



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 Kelvin Lucas, Kathleen Kennedy, or Georgeanne Carter at the number below.

Date Received	Title and Summary	Public Hearing Scheduled, *if any	Date & Summary of any action
June 15, 2023	Emergency Regulations DLS Control No. 23-159 Department of Transportation: Motor Vehicle Administration – Vehicle Registration: Electric Vehicle and Low Emission Vehicle Excise Tax Credit: COMAR 11.15.40.01 Electric Vehicle and Low Emission Vehicle Excise Tax Credit: COMAR 11.15.40.02 Electric Vehicle and Low Emission Vehicle Excise Tax Credit: COMAR 11.15.40.03		

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	<p>Electric Vehicle and Low Emission Vehicle Excise Tax Credit: COMAR 11.15.40.04</p> <p>Pursuant to passed legislation House Bill 1391, Chapter 234, Acts of 2022.</p>		
June 13, 2023	<p>Emergency Regulation DLS Control No. 23-152 Maryland Department of Health: Board of Nursing – Licensed Direct-Entry Midwives: Practice of Licensed Direct-Entry Midwives: COMAR 10.64.01.15</p> <p>The purpose of this emergency action is to conform the education requirements for direct-entry midwives to the 2018 legislation that added completion of a North American Registry of Midwives (NARM) Midwifery Bridge Certificate Program as an acceptable means of meeting education requirements for licensure.</p>		
June 12, 2023	<p>Emergency Regulation DLS Control No. 23-148 Department of Transportation: Motor Vehicle Administration – Administrative Procedures: Motor Vehicle Fees: COMAR 11.11.05.04</p> <p>Pursuant to passed emergency legislation, House Bill 123, Chapter 121, Acts of 2023.</p>		

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June 6, 2023	<p>Emergency Regulation DLS Control No. 23-136 Department of Human Services: Social Services Administration Private Child Placement Agencies: License for Private Child Placement Agencies: COMAR 07.05.01.14</p> <p>These proposed regulations expand the hiring capacity of Maryland’s Child Placement Agencies to maximize their placement capacity across the state. In alignment with the administration’s goal to create and support viable employment opportunities to those who have substantive working experience, but not specific college degrees, the emergency regulatory changes would allow private providers to hire both Bachelor and Masters-degree level staff. The current regulations only allow for Master’s level, licensed social work staff, limiting the hiring pool and excluding persons with Bachelor’s Degrees and years of qualified experience.</p>		
May 19, 2023	<p>Emergency Regulations DLS Control No. 23-121 Independent Agencies: Maryland Cannabis Administration: Definitions: COMAR 14.17.01.01 General Regulations: COMAR 14.17.02.03 Social Equity: COMAR 14.17.03.01, and 14.17.03.03 Medical Cannabis Program: COMAR 14.17.04.01, 14.17.04.02, 14.17.04.04, 14.17.04.06, 14.17.04.07, 14.17.04.09, and 14.17.04.10</p>		Emergency Action approved beginning July 1, 2023 and expiring June 30, 2024.

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	<p>Application Process and Issuance of Licenses: COMAR 14.17.05.01, 14.17.05.02, 14.17.05.03, 14.17.05.04, 14.17.05.05, 14.17.05.06, 14.17.05.07, and 14.17.05.08</p> <p>Standard Cannabis Licenses: COMAR 14.17.06.01, 14.17.06.02, 14.17.06.03, 14.17.06.07, 14.17.06.08, 14.17.06.09, 14.17.06.10, 14.17.07.01, 14.17.07.02, and 14.17.07.03</p> <p>Micro Licenses: COMAR 14.17.07.05, 14.17.07.06, 14.17.07.07, and 14.17.07.08</p> <p>Laboratory Registration and Operations: 14.17.08.01, 14.17.08.04, 14.17.08.05, and 14.17.08.06</p> <p>Cannabis Grower Operations: COMAR 14.17.10.01, 14.17.10.02, 14.17.10.03, 14.17.10.04, and 14.17.10.05</p> <p>Cannabis Processor Operations: COMAR 14.17.11.02, 14.17.11.04, 14.17.11.06, and 14.17.11.07</p> <p>Cannabis Dispensary Operations: COMAR 14.17.12.01, 14.17.12.02, 14.17.12.04, 14.17.12.05, 14.17.12.06, 14.17.12.07, and 14.17.12.08</p> <p>Cannabis Products: COMAR 14.17.13.01, 14.17.13.02, 14.17.13.03, 14.17.13.04, 14.17.13.05, 14.17.13.07, 14.17.13.08, 14.17.13.09, and 14.17.13.10</p> <p>Complaints, Enforcement, Record Keeping, and Inspections of Cannabis Businesses: COMAR 14.17.14.02, 14.17.14.03, and 14.17.14.06</p> <p>Cannabis Business Agents: COMAR 14.17.15.02, 14.17.15.03, 14.17.15.04, 14.17.15.05, and 14.17.15.06</p> <p>Cannabis Business Owners: COMAR 14.17.16.01, 14.17.16.02, 14.17.16.04, and 14.17.16.05</p> <p>Secured Creditors and Receivership:</p>		

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	<p>COMAR 14.17.17.01, 14.17.17.02, 14.17.17.03, 14.17.17.05, 14.17.17.06, 14.17.17.07, 14.17.17.08 Finished Product Packaging: COMAR 14.17.18.01, 14.17.18.03, 14.17.18.06, 14.17.18.07, and 14.17.18.08 Cannabis Research: COMAR 14.17.19.03 Cannabis Research: COMAR 14.17.19.05 Prohibited Acts: COMAR 14.17.20.01 Prohibited Acts: COMAR 14.17.20.02 Fees: COMAR 14.17.21.01 Hearing Procedures: COMAR 14.17.22.01, 14.17.22.02, 14.17.22.03, 14.17.22.04, 14.17.22.05, 14.17.22.07, 14.17.22.08, 14.17.22.10, and 14.17.22.11</p> <p>This emergency action is necessary to implement and enforce the regulatory framework approved by the Maryland General Assembly in emergency legislation set to take effect on July 1, 2023.</p>		
March 6, 2023	<p>Emergency Regulations DLS Control No. 23-087 Department of Agriculture: Office of the Secretary: Hemp Farming Program: COMAR 15.01.17.02, 08, 10 through 13, and 15</p> <p>The Maryland Department of Agriculture (MDA) is requesting an extension of the emergency status that is due to expire on March 15, 2023. MDA, which recently submitted a Proposed Action to adopt the amendments set forth in the existing Emergency Status, does not want the Emergency Status to lapse before the Proposed Action</p>	N/A	Emergency status approved beginning April 16, 2023 and expiring August 10, 2023.

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	<p>is finalized. The Proposed Action contains additional amendments to COMAR 15.01.17 that will benefit hemp growers in the State. Continuation of the Emergency Status provides growers a larger harvest window, increasing the grower’s time to complete the harvest from 15 days to 30 days before the department or an authorized agent is required to collect a new sample of a lot for testing. This change means less downtime for the grower at harvest-time. While growers still must submit planting reports and annual production reports, the emergency action eliminates the requirement to submit a pre-harvest report and a post-harvest report. This change, like the previous change will put licensed hemp growers in this State on an even playing field with growers in surrounding states. This action has been approved by USDA. The Proposed Action that MDA recently submitted likewise has been approved by USDA.</p>		
<p>March 7, 2023</p>	<p>Emergency Regulation DLS Control No. 23-086 Maryland Department of Health: Board of Nursing: Examination and Licensure: COMAR 10.27.01.</p> <p>The purpose of this emergency action is to permit continued flexibility for the state’s overall COVID – 19 response and to ensure that acute care settings in the state are able to maintain adequate healthcare provider staffing capacity.</p>	<p>N/A</p>	<p>Emergency status approved beginning May 4, 2023 and expiring October 31, 2023.</p>

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	<p>This emergency action is being requested by acute care stakeholders as the Board of Nursing’s current emergency regulations are set to expire on July 3, 2022.</p>		
<p>February 22, 2023</p>	<p>Emergency Regulation DLS Control No. 23-085 Independent Agencies: Maryland Health Benefit Exchange: Eligibility Standards for Enrollment in a Qualified Health Plan and a Qualified Health Plan with APTC and CSR in the Individual Exchange: COMAR 14.35.07.22</p> <p>In December, Congress passed an omnibus spending bill to fund the federal government in FY2023 (the 2023 Consolidated Appropriations Act). One component of the act decouples the Medicaid continuous enrollment requirement from the COVID-19 Public Health Emergency. The Medicaid continuous enrollment requirement allowed Medicaid recipients to continue receiving Medicaid coverage regardless of changes in income, but will end in March 2023. In April 2023, Maryland will begin the 12-month process of “unwinding” the continuous enrollment requirement, which means many individuals will lose Medicaid coverage. Many of these individuals will be eligible for QHP coverage with subsidies through Maryland Health Connection. MHBE can reduce the number of Marylanders who experience a gap in coverage if we implement automatic enrollment into QHPs for individuals losing Medicaid coverage.</p>		

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February 24, 2023	<p>Emergency Regulation DLS Control No. 23-071 Department of Natural Resources: Boating–Speed Limits and Operation of Vessels: Chesapeake Bay: COMAR 08.18.07.01</p> <p>Emergency approval of this action is requested to ensure public safety and protect human life. Without an established speed limit, the construction zone poses safety threats for all waterway users, employees, and contractors. The proposed speed limit will help protect all workers and barges from excessive wake actions. This action has been developed in cooperation with the Maryland Transportation Authority and the U.S. Coast Guard and will positively support the project and avoid delays. This action will establish a 6-knot speed limit in the Chesapeake Bay for the area surrounding the construction site of the Maryland Transportation Authority’s Eastbound Bay Bridge Deck Replacement Project. This regulation will be effective through March 31, 2026.</p>	N/A	Emergency status approved beginning May 4, 2023 and expiring October 31, 2023.
January 23, 2023	<p>Emergency Regulation DLS Control No. 23-059 Department of the Environment: Regulation of Water Supply, Sewage Disposal, and Solid Waste: On-site Wastewater Property Transfer Inspection License: COMAR 26.04.12.01</p> <p>An Emergency Action is necessary to create a new chapter codified as 26.04.12.01 – On-site Wastewater Property Transfer Inspection License and to update and make</p>	N/A	Emergency status approved beginning March 9, 2023 and expiring September 5, 2023.

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	<p>COMAR regulations consistent with legislation added by Acts 2021, c. 444, § 1, eff. Oct. 1, 2021; Acts 2021, c. 445, § 1, eff. Oct. 1, 2021, which modified MD Code, Environment, § 9-217.2, MD ENVIR § 9-217.2. After July 1, 2022, individuals may not inspect on-site sewage disposal systems unless they hold a valid on-site wastewater property transfer inspection license issued by the Department. These individuals are inspecting the systems to ensure they are functioning properly and not negatively impacting public health or the environment. If they are not able to obtain the licenses effective July 1, these inspections may have to cease until the regulations are formally adopted. Failing septic systems may go undetected during this time period. Additionally, without licensed inspectors to inspect and certify the system, some real estate transactions may not proceed in a timely manner.</p>		
<p>December 6, 2022</p>	<p>Emergency Regulations DLS Control No. 21-003 Department of State Police: Crime Laboratory Testing Blood and Breath for Alcohol: COMAR 29.05.03.03</p> <p>According to the department, the regulations adopted are a result of Senate Bill 216 (2021) transferring certain toxicology matters from the Maryland Department of Health to the Maryland State Police Crime Lab</p>		

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December 16, 2022	<p>Emergency Regulations DLS Control No. 22-447 Maryland Department of Health: Developmental Disabilities: Fee Payment System for Licensed Residential and Day Programs: COMAR 10.22.17.02 Fee Payment System for Licensed Residential and Day Programs: COMAR 10.22.17.10</p> <p>The purpose of this emergency action is to permit flexibilities in the minimum service hours for meaningful day 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. In addition, this action amends the minimum service hours requirements to accommodate the new 15-minute service units to be implemented under DDA’s LTSSMaryland electronic software system under its new rates and fee-for-service model.</p> <p>This emergency action is being requested because the current Appendix K flexibilities associated with these regulations have been extended.</p>		Emergency status approved beginning February 2, 2023 and expiring August 1, 2023.
December 16, 2022	<p>Emergency Regulations DLS Control No. 22-446 Maryland Department of Health: Mental Hygiene Regulations: Maryland Mental Health and Substance Use Disorder Registry and Referral System: COMAR 10.21.31.01</p>		Emergency status approved beginning January 27, 2023 and expiring July 26, 2023.

Date Received	Title and Summary	Public Hearing Scheduled, *if any	Date & Summary of any action
	<p>Maryland Mental Health and Substance Use Disorder Registry and Referral System: COMAR 10.21.31.02 Maryland Mental Health and Substance Use Disorder Registry and Referral System: COMAR 10.21.31.03 Maryland Mental Health and Substance Use Disorder Registry and Referral System: COMAR 10.21.31.04 Maryland Mental Health and Substance Use Disorder Registry and Referral System: COMAR 10.21.31.05</p> <p>The purpose of this emergency action is to implement Health – General Article, §7.5-802 of the Annotated Code of Maryland, and in furtherance of the Maryland Mental Health and Substance Use Disorder Registry and Referral System. The new regulations require all licensed acute care and psychiatric hospitals, and freestanding emergency medical facilities in the Maryland Public Behavioral Health system, including inpatient, crisis, and outpatient services, to provide daily reporting and use the Maryland Mental Health and Substance Use Disorder Registry and Referral System.</p> <p>This emergency action is being requested because there is a need to ensure that all listed facilities report timely into the Maryland Mental Health and Substance Use Disorder Registry and Referral System to give a complete picture of available and open beds that serve this population. Full utilization by all listed facilities so that appropriate discharge facilitation can take place to serve the patients better to improve health outcomes instead of patients waiting in emergency departments</p>		

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October 5, 2022	<p>Emergency Regulations DLS Control No. 22-404 Maryland Department of Health: Health Services Cost Review Commission: Rate Application and Approval Procedures: COMAR 10.37.10.03 and .05</p> <p>The purpose of the emergency action is to: (1) Establish a moratorium on filing full rate applications until the data used to evaluate a full rate application has no longer been substantially affected by the COVID pandemic. During the moratorium, hospitals will be able to avail themselves of other administrative remedies available under commission law, regulation, or policy. The moratorium will not extend beyond June 30, 2023. (2) Update the standard for a temporarily approved rate to be used by the commission in 10.37.10.05 The emergency action is being requested because obtaining reliable data not substantially affected by the COVID pandemic will enable the successful implementation of commission-approved rate setting methodologies. Changes to 10.37.10.05 are being requested because the current standard for the temporarily approved rate is based on methodologies that no longer exist or no are longer applied.</p>		Emergency status approved beginning November 3, 2022 and expiring May 2, 2023.
August 5, 2022	<p>Emergency Regulations DLS Control No. 22-388 Department of Agriculture: Office of the Secretary: Hemp Farming Program: COMAR 15.01.17.02, 08, 10 through 13, and 15</p>		Emergency status approved beginning October 4, 2022 and expiring March 15, 2023.

Date Received	Title and Summary	Public Hearing Scheduled, *if any	Date & Summary of any action
	<p>The Maryland Department of Agriculture (MDA) is requesting emergency status so that the benefits it provides to licensed hemp growers will take effect before they begin harvesting the hemp crop in September 2022. The action provides growers a larger harvest window, increasing the grower’s time to complete the harvest from 15 days to 30 days before the Department or an authorized agent is required to collect a new sample of a lot for testing. This change will result in less testing and less downtime for the grower at harvest-time. While growers still must submit planting reports and annual production reports, the proposed action eliminates the requirement to submit a pre-harvest report and a post-harvest report. This change, like the previous change will put licensed hemp growers in this State on an even playing field with growers in surrounding states. This action has been approved by USDA. Later this month, MDA anticipates that it will be submitting a Proposed Action to incorporate these changes (and other changes, deemed less urgent, that likewise have been approved by USDA).</p>		
August 8, 2022	<p>Emergency Regulations DLS Control No. 22-387 Maryland Department of Health: Board of Nursing - Certified Nursing Assistants: Certification of Nursing Assistants: COMAR 10.39.01.01, .04, .05, and .09</p> <p>The purpose of this emergency action is to authorize temporary nurse aides (TNA) who worked during the coronavirus pandemic under the Centers for Medicare &</p>	N/A	Emergency status beginning September 22, 2022 and expiring March 20, 2023.

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	<p>Medicaid Services (CMS) 1135 blanket waiver to apply on-the-job experience as a nurse aide toward the total number of training hours required for certification as a geriatric nursing assistant (GNA). There are currently 2,000–3,000 TNAs working in the state of Maryland. It is essential for long-term care facilities to retain adequate direct-entry staffing levels to address Maryland’s chronic and aging population needs. This emergency action is being introduced in response to the expiration of the Centers for Medicare & Medicaid Services (CMS) 1135 blanket waiver on June 6, 2022.</p>		
<p>July 22, 2022</p>	<p>Emergency Regulations DLS Control No. 22-374 Maryland State Lottery and Gaming Control Agency: Sports Wagering Application Review Commission: General Provisions: COMAR 36.11.01.01 and .02 All Applicants and Awardees: COMAR 36.11.02.01 through .19</p> <p>The Sports Wagering Application Review Commission would like to begin accepting applications from prospective applicants for Class B-1 or B-2 sports wagering facility licenses and Mobile sports wagering licenses as soon as possible.</p>		<p>Emergency status beginning September 2, 2022 and expiring March 3, 2023.</p>
<p>July 15, 2022</p>	<p>Emergency Regulations DLS Control No. 22-360 Maryland Department of Health: Board of Nursing: Examination and Licensure:</p>	<p>N/A</p>	<p>Emergency status approved September 7, 2022, and expiring March 5, 2023.</p>

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	<p>COMAR 10.27.01.01, .03, and .17</p> <p>The purpose of this emergency action is to permit continued flexibility for the state’s overall COVID – 19 response and to ensure that acute care settings in the state are able to maintain adequate healthcare provider staffing capacity.</p> <p>This emergency action is being requested by acute care stakeholders as the Board of Nursing’s current emergency regulations are set to expire on July 3, 2022.</p>		
June 30, 2022	<p>Emergency Regulation DLS Control No. 22-346 Department of the Environment: Regulation of Water Supply, Sewage Disposal, and Solid Waste: On-site Wastewater Property Transfer Inspection License: COMAR 26.04.12.01</p> <p>An Emergency Action is necessary to create a new Chapter codified as 26.04.12.01 – On-site Wastewater Property Transfer Inspection License and to update and make COMAR regulations consistent with legislation added by Acts 2021, C. 444, § 1, eff. Oct. 1. 2021; Acts 2021, C. 445, § 1, eff. Oct. 1, 2021, which modified MD Code; § 9-217.2 of the Environment Article, § 9-217.2. of the MD Environment After July 1, 2022, individuals may not inspect on-site sewage disposal systems unless they hold a valid on-site wastewater property transfer inspection license issued by the department. These individuals are inspecting the systems to ensure they are functioning</p>	N/A	Emergency status approved August 24, 2022, and expiring February 20, 2023.

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	<p>properly and not negatively impacting public health or the environment. If they are not able to obtain the licenses effective July 1, these inspections may have to cease until the regulations are formally adopted. Failing septic systems may go undetected during this time period. Additionally, without licensed inspectors to inspect and certify the system, some real estate transactions may not proceed in a timely manner.</p>		