Standards: COMAR 36.10.18.01 through .06  

These are new regulations to implement the State’s new Sports Wagering Program, and enable potential licensees to utilize the agency’s eLicensing system to process requests for sports wagering licenses.
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| June 25, 2021 | **Emergency/Proposed Regulations**  
DLS Control No. 21-063  
Department of Agriculture:  
Office of the Secretary:  
Cost-Sharing — Water Pollution Control Program:  
COMAR 15.01.05.10  

This regulation implements a legislative change enacted this past legislative session. See SB 344, which Act takes effect July 1, 2021, and which shall remain effective for a period of 5 years until June 30, 2026. This change is intended to assist the State of Maryland meet its WIP III goals by 2025. It is anticipated that this change will incentivize more landowners to install more practices designed to prevent or control agriculturally related nonpoint source water pollution. | | Emergency status beginning July 30, 2021, and expiring December 30, 2021. |
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<tr>
<td>June 25, 2021</td>
<td><strong>Emergency/Proposed Regulations</strong>&lt;br&gt;DLS Control No. 21-062&lt;br&gt;Maryland Department of Labor:&lt;br&gt;Board of Master Electricians: Fees and Deadlines: COMAR 09.09.01.01 through .04&lt;br&gt;Continuing Education: COMAR 09.09.02.01 through .03&lt;br&gt;General Regulations: COMAR 09.09.03.02</td>
<td>n/a</td>
<td>Emergency status beginning July 15, 2021, and expiring December 1, 2021.</td>
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<td>June 10, 2021</td>
<td><strong>Emergency Regulations</strong>&lt;br&gt;DLS Control No. 21-055&lt;br&gt;Office of Administrative Hearings:&lt;br&gt;Fees: Fee Assessment and Payment; Waivers: COMAR 28.03.01.01&lt;br&gt;Compensation to Individual Erroneously Convicted, Sentenced, And Confined: Fee Assessment and Payment; Waivers: 28.05.01.01, .02, .03, .04, .05, .06, .07, and .08</td>
<td>n/a</td>
<td>Emergency status beginning July 16, 2021, and expiring December 20, 2021.</td>
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Chapter 708 of 2021, which takes effect on July 1, 2021, requires the State Board of Electricians (“Board”) to issue and regulate new license classifications for the provision of electrical services in Maryland. Before the Board can implement certain aspects of the law, certain regulatory provisions, including the issuance of new license classifications, applicable fees, education requirements, and related license requirements, must be in effect.

Chapter 76 of the Laws of 2021 (The Walter Lomax Act) has a July 1, 2021 effective date and these emergency regulations are needed to provide the Board with the necessary authority to enforce the law and ensure a smooth transition.
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| May 27, 2021  | Emergency/Proposed Regulations  
DLS Control No. 21-042  
Independent Agencies:  
Maryland Environmental Service:  
Human Resources System:  
COMAR 14.27.02.01, .02, and .25  
These regulatory changes are necessary to implement some of the changes set forth in Senate Bill 2 (Chapter 72, Acts of 2021), which is effective July 1, 2021. These changes align MES statute with regulations. | n/a | Emergency status beginning July 1, 2021, and expiring October 30, 2021. |
| May 27, 2021  | Emergency/Proposed Regulations  
DLS Control No. 21-041  
Independent Agencies:  
Maryland Environmental Service:  Procurement:  
COMAR 14.27.03.03, and .04  
The regulatory changes are necessary to implement some of the changes set forth in Senate Bill 2 (Chapter 72, Acts of 2021), which is effective July 1, 2021. These changes align MES statute with regulations. | n/a | Emergency status beginning July 1, 2021, and expiring October 30, 2021. |
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<td>April 23, 2021</td>
<td><strong>Emergency/Proposed Regulations</strong>&lt;br&gt;DLS Control No. 21-030&lt;br&gt;Maryland Department of Labor:&lt;br&gt;Racing Commission: Thoroughbred Rules: COMAR 09.10.01.17&lt;br&gt;The use of turf racing is limited to warmer months of the year. This request would permit the regulation to be in place when turf racing is being held.</td>
<td>n/a</td>
<td>Emergency status beginning June 1, 2021, and expiring November 15, 2021.</td>
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<td>February 12, 2021</td>
<td><strong>Emergency/Proposed Regulations</strong>&lt;br&gt;DLS Control No. 21-003&lt;br&gt;Maryland Department of Labor:&lt;br&gt;Racing Commission:&lt;br&gt;Prohibited Acts: COMAR 09.10.03.08&lt;br&gt;According to the department, emergency status is being requested to resolve an unintended consequence of horses being penalized for competing in certain races that do not permit the administration of race day medication (Lasix) in a jurisdiction where the restriction is in place by house rule, and not by the regulatory authority of that state.</td>
<td>n/a</td>
<td>Emergency status beginning March 15, 2021, and expiring September 1, 2021.</td>
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