

14.17.01 Definitions.

Authority: Alcoholic Beverages and Cannabis Article, §36-101, Annotated Code of Maryland

A. (text unchanged)

B. Terms Defined.

(1)—(7) (text unchanged)

(8) “Capsules” means a solid [preparation] *dosage form* containing a single serving of tetrahydrocannabinol or other cannabinoid that:

(a) *Is enclosed in a hard or soft soluble container;*

[(a)]—[(c)] (b)—(d) (text unchanged)

(9)—(34) (text unchanged)

(34-1) “Nursery” means a business that provides cannabis seeds, seedlings, immature plants, or clones to a cannabis business.

(34-2) “Operational” means physically and actively engaged in the cultivation, processing, or dispensing of cannabis.

(35)—(41) (text unchanged)

(42) Processor.

(a) “Processor” means an entity licensed by the Administration in accordance with Alcoholic Beverages and Cannabis Article, §36-401, Annotated Code of Maryland, that:

(i) (text unchanged)

(ii) Is authorized by the Administration to provide cannabis to [licensed dispensaries] *cannabis licensees* and registered independent testing laboratories.

(b) (text unchanged)

(43)—(58) (text unchanged)

14.17.02 General Regulations

Authority: Alcoholic Beverages and Cannabis Article, §§36-201, 36-401, and 36-403, Annotated Code of Maryland

.04 Technical Authority.

The Maryland Cannabis Administration’s Technical Authority for Cannabis Testing (Effective [January] November 2024), or Technical Authority, is incorporated by reference.

.05 Sociological Information.

A. For purposes of this regulation and as provided for under General Provisions Article, §4-330, Annotated Code of Maryland, “sociological information” means any of the following information requested from the Administration:

(1) Academic or personal records provided to verify social equity status;

(2) Records about an individual’s personal history, age, family, race, national origin, creed, color, sex, pregnancy, sexual orientation, ethnic background, ancestry, physiology, religion, academic achievement, employment, gender identity or expression, genetic information, veteran status, or physical or mental ability;

(3) Family history, identity of relatives, emergency contacts, or representatives;

(4) Medical or psychiatric history;

(5) Social security number;

(6) Date of birth;

(7) Credit card or other banking information;

(8) Personal addresses, personal phone numbers, personal electronic mail address, or personal social media account information;

(9) Information regarding marital status, domestic partnership, dependents, or relatives, including related employment benefits elections;

(10) Information regarding employment status, including disciplinary records and records related to an application for employment;

(11) Applicant information of those not selected for licensure;

(12) Military service;

(13) Driver’s license number;

(14) Immigration status, passport, or visa numbers;

(15) Religious preference, membership, or attendance;

(16) Personal relationships, beliefs, or values;

(17) Any information obtained through employment coaching or surveys;

(18) Financial information, including income other than State salary, assets, and liabilities;

(19) Records not related to the transaction of State business; and

(20) Identification number assigned to each applicant, excluding their Administration-issued agent, license, or registrant number.

B. Except for use in carrying out the Administration's governmental functions or except as further provided in §C of this regulation, the Administration may not disclose under the Public Information Act, General Provisions Article, §§4-101—4-601, Annotated Code of Maryland, and shall deny a request for inspection or copying of, any part of a public record that contains sociological information relating to an individual.

C. The Administration may disclose sociological information:

- (1) To other state agencies or government entities, as deemed necessary by the Administration;*
- (2) To the person in interest or the agent or representative of the person in interest;*
- (3) With the consent of the person in interest;*
- (4) Pursuant to a duly issued subpoena;*
- (5) Pursuant to a court order;*
- (6) If disclosure is otherwise required by law, including if required to be disclosed under General Provisions Article, §4-333, Annotated Code of Maryland, as part of a licensing record; or*
- (7) If disclosure is otherwise permitted by law and the Attorney General or the Attorney General's designee determines that disclosure would be in the public's best interests.*

14.17.04 Medical Cannabis Program

Authority: Alcoholic Beverages and Cannabis Article, §§36-201, 36-301, 36-302, 36-410, and 36-601, Annotated Code of Maryland

.10 Medical Product Availability.

A. A qualifying patient, registered caregiver, certifying provider, or clinical director may submit to the Administration, in a matter prescribed by the Administration, information about medical cannabis products that are scarce, limited in production, or no longer available.

B. The Administration may implement programs or incentives to address product scarcity.

14.17.05 Application Process and Issuance of Licenses

Authority: Alcoholic Beverages and Cannabis Article, §§36-202, 36-401, 36-404, and 36-505, Annotated Code of Maryland

.05 Issuance of a License or Rescission of a Conditional License.

A. Conditional License Period.

(1)—(3) (text unchanged)

(4) For purposes of determining consistent good faith effort in §A(3), the Administration will consider demonstrating legal control of a premises to indicate consistent good faith effort if the premises:

(a) Is suitable for the operations of the cannabis license; and

(b) Complies with local planning and zoning requirements.

[(4)] (5)—[(7)] (8) (text unchanged)

B.—F. (text unchanged)

14.17.06 Standard Cannabis Licenses

Authority: Alcoholic Beverages and Cannabis, §§36-202, 36-203, 36-401, 36-405—36-407, 36-411, 36-503, and 36-802 Annotated Code of Maryland

.12 Protest of Renewal

A. Individuals may file a protest against cannabis license renewal with the Administration in a manner prescribed by the Administration.

B. A valid filing of a protest against license renewal under this regulation shall be made by ten or more individuals who are located within 1,000 feet of the license location and are:

(1) Residents;

(2) Commercial tenants; or

(3) Real estate owners.

C. A protest against license renewal shall be made on the basis of:

(1) A violation by the licensee of this subtitle or Title 36, Alcoholic Beverages and Cannabis Article;

(2) A violation by the licensee of civil or criminal law; or

(3) Conduct by the licensee that creates or maintains conditions that allow other individuals to act in a manner that disturbs the public peace, including:

(a) Obstruction of public rights-of-way by unruly crowds;

(b) Assault, battery, or other disorderly conduct that disturbs the public peace;

(c) Vandalism; or

(d) Littering.

D. Reasonable Grounds.

(1) Individuals may only demonstrate reasonable grounds for a protest against license renewal by:

(a) Submitting criminal or civil citations, violations, or other sanctions against the licensee by:

- (i) Local law enforcement;
- (ii) The Maryland Cannabis Administration;
- (iii) The Alcohol, Tobacco or Cannabis Commission; or
- (iv) Any other unit of State or local government with the legal authority to issue fines, citations, or other violations;

or

(b) Submitting of criminal or civil citation, violations, or other sanctions against an individual for conduct occurring within 1,000 feet of the licensed establishment by:

- (i) Local law enforcement; or
- (ii) Any other unit of State or local government with the legal authority to issue fines, citations, or other violations.

(2) The Administration shall determine if the protest filed is based on reasonable grounds.

(3) Upon determination of the basis of reasonable grounds for a protest against license renewal, the Administration shall hold a hearing in accordance with COMAR 14.17.22 of this subtitle for protests determined to be based upon reasonable grounds;

(4) In making the determination of reasonable grounds, the Administration may consider the number of citations, violations, or other sanctions filed under §D(1) of this regulation.

(5) A hearing under §D(3)(a) of this regulation shall be held within 6 months of the determination by the Administration that the protest was filed on the basis of reasonable grounds.

(6) A submission under §D(1) of this regulation may only be used for the purposes of a single protest against license renewal filing.

E. Sanctions.

(1) As a result of a hearing held under this regulation, the Administration may immediately:

- (a) Suspend, fine, or revoke a license; and
- (b) Develop a corrective action plan for the licensee.

(2) In determining sanctions against the license, the Administration may consider the:

- (a) Number of individuals filing the protest;
- (b) Grounds on which the protest was filed;
- (c) Number of citations, violations, or other sanctions filed against the license as a part of the protest against license renewal; and

(d) Any prior protest against license renewal filings or other violations issued by the Administration.

14.17.07 Micro Licensees

Authority: Alcoholic Beverages and Cannabis Article, §§36-202—203, 36-401, and 36-503, Annotated Code of Maryland

.02 Term of License and License Renewal.

A.—B. (text unchanged)

C. The Administration may verify compliance with the operational restrictions under §B of this regulation within the first 24 months of a micro licensee's operations by:

- (1)—(2) (text unchanged)
- (3) For dispensaries, investigating or otherwise verifying that the licensee:
 - (a) (text unchanged)
 - (b) Employs [fewer] *no more* than ten [individuals] *registered agents*; and
 - (c) (text unchanged)

D. (text unchanged)

14.17.08 Laboratory Registration and Operations

Authority: Alcoholic Beverages and Cannabis Article, §§36-202—204, and 36-408, Annotated Code of Maryland

.03 Standards of Care.

A. The independent testing laboratory shall:

- (1)—(9) (text unchanged)
- (10) Make any security video surveillance recording available to the Administration or law enforcement agency for just cause as requested within 48 hours; [and]
- (11) Maintain a log of all visitors to the premises for 2 years[.]; *and*
- (12) *Conspicuously display a copy of its laboratory registration at the registered premises*

B. (text unchanged)

.04 Term and Renewal.

A. The registration is valid for 2 years.

B. An independent testing laboratory may renew its registration by submitting to the Administration:

(1) A [copy of the independent testing laboratory] registration *renewal form completed in the manner specified by the Administration*;

(2)—(3) (text unchanged)

.05 Independent Testing Laboratory Responsibilities.

A. In this regulation, "supporting data" means charts, graphs, spectra, or other information resulting from the testing of cannabis or cannabis products.

[A.] *B. An independent testing laboratory shall:*

(1)—(3) (text unchanged)

(4) In the event [of] a test result [which falls out of specification] *is outside action limits:*

(a) (text unchanged)

(b) Notify the Administration of the failed test result *via reporting in the seed-to-sale tracking system* within 24 hours of the determination; *and*

(c) *Follow testing protocols established in the MCA's Technical Authority.*

(5) Issue to the licensee a certificate of analysis for each batch *or lot*, with supporting data, to report concentrations of compounds, presences of contaminants, and whether the batch *or lot* is within [specifications] *action limits* for certain characteristics, as required by the Technical Authority; and

(6) (text unchanged)

[B.] *C. An independent testing laboratory may only handle, test, or analyze cannabis or cannabis products if it:*

(1) (text unchanged)

(2) Is independent from [all other persons and entities involved in the cannabis industry] *any entity licensed under Alcoholic Beverages and Cannabis Article, §36-401, Annotated Code of Maryland, to grow, process, or dispense cannabis;*

[C.] *D. Upon request, in a format determined by the Administration, independent testing laboratories shall:*

(1) (text unchanged)

(2) As part of a licensee inspection, analyze samples [for deviation from specification] and provide a written report to the Administration.

14.17.09 Other Cannabis Businesses

Authority: Alcoholic Beverages and Cannabis Article, §§36-202, 36-203, 36-401, and 36-409, Annotated Code of Maryland

.02 Cannabis Registrants.

A. A registrant shall be registered with the Administration prior to providing any laboratory, nursery, transportation, disposal, or security services for any cannabis licensee in Maryland.

B. To register, a cannabis business shall submit:

(1) A completed registration form *in the manner specified by the Administration;*

(2) The name[, address, date of birth, and Social Security number] of each agent for the cannabis business;

[(3) A security plan, including emergency protocol;

(4) A copy of the articles of incorporation and authorization to do business in Maryland;]

[(5)] (3)—[(7)] (5) (text unchanged)

C. (text unchanged)

D. The Administration may deny a registration or renewal for any good cause as determined by the Administration.

E.—G. (text unchanged)

H. The business may renew its registration by submitting to the Administration:

(1) A [copy of the] registration *renewal* form *completed in the manner specified by the Administration;* and

(2) [Proof that fingerprints have been submitted to CJIS and the FBI for every cannabis agent.] *The registration fee established in COMAR 14.17.21.*

I. (text unchanged)

14.17.10 Cannabis Grower Operations

Authority: Alcoholic Beverages and Cannabis Article, §§36-202, 36-203, 36-401, 36-402, and 36-410, Annotated Code of Maryland

.02 Cannabis Grower Premises.

A. In this regulation, the terms in this section have the meanings indicated.

(1) *"Indoor cultivation" means producing cannabis plants in a permanent structure that provides control of environmental conditions using artificial heating, air conditioning, or other climate control.*

(2) *"Outdoor cultivation" means producing flowering cannabis plants in an area that is directly or indirectly exposed to outdoor elements.*

(3) *Permanent structure.*

(a) *"Permanent structure" means a structure that is designed to remain in place for 180 days or more.*

(b) *"Permanent structure" includes a building, shipping container, or greenhouse.*

[A.] *B. (text unchanged)*

[B.] *C. [Additional Provisions for Field or Greenhouse Cultivation Premises.] Outdoor cultivation premises are subject to the following, additional provisions:*

(1) A grower premises for [field] *outdoor* cultivation of cannabis shall be situated to maintain the greatest achievable level of privacy and security.

(2)—(4) (text unchanged)

(5) [A video surveillance system shall be supported by adequate security lighting which may be modified as necessary to include motion control sensors to protect light-dark cycles for proper cultivation] *A grower may modify its security lighting to protect light-dark cycles for proper cultivation, provided the security lighting complies with §§C(4) and F of this regulation.*

(6) *An outdoor cultivation area may not:*

(a) *Be enclosed by a permanent structure; or*

(b) *Employ any artificial heating, air conditioning, or other climate control.*

[C.] D.—[F.] G. (text unchanged)

[G.] H. Video Surveillance Requirements.

(1)—(6) (text unchanged)

(7) Violation.

(a) (text unchanged)

(b) Each day of recording within the timeframe in [§G(5)(d)] *§H(5)(d)* of this regulation that a grower fails to provide to the Administration constitutes a separate violation.

[H.] I. (text unchanged)

.03 Cannabis Grower Controls.

A. (text unchanged)

B. Growing Cannabis.

(1) Horticultural Controls.

(a)—(d) (text unchanged)

(e) Pest Monitoring. A grower shall use integrated pest management practices and techniques to identify and manage plant pathogen and pest problems, including:

(i)—(ii) (text unchanged)

(iii) The use of sticky cards in growing areas, *when applicable*; and

(iv) (text unchanged)

C. (text unchanged)

D. Quality Controls.

(1)—(4) (text unchanged)

(5) Batch Release Controls.

(a) (text unchanged)

(b) If a grower receives test results that [do not meet specifications] *fall outside action limits*, the grower:

(i) [Shall notify the Administration of the determination within 24 hours of receiving the test results;

(ii)] (text unchanged)

[(iii)] *(ii)* (text unchanged)

(6) (text unchanged)

(7) Stability Testing and Retention Sampling.

(a) A grower shall provide [a sample from each released batch] to an independent testing laboratory [sufficient to perform stability testing at 6-month intervals] *a stability sample from four batches per year from each strain, unless at least two years of historic data is available to demonstrate the stability of the strain*, to:

(i)—(ii) (text unchanged)

(b) (text unchanged)

E. (text unchanged)

.08 Discrepancy, Theft, and Diversion Reporting.

A. (text unchanged)

B. Theft or Diversion. If the grower finds evidence of a theft or diversion, the grower shall report the theft or diversion to the Administration [and to the law enforcement agency with jurisdiction in the grower's area] within 1 business day.

C. (text unchanged)

14.17.11 Cannabis Processor Operations

Authority: Alcoholic Beverages and Cannabis Article, §§36-202, 36-203, and 36-401, Annotated Code of Maryland

.04 Cannabis Product Processing.

A.—B. (text unchanged)

C. Batch Release Controls.

(1) (text unchanged)

(2) If a licensed processor receives test results that the lot [does not meet specifications] *falls outside action limits*, the licensed processor:

(a) [Shall notify the Administration of the determination within 24 hours of the receiving the test results;

- (b)] May rework or reprocess the lot according to their standard operating procedure; and
- [(c)] (b) (text unchanged)
- (3)—(4) (text unchanged)
- D. (text unchanged)

.18 Discrepancy, Theft, and Diversion Reporting.

- A. (text unchanged)
- B. Theft or Diversion. If the processor finds evidence of a theft or diversion, the processor shall report the theft or diversion to the Administration [and to the law enforcement agency with jurisdiction in the processor’s area] within 1 business day.
- C. (text unchanged)

14.17.12 Cannabis Dispensary Operations

Authority: Alcoholic Beverages and Cannabis Article, §§36-202, 36-203, 36-401, and 36-410, Annotated Code of Maryland

.02 Standard Cannabis Dispensary.

- A.—L. (text unchanged)
- M. Standard Dispensary Premises Organization.
 - (1)—(6) (text unchanged)
 - (7) All cannabis, other than that being displayed, packaged, or dispensed during business hours, shall be kept in a secure room *that complies with §G(2) of this regulation.*
 - (8) (text unchanged)
- N.—O. (text unchanged)
- P. To provide curbside pick-up, a standard dispensary shall:
 - (1) Designate curbside pick-up parking spots within 100 feet from the dispensary’s [main] entrance and ensure that dispensary agents only deliver cannabis or cannabis products to the designated parking spots;
 - (2)—(3) (text unchanged)
- Q. *Cannabis Display. A dispensary may store cannabis in a clear, tamper-evident canister for display purposes, provided the following conditions are met:*
 - (1) *During business hours, the canister is stored out of sight behind the service area counter when not being actively examined by a qualifying patient, registered caregiver, or adult-use consumer;*
 - (2) *Outside of business hours, the canister is stored in the dispensary’s secure room;*
 - (3) *Once the display is no longer in use, the dispensary green wastes the cannabis in accordance with its standard operating procedures;*
 - (4) *Product stored inside the display jars are not easily accessible or removable by qualifying patients, registered caregivers, or adult-use consumers;*
 - (5) *Cannabis used for display is recorded in accordance with seed-to-sale tracking system procedures.*

.04 Dispensary Operations.

- A.—D. (text unchanged)
- E. *Upon request by a qualifying patient, registered caregiver, or adult-use consumer, a dispensary shall make available any labeling information required under COMAR 14.17.18.03 in an easily readable format.*

.10 Discrepancy, Theft, or Diversion.

- A. Discrepancy Reporting.
 - (1) If a dispensary discerns a discrepancy between the inventory of stock and the seed-to-sale tracking system [outside of normal weight loss due to moisture loss and handling] *of greater than 0.5% of total product weight or items*, the dispensary shall:
 - (a)—(b) (text unchanged)
 - (2) (text unchanged)
- B. Theft or Diversion. If the dispensary finds evidence of a theft or diversion, the dispensary shall report the theft or diversion to the Administration [and to the law enforcement agency with jurisdiction in the dispensary’s area] within 1 business day.
- C. (text unchanged)
- D. *A dispensary shall use the seed-to-sale tracking system for explanation and reporting of discrepancies less than 0.5%.*

14.17.13 Cannabis Products

Authority: Alcoholic Beverages and Cannabis Article, §§36-202, 36-203, and 36-203.1, Annotated Code of Maryland

.08 Cannabis Vaporizing Devices.

- A.—B. (text unchanged)
- C. [Cannabis] *Except as authorized by COMAR 14.17.12.04, cannabis vaporizing devices may not include:*
 - (1) Vitamin E Acetate; or
 - (2) Any other] *any solvent, solution, or other substance deemed to be a risk to public health or safety by the Administration [according to COMAR 14.17.02.04].*

.12 Novel Product Requests.

- A. In this regulation, “novel product” means a cannabis product that is:
- (1) Not presently authorized in Maryland; and
 - (2) Lawfully produced in another jurisdiction.
- B. A licensed processor may submit a request to the Administration in a manner prescribed by the Administration to approve a novel product.
- C. A valid novel product request shall include:
- (1) A detailed product description;
 - (2) An explanation of how the product deviates from current regulations;
 - (3) Evidence of the product’s approval in at least one other state’s regulated cannabis market; and
 - (4) Health and safety information, including but not limited to:
 - (i) Available information or studies regarding any beneficial or adverse effects from the use of the product; and
 - (ii) Packaging and labeling strategies to minimize risk to patients, consumers, and children.
- D. The Administration may:
- (1) Make its own determination to approve or deny the request; or
 - (2) Defer the request to the Public Health Advisory Council.
- C. The Administration reserves the right to make a final determination on the request.

14.17.14 Complaints, Enforcement, Record Keeping, and Inspections of Cannabis Businesses

Authority: Alcoholic Beverages and Cannabis Article, §§36-202, 36-203, and 36-901, Annotated Code of Maryland

.02 Records.

- A. A licensee shall maintain[, independent]:
- (1) Independent of the seed-to-sale tracking system, a searchable, secure, tamper-evident record of each distribution that contains:
 - [(1)] (a)—[(3)] (c) (text unchanged)
- [B. A licensee shall maintain:
- (1) (2) To ensure uniformity, for each batch and lot:
 - (a) Records of production and distribution; and
 - (b) Daily checklists;
 - [(2)] (3) A record of test methods and test results for each batch and lot[, including graphs, charts, or spectra from laboratory instrumentation];
 - [(3)] (4)—[(4)] (5) (text unchanged)
- [C.] B. (text unchanged)

.06 Advertising.

- A. (text unchanged)
- B. A [standard] licensee, registrant, agent, or [employee] *certifying provider* who violates §A of this regulation:
- (1) (text unchanged)
 - (2) (text unchanged)
- C. (text unchanged)
- D. In accordance with the hearing provisions in Regulation .05 of this chapter, the Administration may deny, suspend, or revoke the license or registration of a licensee, registrant, agent, or [employee] *certifying provider* who violates §A of this regulation.

14.17.15 Cannabis Business Agents

Authority: Alcoholic Beverages and Cannabis Article, §§36-202, 36-203, 36-501, and 36-1001—36-1003, Annotated Code of Maryland

.05 Training.

- A.—B. (text unchanged)
- C. [A] *On an annual basis, a registered agent employed by a cannabis licensee shall complete a responsible vendor training program that:*
- (1)—(2) (text unchanged)
- D.—E. (text unchanged)

14.17.16 Cannabis Business Owners

Authority: Alcoholic Beverages and Cannabis Article, §§36-202, 36-501, 36-502, 36-503, 36-504, and 36-801, Annotated Code of Maryland

.03 Annual [Report on Minority] Reports for Cannabis Business Owners [and Employees].

A. Annual Report on Minority Owners and Employees.

(1) On or before August 1 of each year, each licensee and registrant shall submit a report in a manner determined by the Administration [regarding the licensee's or registrant's minority owners and employees] *in accordance with Alcoholic Beverages and Cannabis Article §36-801(a).*

(2) *Each licensee and registrant shall maintain the data required for the report in §A(1) of this regulation for a period of 10 years.*

B. The Administration may request an annual report regarding a licensee's or registrant's environmental resource consumption and waste generation, including but not limited to:

(1) *Energy and water usage; and*

(2) *Green waste disposal.*

14.17.18 Finished Product Packaging

Authority: Alcoholic Beverages and Cannabis Article, §§36-202, 36-203, and 36-203.1, Annotated Code of Maryland

.03 General Labeling Requirements.

A.—C. (text unchanged)

D. Product Information.

(1) All products sold for retail shall include the following product information in a manner that complies with §B of this regulation:

(a)—(h) (text unchanged)

(2) [Cannabinoid and terpene itemization] *The information required under [§D(1)(e)] §D(1)(e)—(g) of this regulation may be printed on an inner layer of a label or made available through a link or QR code.*

E.—F. (text unchanged)

14.17.19 Cannabis Research

Authority: Alcoholic Beverages and Cannabis Article, §§36-202, 36-701, and 36-702, Annotated Code of Maryland

.02 Research and Development.

A.—E. (text unchanged)

F. Limited Testing for Edible Cannabis Product Development.

(1)—(3) (text unchanged)

(4) Any edible cannabis product transferred from the premises for research and development testing shall:

(a) (text unchanged)

(b) Be labeled with the statements:

(i) "CAUTION: [NOT FOR HUMAN OR ANIMAL CONSUMPTION] *THIS PRODUCT IS FOR APPROVED R&D USAGE ONLY.*"; and

(ii) (text unchanged)

(c)—(d) (text unchanged)

14.17.22 Hearing Procedures

Authority: Alcoholic Beverages and Cannabis Article, §36-202, Annotated Code of Maryland

.01 Scope.

A. This chapter applies to hearings [that] *before* the Administration [is required to conduct by statute or regulation except for those hearings for which specific procedural regulations have been promulgated] *or its designee.*

B.—C. (text unchanged)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) "Final decision maker" means:

(a) *The Administration's hearing officer; or*

(b) *A designee for the purpose of rendering a final decision in a contested case.*

(2) "Final decision order" means *a final ruling in a contested case that is adverse to a party and which shall comply with the requirements of State Government Article §10-221 et seq., Annotated Code of Maryland.*

[(1)] (3) "Hearing" means a [presentation or other preceding] *contested case hearing* as defined by the Administrative Procedure Act, State Government Article, §10-201 et seq., Annotated Code of Maryland.

[(2)] (4) “Hearing officer” means [a designee empowered by statute to render a decision as defined by the Administrative Procedure Act, State Government Article, §10-201 et seq., Annotated Code of Maryland] *the individual designated to preside over an evidentiary hearing in a contested case.*

[(3)] (5)—[(4)] (6) (text unchanged)

.06 Prehearing Conference and Case Resolution.

A.—B. (text unchanged)

C. Case Resolution.

(1) The Administration may initiate a case resolution process with parties after *administrative charges have been filed or upon the request [of] for a hearing.*

(2) Any cases that are not resolved through case resolution shall proceed [with] *to a hearing in accordance with this chapter.*

.07 Scheduling a Hearing.

A. (text unchanged)

B. The hearing officer *or their designee* shall notify the party:

(1)—(3) (text unchanged)

(4) That the failure to appear for the scheduled hearing [shall be treated as a withdrawal of the request for the hearing] *may nonetheless result in a final decision or order issued by the final decision maker; [and]*

(5) *Of any applicable deadlines for submission of a prehearing statement, motion, or exchange of hearing exhibits; and*

(6) *If the hearing is by telephone, video, or other electronic means, of instructions on how to appear for the hearing.*

C. Upon request *by a party, witness, or representative who cannot hear, speak, or understand the spoken or written English language, the Administration shall provide a qualified interpreter during the proceeding in which the party, witness, or representative is participating as required by the Americans with Disabilities Act.*

.09 Hearings.

A. (text unchanged)

B. *Discovery.*

(1) *Discovery may be taken only upon the submission of a stipulation signed by all parties and approved by the hearing officer.*

(2) *If a stipulation described in §B(1) is submitted, the hearing officer may issue such orders as are necessary to implement discovery.*

(3) *Parties may request governmental documents under the Maryland Public Information Act, State Government Article, §§10-611 et seq., Annotated Code of Maryland.*

[B.] C. *Written Subpoenas.*

(1) A party may request that the hearing officer issue subpoenas for witnesses [or documents] necessary for the hearing.

(2)—(3) (text unchanged)

[C.] D. (text unchanged)

[D.] E. *Burden of Proof.*

(1) (text unchanged)

(2) *In the hearing of a contested case involving allegations that [the] a party violated a law or regulation, the [presenter of evidence for the] Administration shall bear the burden of [proving] proof that the party committed the violations that resulted in the Administration’s action against [a] the party.*

(3) (text unchanged)

(4) *In the hearing of a contested case resulting from an advertisement alleged to not comply with the requirements of Alcoholic Beverages and Cannabis Article §§36-901—36-903, Annotated Code of Maryland, the respondent shall have the burden of establishing audience composition data sufficient to demonstrate that the audience of the advertisement met the requirement of Alcoholic Beverages and Cannabis Article §36-903(a)(1)(iv), Annotated Code of Maryland.M*

F. *Construction.*

(1) *In hearings conducted by an Administrative Law Judge of the Office of Administrative Hearings, COMAR 14.17.22, et seq shall whenever possible be construed as supplementing and in harmony with COMAR 28.02.01.*

(2) *In the event of a conflict between COMAR 14.17.22 et seq. and COMAR 28.02.01, this subtitle shall apply.*

[E.] G. (text unchanged)

.10 Final Determination.

A. [The hearing officer shall issue, in writing, either a final determination or a proposed determination on behalf of the Administration, depending on the nature of the delegation issued by the Administration.] *A Notice of Agency Action becomes a final decision or order if a request for a hearing is not made timely.*

B. *The Administration may delegate to an Administrative Law Judge responsibility to make:*

(1) *Proposed findings of fact;*

(2) *Proposed finds of fact and proposed conclusions of law; or*

(3) *Proposed findings of fact, proposed conclusions of law, and proposed disposition.*

[B.] C. (text unchanged)

[C.] *D.* The notice of final determination *issued by an Administration hearing officer* shall summarize:

(1)—(4) (text unchanged)

[D.] *E.* (text unchanged)

.12 Judicial Review.

A. (text unchanged)

B. For purposes of an appeal, the venue in the Circuit Court of Anne Arundel County shall be proper as that is where the Administration resides and carries on its regular business [in Anne Arundel County].

Unofficial draft