



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.

<b>Date Received</b>	<b>Title and Summary</b>	<b>Public Hearing Scheduled, *if any</b>	<b>Date &amp; Summary of any action</b>
November 23, 2021	<p><b>Emergency/Proposed Regulations</b> <b>DLS Control No. 21-221</b> <b>Department of Agriculture:</b> <b>Office of the Secretary:</b> <b>Certified Local Farm Enterprise Program:</b> <b>COMAR 15.01.19.01 through 10</b></p> <p>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</p>		

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	<p>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.</p>		
October 28, 2021	<p><b>Emergency Regulation DLS Control No. 21-188 Independent Agencies: Prescription Drug Affordability Board: Prescription Drug Affordability Fund: COMAR 14.01.02.02 through 03</b></p> <p>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.</p>	n/a	Emergency status beginning November 16, 2021, and expiring May 6, 2022.

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September 29, 2021	<p><b>Emergency Regulation</b>  <b>DLS Control No. 21-169</b>  <b>Maryland Department of Labor:</b>  <b>Racing Commission: Prohibited Acts:</b>  <b>COMAR 09.10.03.01-1</b></p> <p>These amendments are to further the safety and welfare of horses participating in racing.</p>	n/a	Emergency status beginning November 1, 2021, and expiring April 30, 2022.
August 27, 2021	<p><b>Emergency Regulation</b>  <b>DLS Control No. 21-110</b>  <b>State Board of Education:</b>  <b>State School Administration:</b>  <b>Educational Equity:</b>  <b>COMAR 13A.01.06.01 through .04</b></p> <p>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.</p>	09/14/2021	Emergency status beginning September 14, 2021, and expiring February 25, 2022.

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August 26, 2021	<p><b>Emergency/Proposed Regulations</b>  <b>DLS Control No. 21-109</b>  <b>Maryland Higher Education Commission:</b>  <b>Nonpublic Schools: Requirements for Private Career Schools: COMAR 13B.01.01.19 and .26</b></p> <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 without interruption while the normal regulatory process is pending.</p>		Emergency status beginning September 22, 2021, and expiring January 15, 2022.
August 20, 2021	<p><b>Emergency Regulations</b>  <b>DLS Control No. 21-107</b>  <b>State Procurement Regulations:</b>  <b>Administrative and Civil Remedies: Maryland State Board of Contract Appeals — General:</b>  <b>COMAR 21.10.05.01-.02, and 04-15</b>  <b>Maryland State Board of Contract Appeals — Procedures For Appealing Contract Disputes:</b>  <b>COMAR 21.10.06.01, .03-.04, .06, .08-.15, .17-.25, and .31</b>  <b>Maryland State Board of Contract Appeals — Procedures for Appealing Protests:</b>  <b>COMAR 21.10.07.01-.06</b></p> <p>These emergency regulations are promulgated pursuant to the recently enacted legislative mandate, found in HB 940,</p>	n/a	Emergency status beginning September 9, 2021, and expiring January 27, 2022.

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	<p>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 protests, to ensure that its procedures address and thereby comply with this new law effective immediately.</p>		
July 30, 2021	<p><b>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</b></p> <p>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.</p>	n/a	Emergency status beginning August 26, 2021, and expiring February 1, 2022.

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July 26, 2021	<p><b>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</b></p> <p>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 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.</p>	n/a	Emergency status beginning September 10, 2021, and expiring March 8, 2022.
July 23, 2021	<p><b>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</b></p> <p>This emergency action is being requested because the department wants to allow providers to provide and bill for services to individuals.</p>	n/a	Emergency status beginning August 12, 2021, and expiring December 31, 2021.

July 19, 2021	<b>Emergency/Proposed Regulations</b> <b>DLS Control No. 21-083</b> <b>Maryland State Lottery and Gaming Control Agency:</b> <b>General Provisions: General:</b> <b>COMAR 36.01.01.01 and .05</b> <b>Administrative Procedures:</b> <b>COMAR 36.01.02.04 through .06</b> <b>Sports Wagering Provisions: General:</b> <b>COMAR 36.10.01.01 and .02</b> <b>All Applicants and Licensees – Applications and Investigations: COMAR 36.10.02.01 through.14</b> <b>Qualification Requirements:</b> <b>COMAR 36.10.03.01 through.06</b> <b>Specific Requirements for Sports Wagering Facility Licensees: COMAR 36.10.04.01 through .11</b> <b>Specific Requirements for Mobile Sports Wagering Licenses: 36.10.05.01 through .05</b> <b>Specific Requirements for Other Licenses Required for Sports Wagering: COMAR 36.10.06.01 through .11</b> <b>License Denial Procedures:</b> <b>COMAR 36.10.07.01 through .06</b> <b>Enforcement: COMAR 36.10.08.01 through .11</b> <b>Unannounced Inspections:</b> <b>COMAR 36.10.09.01 through .03</b> <b>Enforcement of Voluntary Exclusion Program:</b> <b>COMAR 36.10.10.01 through .03</b> <b>Mandatory Exclusion:</b> <b>COMAR 36.10.11.01 through .09</b> <b>Collection of Taxes, Fees, and Penalties:</b> <b>COMAR 36.10.12.01 through .04</b> <b>Sports Wagering Licensee Minimum Internal Control Standards: COMAR 36.10.13.01 through .44</b> <b>Sports Wagering Requirements and Limitations:</b> <b>COMAR 36.10.14.01 through .07</b>	n/a	Emergency status beginning August 5, 2021, and expiring January 25, 2022.
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	<p><b>Sports Wagering Licensee Facility Standards: COMAR 36.10.15.01 through .04</b>  <b>Wagering Using Online, Web-based, or Mobile Applications: COMAR 36.10.16.01 through .06</b>  <b>Sports Wagering Equipment: COMAR 36.10.17.01 through .03</b>  <b>Sports Wagering Technical Standards: COMAR 36.10.18.01 through .06</b></p> <p>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.</p>		
July 7, 2021	<p><b>Emergency Regulation</b>  <b>DLS Control No. 21-066</b>  <b>Maryland Department of Labor:</b>  <b>Division of Labor and Industry: Emergency Temporary Standards: COMAR 09.12.29.01-.02</b></p> <p>The Commissioner of Labor and Industry (L&amp;I) is proposing to adopt by emergency action the federal Emergency Temporary Standard (ETS) promulgated by the Occupational Safety and Health Administration (OSHA) on June 21, 2021. The proposed emergency adoption is by incorporation by reference. Maryland Occupational Safety and Health Unit (MOSH) is seeking to adopt the federal ETS with no changes. MOSH operates under the authority of federal OSHA and must enforce standards that are “at least as effective” as those enforced by OSHA. OSHA has the authority to adopt a nationwide</p>	n/a	Emergency status beginning August 16, 2021, and expiring January 30, 2022.



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	<p>ETS under certain circumstances, and in turn, state plan states, such as Maryland, have 15 days to indicate their intent to adopt the ETS and a total of 30 days to complete that adoption. The ETS was promulgated on June 21, 2021 so MOSH is required to complete adoption by July 21, 2021. In addition, HB0581/Chapter 736, Laws of 2021 requires the Commissioner to adopt a federal COVID-19 ETS, if issued, within two weeks of the effective date of the bill which was June 11, 2021.</p>		
<p>June 25, 2021</p>	<p><b>Emergency/Proposed Regulations</b>  <b>DLS Control No. 21-063</b>  <b>Department of Agriculture:</b>  <b>Office of the Secretary:</b>  <b>Cost-Sharing — Water Pollution Control Program:</b>  <b>COMAR 15.01.05.10</b></p> <p>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.</p>		<p>Emergency status beginning July 30, 2021, and expiring December 30, 2021.</p>

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June 25, 2021	<p><b>Emergency/Proposed Regulations</b>  <b>DLS Control No. 21-062</b>  <b>Maryland Department of Labor:</b>  <b>Board of Master Electricians: Fees and Deadlines:</b>  <b>COMAR 09.09.01.01 through .04</b>  <b>Continuing Education:</b>  <b>COMAR 09.09.02.01 through .03</b>  <b>General Regulations: COMAR 09.09.03.02</b></p> <p>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.</p>	n/a	Emergency status beginning July 15, 2021, and expiring December 1, 2021.
June 10, 2021	<p><b>Emergency Regulations</b>  <b>DLS Control No. 21-055</b>  <b>Office of Administrative Hearings:</b>  <b>Fees: Fee Assessment and Payment; Waivers:</b>  <b>COMAR 28.03.01.01</b>  <b>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</b></p> <p>Chapter 76 of the Laws of 2021 (The Walter Lomax Act) has a July 1, 2021 effective date and these emergency</p>	n/a	Emergency status beginning July 16, 2021, and expiring December 20, 2021.

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	regulations provide the procedural basis for the filing of claims and petitions in accordance with this statute.		
May 27, 2021	<p><b>Emergency/Proposed Regulations</b>  <b>DLS Control No. 21-042</b>  <b>Independent Agencies:</b>  <b>Maryland Environmental Service:</b>  <b>Human Resources System:</b>  <b>COMAR 14.27.02.01, .02, and .25</b></p> <p>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.</p>	n/a	Emergency status beginning July 1, 2021, and expiring October 30, 2021.
May 27, 2021	<p><b>Emergency/Proposed Regulations</b>  <b>DLS Control No. 21-041</b>  <b>Independent Agencies:</b>  <b>Maryland Environmental Service: Procurement:</b>  <b>COMAR 14.27.03.03, and .04</b></p> <p>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.</p>	n/a	Emergency status beginning July 1, 2021, and expiring October 30, 2021.

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April 23, 2021	<p><b>Emergency/Proposed Regulations</b>  <b>DLS Control No. 21-030</b>  <b>Maryland Department of Labor:</b>  <b>Racing Commission: Thoroughbred Rules:</b>  <b>COMAR 09.10.01.17</b></p> <p>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.</p>	n/a	Emergency status beginning June 1, 2021, and expiring November 15, 2021.
February 12, 2021	<p><b>Emergency/Proposed Regulations</b>  <b>DLS Control No. 21-003</b>  <b>Maryland Department of Labor:</b>  <b>Racing Commission:</b>  <b>Prohibited Acts: COMAR 09.10.03.08</b></p> <p>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.</p>	n/a	Emergency status beginning March 15, 2021, and expiring September 1, 2021.