

SENATE BILL 261

P3

3lr0910
CF HB 16

By: **Senators Young, Garagiola, Kittleman, ~~and Montgomery~~ Montgomery, Benson, Dyson, Ferguson, Rosapepe, and Simonaire**

Introduced and read first time: January 18, 2013

Assigned to: Judicial Proceedings

Reassigned: Education, Health, and Environmental Affairs, January 23, 2013

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 11, 2013

CHAPTER _____

1 AN ACT concerning

2 **State Government – Administrative Procedure Act – Effective Date of**
3 **Adopted Regulations**

4 FOR the purpose of altering the effective date of certain regulations adopted under the
5 Administrative Procedure Act; and generally relating to regulations adopted
6 under the Administrative Procedure Act.

7 BY repealing and reenacting, with amendments,
8 Article – State Government
9 Section 10–117
10 Annotated Code of Maryland
11 (2009 Replacement Volume and 2012 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article – State Government**

15 10–117.

16 (a) (1) Except as otherwise provided in subsection (b) of this section or in
17 other law, the effective date of a regulation is:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (I) JANUARY 1 IF THE NOTICE OF ADOPTION IS PUBLISHED
2 IN THE REGISTER DURING THE PERIOD FROM SEPTEMBER 1 THROUGH
3 NOVEMBER 30, BOTH INCLUSIVE;

4 (II) APRIL 1 IF THE NOTICE OF ADOPTION IS PUBLISHED IN
5 THE REGISTER DURING THE PERIOD FROM DECEMBER 1 THROUGH FEBRUARY
6 29, BOTH INCLUSIVE;

7 (III) JULY 1 IF THE NOTICE OF ADOPTION IS PUBLISHED IN
8 THE REGISTER DURING THE PERIOD FROM MARCH 1 THROUGH MAY 31, BOTH
9 INCLUSIVE;

10 (IV) OCTOBER 1 IF THE NOTICE OF ADOPTION IS PUBLISHED
11 IN THE REGISTER DURING THE PERIOD FROM JUNE 1 THROUGH AUGUST 31,
12 BOTH INCLUSIVE;

13 [(i)] (V) the 10th calendar day after notice of adoption is
14 published in the Register IF:

15 1. THE UNIT IS REQUIRED TO ADOPT THE PROPOSED
16 REGULATION BY FEDERAL LAW;

17 2. THE REGULATION RELATES TO AIR QUALITY
18 STANDARDS;

19 3. THE DEPARTMENT OF HEALTH AND MENTAL
20 HYGIENE OR THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION IS
21 REQUIRED BY STATE LAW TO ADOPT THE REGULATION ON OR BEFORE A
22 SPECIFIED DATE WITHIN 12 MONTHS AFTER THE LAW'S EFFECTIVE DATE;

23 4. THE REGULATION RELATES TO THE MARYLAND
24 MEDICAL ASSISTANCE PROGRAM ESTABLISHED UNDER TITLE 15 OF THE
25 HEALTH – GENERAL ARTICLE;

26 5. THE REGULATION RELATES TO THE
27 IMPLEMENTATION OF FEDERAL HEALTH CARE REFORM UNDER THE FEDERAL
28 PATIENT PROTECTION AND AFFORDABLE CARE ACT;

29 6. THE DEPARTMENT OF HEALTH AND MENTAL
30 HYGIENE FINDS THAT AN EARLIER EFFECTIVE DATE IS NECESSARY TO PROTECT
31 THE HEALTH OR SAFETY OF THE RESIDENTS OF THE STATE; OR

32 7. THE REGULATION IS ADOPTED BY THE
33 DEPARTMENT OF NATURAL RESOURCES; or

1 [(ii) (VI) a later date that the notice sets.

2 (2) For calculation of the effective date under this subsection:

3 (i) Article 1, § 36 of the Code does not apply;

4 (ii) the issue date of the Register in which the notice is
5 published is not counted; and

6 (iii) each other calendar day, including Saturdays, Sundays, and
7 legal holidays, is counted.

8 (b) The effective date of a regulation after its emergency adoption is the date
9 that the Committee sets.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2013.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.