



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:** Georgeanne Carter, AELR Committee Counsel  
Kathleen P. Kennedy, AELR Committee Counsel  
Kelvin V. Lucas, AELR Committee Counsel

**Date:** April 24, 2026

**Re:** **Synopses of Regulations received from 3/27/2026 through 4/23/2026**

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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.

GC/KPK/KVL/bal

cc: Sally Robb  
Michelle Firmin  
Erin Hopwood

**Agriculture, Department of**

**Emergency/Proposed Regulations**

**DLS Control No. 26-058**

**Department of Agriculture: Soil and Water Conservation:**

**Agricultural Operation Nutrient Management Plan Requirements:**

COMAR 15.20.07.03 and .05

According to the department, the purpose of this action is to amend existing regulations governing agricultural nutrient management plan requirements. Under existing regulations, a person who operates an agricultural operation must update the operation's nutrient management plan at least once every three years. The Maryland Department of Agriculture (MDA) is proposing to increase this timeframe for the following two types of agricultural operations: (1) pasture-only operations; and (2) no-land operations (i.e., an operation that has no land available to spread nutrients for the production of agricultural crops). The majority of no-land operations subject to this amendment are Concentrated Animal Feeding Operations (CAFOs). Specifically, for no-land and pasture-only agricultural operations, MDA is proposing to increase the timeframe for plan updates to once every five years (which is same time frame for a CAFO permit). The Maryland Department of the Environment approves of this change.

**Natural Resources, Department of**

**Proposed Regulations**

**DLS Control No. 26-054**

**Department of Natural Resources: Fisheries Service:**

**Fishing Licenses - Point Assignment, License Revocation and Suspension Schedule and Criteria, and Hearing Procedure: COMAR 08.02.13.03 and .05**

According to the department, the purpose of this action is to modify the Department's commercial and recreational penalty schedules based on the recommendations of the Sport Fisheries Advisory Commission/Tidal Fisheries Advisory Commission Joint Penalty Workgroup. In addition to the fines that violators face in District Court, the Department maintains these administrative penalty schedules as a deterrent to breaking fisheries laws.

**Updates for the Recreational Schedule**

The action proposes to create a 1 year suspension for using illegal gear in catch-and-release trout fishing areas. The creation of a suspension for using illegal gear in catch-and-release trout areas is necessary to standardize the penalty for using prohibited gear in special management trout areas. There is already a 1 year suspension on the penalty schedule for using illegal gear in delayed harvest trout fishing areas, which are catch-and-release during part of the year and allow harvest during other parts of the year. The gear restrictions in delayed harvest trout fishing areas are only in place when the area is managed as catch-and-release. In contrast, catch-and-release trout fishing

areas are managed year-round with more stringent gear requirements – either fly fishing-only or fly and artificial lure-only – due to the expectation that fish that are caught will be released, not retained. Standardizing the penalty for violating these more restrictive gear rules will ensure fairness in the way similar violations are treated.

The action proposes to create a 1 year suspension for possession of trout in a delayed harvest trout fishing area when harvest is prohibited. Creating a suspension for possession of trout in a delayed harvest trout fishing area when possession is not allowed will mirror the current penalty for possession of trout in a catch-and-return trout fishing area. In both instances, harvest of trout is not allowed. These areas are managed as catch-and-release in order to provide additional angling opportunities in areas that support trout for a longer period of time than areas managed as put-and-take areas.

The action proposes to create a 180 day suspension for individuals age 16 or older fishing on a designated youth trout fishing day in a put-and-take trout fishing area designated as Closure 1. This is the same penalty that currently exists for fishing in a closed area. Youth Trout Fishing Day is held the Saturday before Closure 1 put-and-take trout fishing areas open in order to provide additional, lower-pressure opportunities for children to experience fishing. Closure 1 runs from 10 p.m. the first Sunday after March 4 to 6:30 the last Saturday in March. The penalty schedule currently has a 180 day suspension in place for anyone fishing in Closure 1 areas during the rest of the closure. However, with the creation of Youth Trout Fishing Day in 2024, there is now a possibility of an adult being cited for “Fishing on Youth Trout Day” rather than “Fishing in a Closed Area”. The Department often allows for a period of time between when regulations change and when it institutes administrative penalties for violations of those regulations. At this point both the Penalty Workgroup and the Department believe it is time to ensure that adults fishing on Youth Trout Fishing Day face the same penalty as if they fished in a closed area the day before or the day after Youth Trout Fishing Day.

The action proposes to create a 180 day suspension for harvest of freshwater mussels in tidal waters. This will mirror the current penalty for harvesting freshwater mussels in nontidal waters. The harvest of freshwater mussels in nontidal waters has been prohibited for many years and violators of that rule currently face a suspension of up to 180 days. Because the way the General Assembly has granted the Department authority to regulate species varies between tidal and nontidal waters, that prohibition did not exist in tidal waters until February 2025 when the Department declared freshwater mussels as a species in need of conservation and adopted regulations to prohibit the catching, possession, or sale of freshwater mussels caught in Maryland waters. Freshwater mussels do not commonly appear in most tidal systems in Maryland, however the Department is conducting restoration work in the tidal portion of the Susquehanna River below the Conowingo Dam. Due to these efforts, it is important to ensure that harvest of these species does not occur. The Penalty Workgroup and the Department believe that mirroring the penalty between tidal and nontidal waters is appropriate.

Updates for the Commercial Schedule

The action proposes to create administrative penalties for violations of male crab limits that mirror the penalties for violations of mature female bushel limits. Those penalties are broken out both by license type and by amount over the catch limit. The creation of administrative penalties for violations of male crab limits is necessary because as the crab population continues to experience a period of lower levels, there must be adequate deterrence for violators to follow the rules. When the penalty schedule was created, the Department did not have commercial male crab limits. When male crab limits were initially created, the Department did not anticipate needing to continue to use that management tool very frequently. Because this management tool continues to be used, the Penalty Workgroup and the Department believe it is necessary to add these penalties as a deterrent. Mirroring the penalties for other crab catch limit violations was determined to be the fairest path forward.

The action proposes to include area violations by power dredges, sail dredges and sail dredges using an auxiliary yawl in the various current penalties for dredging in prohibited areas. These violations are all on the Tier III (15 point) level of the penalty schedule. It is necessary to include violations by power dredges, sail dredges and sail dredges using auxiliary yawls in each of the references for penalties that apply to dredging in prohibited areas because regardless of whether a vessel is powered by its own engine, by sail, or by an auxiliary yawl, dredges are limited to designated areas and potential penalties should be similar between the gear types.

**Proposed Regulation**

**DLS Control No. 26-059**

**Department of Natural Resources: Wildlife:**

**General Wildlife Hunting Regulations: COMAR 08.03.10.03**

According to the department, the purpose of this action is to allow hunters with a Universal Disability Pass to use a straight-walled cartridge rifle in place of a muzzleloader when hunting from a vehicle during the designated deer muzzleloader season.

**Proposed Regulation**

**DLS Control No. 26-062**

**Department of Natural Resources: Fisheries Service:**

**General: COMAR 08.02.01.13**

According to the department, the purpose of this action is to remove two Fishery Management Public Fishing Areas (FMAs) from the Code of Maryland Regulations (COMAR). The Department formally transferred ownership of Bynum Run Pond and Forest Hill Lake FMAs to the Harford County Government on December 17, 2025. As a result of the transfer, the Department no longer manages the areas; therefore, the proposed action removes both areas from the list of Fishery Management Public Fishing Areas described in COMAR 08.02.01.13.

When the properties were transferred, the determination of public access hours and associated lawful uses were also transferred to the county. However, covenants in the existing deeds for both areas require the county to maintain public and fishing access. The covenants require that the lands be used for public fishing and recreation. The Department included additional

language in the deed of conveyance stating that the Department shall have access to inspect the operation and maintenance, as well as the ability to enforce the covenants.

The areas were transferred to the county because Harford County Parks and Recreation has successfully managed the upkeep of both Bynum Run Park and Forest Hill Lake for roughly three decades. Community members frequently use the parks, which are considered integral public spaces. Given ongoing and future management by the Harford County Government, the Department viewed the formal transfer of ownership as a logical step. Since both areas will continue to be managed as public fishing areas with Department oversight over fisheries resources, there will be no effect on the public.

### **Maryland Department of Health**

#### **Emergency/Proposed Regulations**

**DLS Control No. 26-053**

**Maryland Department of Health: Board of Pharmacy:  
Examination for Licensure and Professional Experience Programs:  
COMAR 10.34.02.03**

According to the department, the purpose of this action is to clarify and update when applicants may take Exam II of the Uniform Multistate Pharmacy Jurisprudence Examination or the Maryland Multistate Pharmacy Jurisprudence Examination.

#### **Proposed Regulations**

**DLS Control No. 26-060**

**Maryland Department of Health: Board of Physical Therapy Examiners:  
Dry Needling: COMAR 10.38.12.01 – .05**

According to the department, the purpose of this action is to (1) update certain definitions; (2) clarify minimum education and training requirements to practice dry needling; (3) add the authority for physical therapist assistants to practice dry needling under supervision; (4) establish a provisional registration for physical therapists and physical therapist assistants to practice dry needling; and (5) add a new regulation for continuing education requirements.

#### **Proposed Regulations**

**DLS Control No. 26-061**

**Maryland Department of Health: Sanitation:  
Public Swimming Pools and Spas:  
COMAR 10.17.01.01 – .06, .06-1, .07 – .28, .28-1, and .29 – .55**

According to the department, the purpose of this action is to reorganize COMAR 10.17.01 to more clearly delineate between regulations which pertain to the operation and maintenance of public swimming pools and spas and regulations concerning the construction and design of these facilities. These changes are necessary due to the adoption of the International Swimming Pool

and Spa Code (ISPSC) by the Maryland Department of Labor in accordance with Public Safety Article, §12-1203, Annotated Code of Maryland. It also incorporates by reference ANSI/PHTA/ICC-7 2020, which is the suction entrapment prevention standard required by 15 U.S.C. §8003.

**Proposed Regulations**

**DLS Control No. 26-063**

**Maryland Department of Health: Mental Hygiene Regulations:**

**Assisted Outpatient Treatment Program: COMAR 10.21.32.01 – .16**

According to the department, the purpose of this action is to establish criteria for the counties and the Maryland Department of Health to approve and implement assisted outpatient programs in accordance with HB576/SB453 (2024) Mental Health - Assisted Outpatient Treatment Programs.

**Proposed Regulations**

**DLS Control No. 26-064**

**Maryland Department of Health: Community-Based Behavioral Health Programs and Services:**

**Outpatient Civil Commitment (OCC) Pilot Program: COMAR 10.63.07.01 – .14**

According to the department, the purpose of this action is to repeal existing provisions for the Outpatient Civil Commitment Pilot Program which is set to sunset on June 30, 2026 to align with newly established criteria for the approval and implementation of assisted outpatient programs in accordance with HB576/SB453 (2024) Mental Health - Assisted Outpatient Treatment Programs.

**Education, State Board of**

**Proposed Regulation**

**DLS Control No. 26-052**

**State Board of Education: School Personnel:**

**Child Sexual Abuse and Sexual Misconduct History: COMAR 13A.07.14.07**

According to the board, the purpose of this action is to ensure that the county boards of education have developed the policies and procedures required to implement Md. Code Ann., Educ. §6-113.2.

**Proposed Regulations**

**DLS Control No. 26-055**

**State Board of Education: Special Instructional Programs:**

**Provision of a Free Appropriate Public Education: COMAR 13A.05.01.03 and .08**

According to the board, the purpose of this action is to prevent students from being determined as eligible for the alternate assessment until the IEP meeting immediate proceeding a student's third grade year. Also, only students with the most significant cognitive disabilities are eligible for alternate assessment participation.